

Date: 22 December 2015

To: C.H. Huckelberry
County Administrator

From: Jan Leshner 
Deputy County Administrator

Re: Recommendation to Adopt Change to Dog Licensing Procedures and Fees
(Pima County Code Chapter 6.04)-Update

As you may recall on December 3, 2015, staff reported the plan to present the attached ordinance amending Pima County Code 6.04.

On December 17, 2015, the Animal Care Advisory Committee considered the proposal and moved to recommend adopting the ordinance with changes to the service dog language. In particular, the Committee moved to limit the service dog no fee exception to altered service dogs.

The Pima County Attorney's Office opines that the PACCAC proposed service dog language is not consistent with Federal Americans with Disabilities Act guidance nor with the State's intended fee waiver for service dogs as outlined in Arizona Revised Statute 11-1008. Though the County may not be bound by either of these references, the committee's language is also at odds with the agreement recently reached with the Arizona Center for Disability.

Therefore, staff recommends the County proceed with the service dog language as originally written and included in the attached version.

C: Dr. Francisco Garcia, Director, Pima County Health Department
Mr. Kim Janes, Administrative Services Manager, Health Department

To: Board —

*fyi - upcoming ordinance
amendment.*

*CDH
12/24/15*

ORDINANCE 2016- _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO ANIMALS; AMENDING PIMA COUNTY CODE CHAPTER 6.04 TO ALLOW ENFORCEMENT OF THE COUNTY RABIES VACCINATION REQUIREMENT; AMEND SENIOR CITIZEN, SERVICE DOG AND LAW ENFORCEMENT WORKING DOG EXEMPTIONS AND ELIMINATING CERTAIN UNALTERED DOG LICENSE PROVISIONS

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, FINDS THAT:

1. The Board of Supervisors has authority under A.R.S. §§ 11-251(17), 11-251.05 and 11-1008 to set dog licensing fees.
2. Currently, there is no provision that allows Animal Care or law enforcement officers to enforce the mandated rabies vaccination provision of the Pima County Code. Therefore, it is in the best interest of the County to provide the authority to enforce the rabies vaccination provision and update enforcement sections.
3. It is in the best interest of the County to clarify senior citizen age.
4. It is in the best interests of the County to update the service dog language and add a dog licensing exemption for law enforcement working dogs.
5. It is in the best interest of the County to support spay and neuter of cats and dogs. Eliminating discounted licensing fees for unaltered dogs best supports that interest.

THEREFORE BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

SECTION 1: Section 1 of Ordinance No. 2015-22 and subsections 6.04.050 (A), 6.04.060 (L) and 6.04.070(B) and (J) of the Pima County Code are amended to read as follows:

CHAPTER 6.04

ANIMAL CONTROL REGULATIONS

. . .

6.04.050 Enforcement Authority – Disposition of fines

- A. ~~The animal care enforcement officers may issue citations for the violation of Sections 6.04.030, 6.04.110 and 6.04.120 of this chapter.~~ are authorized to enforce the provisions of this chapter and to issue citations for violations of this chapter.

. . .

6.04.060 - Pound fees.

L. Persons aged 65 or older ~~Senior citizens~~ will receive a ten percent reduction of adoption fees.

. . .

6.04.070 - Dog vaccinating, licensing and permitting procedure and fees within county limits.

. . .

B. The licensing fees for dogs three months of age or over which are kept within the boundaries of the county for at least thirty consecutive days are as follows:

1. Regular, unaltered dog — sixty dollars.
2. Regular, altered dog—fifteen dollars.
3. Dogs declared dangerous or vicious—one hundred dollars.
4. ~~Senior/disabled citizen owner, unaltered dog (limit four discounted dog licenses per household)—seventeen dollars.~~
45. Person aged 65 or older ~~Senior/disabled citizen owner~~, altered dog (limit four discounted dog licenses per household) — ten dollars.
56. Upon showing a veterinarian's certificate stating that a dog cannot be altered for health reasons - the regular, altered dog fee will apply. Dogs ten-years-of-age or older-fifteen-dollars.
6. A dog owner with a household income below the federal poverty level is eligible for an eight dollar dog licensing fee per altered dog (limit four discounted dog licenses per household).
8. ~~A guide dog belonging to a blind person who is a resident within Pima County, or a dog certified, in writing, as being trained to the standards of a service animal by a national recognized service dog training agency belonging to a resident within Pima County shall be licensed pursuant to this article without payment of a fee.~~
7. A service animal, or a dog training to be a service animal, as defined by Arizona Revised Statute section 11-1024 may be licensed under this section without payment of a fee. An applicant for a license fee waiver for a service animal must sign a written certification that the dog is a service animal, or is in training to be a service animal, as defined in A.R.S. section 11-1024. The written certification must be in substantially the same language as in A.R.S. section 11-1008(FY)(2). A person who makes a false certification under this section is guilty of a petty offense and subject to a fine that does not exceed fifty dollars.
8. An active working dog belonging to a law enforcement agency, or an altered retired law enforcement working dog, may be licensed under this section without payment of a fee.
9. Processing/Postage fee per license, one dollar.

