

# Unravelling the Mysteries Surrounding Service Animals and Emotional Support Animals in MHC & RV Parks



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**Webinar Presented by:**

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# Who are John & Dyana?



**John Pentecost** is the Managing Partner of Hart King and has been with the firm since 1988. He is the leader in the firm's manufactured housing practice. With over 30 years of experience dealing with manufactured housing and mobilehome park communities, John has handled numerous eviction and other landlord-tenant based dispute trials. John defends Park owners in all actions ranging from lease disputes to state and federal discrimination issues, Americans with Disabilities Act (ADA) matters, easements, and title and failure to maintain lawsuits.



**Dyana Kelley** is the president and CEO of CampCalNOW RV Park and Campground Alliance, an advisor to the American Glamping Association, holds a seat on the board of CalTravel and is a member of their Government Relations Committee. As leader of one of the nation's largest state RV associations, Dyana is focused on supporting and promoting CampCalNOW member parks while also creating unity within the outdoor hospitality sector. Dyana works tirelessly to ensure that outdoor hospitality is a valued and recognized segment of travel and tourism nationwide.

# Core Jurisdiction Constraints Affecting “Service Animals”

- Federal Housing Act (FHA) – Allows for Service Animals and Emotional Support Animals
- Americans Disability Act (ADA) – addresses only Service Animals; ADA only applies to areas & businesses open to the public



# What is a Disability?

- “A Disabled Person” – under either FHA or ADA means the person has:
  - A physical or mental impairment that substantially limits one or more major life activities.
  - Includes people who have a record of such an impairment, and
  - Includes people who do not have a disability but are regarded as having a disability.

# What is a Reasonable Accommodation & What Does it Mean to a Landlord?

- Tenant Must Make a Request
- Tenant Must be an actual Disabled person
- The requested Accommodation must be necessary to accommodate that disability, i.e., allow the resident/homeowner to enjoy and use the facilities
- Law requires request to be “Reasonable Accommodation.”
- After request Burden Shifts to Community Owner to address the issue

# “Service” Animals – Collateral Issues

- Pet Regulations – What impact?
- Any official Registration of Service Animals?
- Where Can They Go?
  - Swimming Pool?
  - Homeowners Association Meetings?
  - Clubhouse?
  - Showers/Restrooms?
  - Fire Pit Areas?
  - Laundry rooms?



# Service Animals

- Cases



# Hud Issues Guidance on Reasonable Accommodations Under the Fair Housing Act Relating to Assistance Animals

The guidance does several things:

- 1) It provides a framework for identifying service animals;
- 2) It provides a framework to analyze reasonable accommodation requests under the Fair Housing Act for assistance animals other than service animals (There are two types of assistance animals—“service animals” and “support animals”; the latter are trained or untrained animals that do work, perform tasks, provide assistance, or emotional support for individuals with disabilities that do not fall under the service animals category);
- 3) The guidance provides criteria for assessing whether to grant a requested accommodation;
- 4) The guidance provides information on which types of animals (i.e., species of animals) are acceptable in which situations; and
- 5) The guidance provides additional considerations that must be taken into account.

# Questions?



# *Thank you!*



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