

## **APPENDIX A -- EAST RIVER REASONABLE ACCOMMODATION POLICY**

### **EAST RIVER GUIDELINES REGARDING ASSISTANCE ANIMALS**

- A. East River will grant reasonable accommodation requests consistent with the enclosed policy and the following relevant statutes:
1. The Fair Housing Act defines a person with a “handicap” as one who: (a) has a physical or mental impairment which substantially limits one or more of such person's major life activities; or (b) has a record of having such an impairment; or (c) is regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802)).
  2. The New York State Executive Law defines a disability as (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment.
  3. The New York City Administrative Code defines a disability as (a) any physical, medical, mental or psychological impairment, or a history or record of such impairment. (b) The term “physical, medical, mental, or psychological impairment” means: (1) an impairment of any system of the body; including, but not limited to: the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or (2) a mental or psychological impairment.
- B. East River will review and respond with reasonable promptness to all reasonable accommodation requests.
- C. All information received by East River regarding an individual’s stated disability, including physical, mental, psychological, and/or psychiatric conditions, and disability-related need for a requested accommodation shall be kept confidential unless the individual authorizes the release of the information or East River is required to produce the information in response to a subpoena or court order.
- D. If the individual has a disability and a disability-related need for a reasonable accommodation under federal, state or local law, East River will grant such accommodation, including a request to keep a service or assistance animal, as required by law and East River’s Reasonable Accommodation Policy. East River will not retaliate against any person because that individual has requested or received a reasonable accommodation. East River will not discourage any individual from

making a reasonable accommodation request, including a request to keep a service or assistance animal. While it is East River's policy to not allow any pets at East River, service or assistance animals are not pets. However, an individual must request a reasonable accommodation to East River's pet policy in order to keep an assistance animal at East River.

Rules applicable to pets do not apply to service or assistance animals, except as provided in East River's Reasonable Accommodation Policy. However, when service or assistance animals are in East River's common or public areas, the service or assistance animal must be kept on a leash or in a carrier or cage, unless those devices prevent service animals from performing a disability-related task. Additionally, like any other resident, owners of service or assistance animals remain subject to the provisions of their Proprietary Lease. Similarly, owners of service or assistance animals shall comply with all state and local animal laws except when such laws are preempted by the Fair Housing Act, Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act or the owner is entitled to a reasonable accommodation. With respect to taking action against residents for damage they or their animals cause, East River will treat damage caused by service or assistance animals the same as comparable damage caused by residents, their guests, or pets or other animals.

## **EAST RIVER REASONABLE ACCOMMODATION POLICY**

East River is committed to granting reasonable accommodations to its rules, policies, practices, or services when such accommodations may be necessary to afford people with disabilities an equal opportunity to use and enjoy their dwellings, as required by federal, state and local law. A reasonable accommodation may include a change or exception to a rule or policy that is needed because of a person's disability, or it may be a physical change to a unit or common area. It is East River's general policy to provide reasonable accommodations to individuals with disabilities whenever an individual has a disability and there is a disability-related need for the requested accommodation. A disability-related need for a requested accommodation exists when there is an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. East River may deny the requested accommodation if providing it would impose an undue financial and administrative burden on East River or fundamentally alter the nature of East River's operations. If granting a reasonable accommodation would impose an undue financial and administrative burden or would fundamentally alter the nature of East River's operations, East River will consult with you and provide any accommodation that would not impose such a burden or result in a fundamental alteration.

East River accepts reasonable accommodation requests from persons with disabilities and those acting on their behalf. Reasonable Accommodation Request forms are available in the Management Office, and may be returned to that office when complete. If you require assistance in completing the form, please contact Shulie Wollman at (212) 677-5858, extension 316. If you wish to make the request orally, please contact Shulie Wollman at (212) 677-5858, extension 316. East River will keep a record of all requests.

We will make a reasonably prompt decision on your request. If the request is of a time-sensitive nature, please let us know and we will expedite the decision-making process. In the event we need additional information to make a determination, we will promptly advise you of the information needed. It is East River's policy to seek only the information needed to determine if a reasonable accommodation should be granted under federal, state, or local law. The information we may seek is set forth in the forms attached to this policy. We will not ask about the nature or extent of your disabilities. If we grant the request, you will receive a letter so indicating.