. . .

J. Penalty. The owner of any dog who fails to vaccinate and license or permit such dog pursuant to this section is guilty of a Class 2 misdemeanor, which is punishable by a fine of not less than one hundred fifty dollars nor more than seven hundred fifty dollars, four months in jail, two years' probation, or any combination thereof. No judge may grant probation in lieu of, or otherwise suspend, the imposition of the minimum

fine prescribed herein; provided however that where a violation of this section is charged, the fine shall be reduced to seventy-five dollars upon a showing to the court of proof of vaccination and licensing or permitting, as is required for such dog, within fifteen days of issuance of the complaint.

. . .

SECTION 2. This Ordinance is effective 30 days after the date of adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 2016.

Chair, Board of Supervisors Date

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney



July 30, 2015

Via Facsimile and First Class Mail

Sharon Bronson, Chair, District 3
 Richard Elias, Vice Chair, District 5
 Pima County Board of Supervisors
 Administration Bldg - East
 130 W. Congress Street, 1st Floor
 Tucson, AZ 85701

Mike Tully
 Pima County
 ADA Coordinator
 150 W. Congress St., 4th Floor
 Tucson AZ 85701

Dear Honorable Chair and Vice Chair and Mr. Tully:

The Arizona Center for Disability Law is the designated Protection and Advocacy agency that represents people with disabilities in the state of Arizona. We represent Linda Slager. Ms. Slager is an individual with a disability who uses a service animal. Ms. Slager contends that Pima Animal Care (PACC) refused to register her dog as a service animal, because the dog did not complete a formal training program as required under Pima County's "service animal" definition.¹ This definition is improperly narrow and inconsistent with the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Arizonans with Disability Act (AzDA), as well as licensing practices of many public entities throughout the state.

Ms. Slager has a physical disability that affects her mobility and has individually trained her service animal to fetch dropped items, assist her with balance, and provide bracing support for standing when she falls. Ms. Slager recently moved to Arizona, and contacted Pima

¹ This is the definition required under Pima County Code of Ordinances 6.04.070 that defines service animals by incorporating A.R.S. § 13-2910 (H)(5) (2012), which is part of the criminal code that makes it a misdemeanor to interfere with service animals and dogs in training as service animals.

5025 E. Washington Street, Suite 202
 Phoenix, Arizona 85034-2005
 (602) 274-6287 (Voice/TTY) – (602) 274-6779 (Fax)

177 N. Church Avenue, Suite 800
 Tucson, Arizona 85703
 (520) 327-9547 (Voice/TTY) – (520) 884-0992 (Fax)

www.azdisabilitylaw.org

County to comply with registration requirements for dogs pursuant to Arizona law.² A representative from PACC told Ms. Slager that her dog did not qualify as a service dog because he did not complete a formal training program and, as a result, she must register him as a pet and pay the licensing fee.

Title II of the ADA

According to the Department of Justice (DOJ), "a service animal is a dog that is individually trained to do work or perform tasks for a person with a disability." 28 CFR § 36.104 (2011). Title II of the ADA prohibits a public entity from excluding from participation in or denying the benefits of services, programs, or activities of a public entity, or otherwise subjecting persons with disabilities to discrimination because of disability. 42 U.S.C. § 12132. A public entity may not require documentation or proof of training regarding a service animal. 28 C.F.R. § 35.136 (f) (2011). Most importantly, a public entity may not require an individual with a disability to pay a surcharge or fee, even when fees are imposed on individuals accompanied by pets. 28 C.F.R. § 35.136 (h) (2011).

Fair Housing Act.