If we deny the request, we will provide you with a letter stating the reasons for our denial. If we believe that the requested accommodation poses an undue financial and administrative burden or a fundamental alteration to the nature of East River's operations, we will schedule a meeting at a mutually convenient time to discuss possible alternative accommodations. If agreement on an alternative accommodation is not reached, we will send you a letter providing East River's decision on your requested accommodation and a detailed explanation of East River's reasons for a denial or decision to grant an alternative accommodation.

If an individual with a disability believes that the request has been denied unlawfully or a response has been unreasonably delayed, then he or she may file a complaint by writing or calling any of the following:

U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity 26 Federal Plaza, Room 3532 New York, NY 10278-0068 (800) 496-4294 <a href="http://hud.gov/complaints/">http://hud.gov/complaints/</a>	New York State Division of Human Rights 55 Hanson Place, Room 1084 Brooklyn, NY 11217 Tel No. (718) 722-2385 TDD: (718) 741-8300 <a href="http://www.dhr.state.ny.us/">http://www.dhr.state.ny.us/</a>	New York City Commission on Human Rights Manhattan Regional Office 100 Gold Street, Suite 4600 New York, NY 10038 P.O. Box 2023 New York, NY 10272 (212) 306-7560 <a href="http://www.nyc.gov/cchr">http://www.nyc.gov/cchr</a>
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### *Assistance Animals*

One common type of reasonable accommodation is allowing a person with a disability to keep an assistance animal. An assistance animal is any animal that works, provides assistance, performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability. East River is dedicated to ensuring that individuals with disabilities may keep such animals in East River as required by federal, state, and local law.

An animal that is trained to do work or perform tasks for an individual with a disability is known as a service animal. It is often readily apparent that an animal is trained to do work or perform tasks for an individual with a disability, such as a dog that guides an individual with a visual impairment. Where it is readily apparent that an animal is a service animal, East River will not inquire about the individual’s disability or the animal’s training.

In the case of an individual who requests a reasonable accommodation for an assistance animal that provides emotional support or other assistance that ameliorates one or more symptoms or effects of the individual’s disability, East River may require a statement from a health or social service professional<sup>1</sup> indicating:

- i. That the applicant has a disability, and
- ii. That the animal would provide emotional support or other assistance that would ameliorate one or more symptoms or effects of the disability.

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<sup>1</sup> “Health or social service professional” means a person who provides medical care, therapy or counseling to persons with the type of disability at issue, including, but not limited to, doctors, physician assistants, psychiatrists, psychologists, or social workers.

In the case of an individual who requests a reasonable accommodation for an assistance animal that does work or performs tasks for the benefit of a person with a disability, East River may require that the individual provide:

- i. A statement from a health or social service professional indicating that the person has a disability, and
- ii. Information that the animal has been individually trained to do work or perform tasks that would ameliorate one or more symptoms or effects of the disability, or information that the animal, despite lack of individual training, is able to do work or perform tasks that would ameliorate one or more symptoms or effects of the disability.

In the case of an assistance animal that both provides emotional support or other assistance that ameliorates one or more symptoms or effects of a disability and does work or performs tasks for the benefit of a person with a physical disability, East River may require compliance with either of the two preceding paragraphs, but not both.—In the case of an assistance animal — other than a service animal — East River prefers but does not require that the applicant choose the smallest animal that meets the applicant’s individual needs.

**FORM A: APPLICATION FOR REASONABLE ACCOMMODATION**

PLEASE COMPLETE THIS FORM TO REQUEST AN ACCOMMODATION. IF YOU REQUIRE ASSISTANCE COMPLETING THIS FORM, OR WISH TO MAKE THE REQUEST ORALLY, PLEASE CONTACT SHULIE WOLLMAN AT (212) 677-5858, EXT. 316. EAST RIVER WILL KEEP A RECORD OF ALL REQUESTS.

SHAREHOLDER NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_

PERSON REQUESTING ACCOMMODATION: \_\_\_\_\_

(IF DIFFERENT FROM SHAREHOLDER)

RELATIONSHIP TO SHAREHOLDER: \_\_\_\_\_

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1. Please describe the reasonable accommodation you are requesting:
  
  2. Please explain why this reasonable accommodation is needed. You need not provide detailed information about the nature or severity of the disability.
  
  3. If you are requesting permission to have an assistance animal in your apartment where it is not readily apparent that the animal is a service animal please answer the following:
    - (a) Type of animal (for example, dog or cat):
  
    - (b) Is the animal required because of a disability? \_\_\_\_\_Yes\_\_\_\_\_No
  
    - (c) Does the animal for which you are making a reasonable accommodation request perform work or do tasks for you because of your disability?  
  
\_\_\_\_\_Yes\_\_\_\_\_No
  
    - (d) If the answer to 3(c) is YES:
      - a. provide a statement from a health or social service professional indicating that you have a disability (*i.e.*, you have a physical or mental impairment that substantially limits one or more major life activities); and
  
      - b. explain below how the animal has been trained to do work or perform tasks that ameliorate one or more symptoms or effects of your disability or, if the animal lacks individual training, how the animal is able to do work or perform tasks that would ameliorate one or more symptoms of effects of your disability:

You may provide any additional information or documentation of the training or work you describe above and attach it to this application.

- (e) If the answer to 3(c) is NO:

If the animal for which you are making a reasonable accommodation request does not perform work or do tasks for you because of your disability, but provides emotional support or ameliorates one or more symptoms or effects of your disability, please submit a statement from a health or social service professional stating that:

- a. you have a disability (*i.e.*, you have a physical or mental impairment that substantially limits one or more major life activities); and
- b. the animal would provide emotional support or other assistance that would ameliorate one or more symptoms or effects of your disability and how the animal ameliorates the symptoms or effect.

Please attach such a statement to this application. You may use, but are not required to use, Form B.

- (f) East River may deny a request to keep an assistance animal on the premises if the animal poses a direct threat (*i.e.*, a significant risk of substantial harm) to the health or safety of other individuals that cannot be eliminated or reduced to an acceptable level by a another reasonable accommodation, or if the animal would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation. East River will base such a determination only upon reliable, objective evidence of the specific animal's actual behavior or conduct, and not on speculation or fear about the types of harm or damage an animal may cause.
- (g) If the assistance animal is a dog or cat, please provide a copy of the animal's rabies certificate that is required by New York law. If you have not selected an animal at the time you complete this application, East River may approve the application with the condition that the applicant must submit a copy of the animal's rabies certificate that is required by New York law, before the selected animal moves in.

4. If you are requesting a physical change to the interior of your unit, please describe the modifications. Please also submit a written request as provided for in the proprietary lease and house rules, and comply with any local, State, and Federal laws pertaining to same (e.g., securing the necessary Department of Building permits, maintaining necessary insurance, etc.).
5. If you are requesting a physical change to the exterior of your unit or to a public or common use area, please describe the modification. Please also submit a written request as provided for in the proprietary lease and house rules, and comply with any local, State, and Federal laws pertaining to same (e.g., securing the necessary Department of Building permits, maintaining necessary insurance, etc.).
6. If you are requesting a different accommodation, please describe it here:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**FORM B: EAST RIVER ASSISTANCE ANIMAL REQUEST FORM**

IF YOU ARE SEEKING PERMISSION TO KEEP AN ASSISTANCE ANIMAL THAT HAS NOT BEEN TRAINED TO DO WORK OR PERFORM TASKS, PLEASE HAVE A HEALTH OR SOCIAL SERVICE PROFESSIONAL<sup>1</sup> COMPLETE THIS FORM OR PROVIDE SIMILAR DOCUMENTATION.

SHAREHOLDER NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_

I, \_\_\_\_\_ (shareholder name), intend to request that East River Housing Corporation permit \_\_\_\_\_ (if different from shareholder, state name and relationship to shareholder) to have an assistance animal as a reasonable accommodation for a disability. In connection with that application, I am requesting that you complete this form regarding the disability.

Shareholder Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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TO BE COMPLETED BY HEALTH OR SOCIAL SERVICE PROFESSIONAL

NAME:

ADDRESS:

TELEPHONE NUMBER:

1. Does the individual identified above have a disability?

2. Does or would an assistance animal provide disability-related assistance to the individual? One example of assistance is alleviating one or more of the symptoms or effects of the disability.

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<sup>1</sup> “Health or social service professional” means a person who provides medical care, therapy or counseling to persons with the type of disability at issue, including, but not limited to, doctors, physician assistants, psychiatrists, psychologists, or social workers.



3. For animals that do not perform work or do tasks for the individual, how would the animal ameliorate one or more of the symptoms or effects of the disability?

4. If you would like to submit additional supporting materials, please provide them with this form.

NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_