The Fair Housing Act ("FHA"), which covers local governmental entities, broadly defines "assistance animal," as an animal that works, provides assistance, or performs tasks for an individual with a disability; such assistance can include emotional support that alleviates symptoms or effects of the individual's disability. *Ass'n of Apt. Owners Liliuokalani Gardens at Waikiki v. Taylor*, 892 F. Supp. 2d 1268, 1288-88 (2012). If an animal exists to serve an individual's disability it should not be considered that individual's pet, and the individual should not be charged any fees, deposits, or special rent to keep the animal in his or her home.³ Presence of the assistance animal affords the individual an equal opportunity for use and enjoyment of his or her dwelling. 24 C.F.R. § 100.204 (2002).

Furthermore, Arizona law prohibits cities and towns from charging a licensing fee to individuals who use service animals, and mimics the broader definition contained in the ADA and the AZDA. Arizona law mimics federal law, and defines a service animal as "a dog that is individually trained to do work or perform tasks for the benefits of an individual with a disability." A.R.S. § 11-1024 (2014).

According to A.R.S. § 9-500.32, cities and towns may not "charge an individual with a disability who uses a service animal as defined in ARS § 11-024 a license fee for that dog." (2013).⁴ Under this provision, service animals need not be trained by a certified

² Pima County requires all dogs over the age of three months to be licensed. Pima County, Pet Licensing, http://webcms.pima.gov/community/animal_care/licensing/ (last visited June 18, 2015).

³ U.S. DEPT OF HOUSING AND URBAN DEVELOPMENT, SERVICE ANIMALS AND ASSISTANCE ANIMALS FOR PEOPLE WITH DISABILITIES IN HOUSING AND HUD-FUNDED PROJECTS, HUD.gov (April 26, 2013), https://portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntofneo2013-01.pdf.

⁴ This reference is included for the purpose of demonstrating the method in use by the state and cities for verifying whether a dog is a service animal for licensing purposes, and we believe these practices should be adopted by Pima County. However, the definition in use does not go far enough as it does not include "assistance animals" as provided under the FHA.

agency, individuals must simply sign a written statement that the dog is a "service animal" as defined in A.R.S. § 11-1024.

As discussed above, Ms. Slager's dog qualifies as a service dog under the federal and state definitions of "service dog" and as an "assistance animal" under the Fair Housing Act. Therefore, denying Ms. Slager's dog an exemption from the registration fee for dogs is an unlawful surcharge under Title II of the ADA, the FHAA, and their state law equivalents.

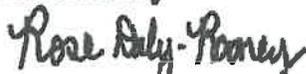
To resolve this situation and bring Pima County's program into compliance with state and federal anti-discrimination law, the Center requests Pima County do the following:

- 1) Approve a broader exemption from the dog registration fees that includes "service dogs", as defined by Title II, or "assistance animal" as defined by the FHA and adopt procedures similar to A.R.S. § 9-500.32 for verification of service dogs and assistance animals.
- 2) Approve Ms. Slager's dog for an exemption under these revised procedures.⁴
- 3) Provide training to Pima County Animal Care employees who work with customers and/or approve licensing fee waivers about the broader exemption, new verification procedure, and how it affects registration fees.
- 4) Revise the information and forms on Pima County Animal Care's website to reflect the broader definition of service animal/assistance animal and the new verification procedure.
- 5) Post a notice on Pima County Animal Care's website informing individuals of the new broader definition of a "service animal" or "assistance animal" and how they may appropriately register their service animals.

If these changes are acceptable, Ms. Slager and the Center would like to enter into a settlement agreement with these terms in lieu of pursuing formal administrative remedies, such as a complaint with the Department of Justice, or a lawsuit. Furthermore, if we can enter into a written settlement agreement that includes all of the above terms by August 31, 2015, the Center will not seek any attorneys' fees and Ms. Slager will not seek any monetary settlement. Kindly review these requests, and contact me at (520) 327-9547 to advise me of your position in this matter. If the County wishes to enter into the agreement, the ACDL will be happy to submit a proposed settlement agreement. We look forward to working with you towards an amicable resolution of this issue.

Respectfully,


Jessica Jansper Ross
Staff Attorney



Rose Daly-Rooney
Legal Director

⁴ Furthermore, Ms. Slager should not be penalized for any delay in registering her service animal caused by PACC's refusal to register her dog as a service animal because it was not professionally trained.



September 11, 2015

Sent via email and U.S. Mail

Ms. Barbara Burstein
Deputy County Attorney
Pima County Attorney's Office
32 N Stone Ave
Tucson, AZ 85701
Barbara.Burstein@pcao.pima.gov

Dear Ms. Burstein:

Linda Slager and the Arizona Center for Disability Law ("Center") appreciate the changes Pima County ("County") is agreeing to make to its ordinance to extend licensing fee waivers for service dogs that have been individually trained and service dogs-in-training and the opportunity to comment on the proposed ordinance change. The Center, however, would like to take this opportunity to request that the County reconsider its position that the waiver need not include assistance dogs under the Fair Housing Act ("FHA") and to propose language that would cover service dogs and assistance dogs.

Proposed Ordinance Language

As we understand, the County offered the following revisions to the applicable ordinance sections, which the Center has modified to include assistance dogs. The Center's proposed text, which is underlined, is as follows:

A service animal as defined by Arizona Revised Statute Section 11-1024 or a dog being trained to be a service animal belonging to a resident within Pima County may be licensed pursuant to this section without payment of a fee. An assistance animal as defined by the U.S. Department of Housing and Urban Development in Guidance FHEO-2013-01 may be licensed pursuant to this section without payment of a fee. An applicant for a license fee waiver for a service animal or assistance animal shall sign a written certification that the dog is a service animal as defined in Arizona Revised Statute Section 11-1024 or an assistance animal as defined in HUD-FHEO-2013-01.

For service animals, the statement to be signed shall be substantially in the following form: By signing this document, I declare that the dog to be licensed is

5025 East Washington Street, Suite 202
Phoenix, Arizona 85034-7439
(602) 274-6287 (Voice) – (602) 274-6779 (Fax)

www.azdisabilitylaw.org

177 North Church Avenue, Suite 800
Tucson, Arizona 85701-1119
(520) 327-9547 (Voice) – (520) 884-0992 (Fax)

a service animal as defined in section 11-1024, Arizona Revised Statutes, and I understand that a person who makes a false statement pursuant to section 9-500.32, Arizona Revised Statutes, is guilty of a petty offense, and is subject to a fine that does not exceed fifty dollars.¹

For assistance animals, the statement to be signed shall be substantially in the following form: By signing this document, I declare that the dog to be licensed is an assistance animal as defined by HUD Guidance FHEO-2013-01, and I understand that a person who makes a false statement pursuant to section 9-500.32, Arizona Revised Statutes, is guilty of a petty offense, and is subject to a fine that does not exceed fifty dollars.²

A copy of the HUD Guidance is enclosed.

Broadening the Waiver for Assistance Dogs

HUD defines an assistance animal as "an animal (in this case, dog) that works, provides assistance, or 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." HUD-FHEO-2013-01 Memo at 2. (The Memo goes on to clarify that neither the FHA or the Rehabilitation Acts require an assistance animal, "to be individually trained or certified." *Id.* in other words, an assistance dog, unlike a service dog, may also include a dog that is prescribed as a therapy dog even though it is not individually trained and provides emotional support. Under the FHA and Rehabilitation Act, rules, policies, or practices "must be modified to permit the use of an assistance [dog] as a reasonable accommodation in housing when it may be necessary to allow a qualified individual with a disability an equal opportunity to use and enjoy a dwelling, or may be necessary to allow a qualified individual to participate in, or benefit from, housing programs or activities receiving federal financial assistance. *Id.* at 3.

When an entity is covered by all three laws, it may evaluate whether the more narrow definition of service dog under the ADA applies to the individual's dog and if so, limit itself to the narrower questions permitted under the ADA. *Id.* at 6. If not, an entity can then check if the broader definition of assistance dog applies and grant a reasonable accommodation.³

Overcoming the County's Objection to Broadening the Licensing Fee Waiver

Based on the telephone conversation with Jessica Janseper Ross, you, and me on August 17, 2015, it is the Center's understanding that the primary objection to extending the licensing fee waiver to owners of assistance dogs is that the County contends that the Fair Housing

1 The Center asks that Pima County Animal Care (PCAC) include the definition of "service animal" on its website or registration form as there is a consequence for falsely making the statement.

2 The Center makes the same request as in n. 1 for the meaning of "assistance animal."

3 Where an individual's assistance dog does not meet the more narrow definition of "service animal," the County could require a letter from an individual's healthcare provider indicating that the individual needs an assistance dog because of their disability. See FHEO-2013-01 memo at 3.

Act does not apply to municipalities, such as Pima County, except for zoning matters.⁴ We disagree.

Municipalities Are "Persons." Both the FHA and the Arizona Fair Housing Act ("AFHA") define "persons" subject to the Acts to include corporations, which is commonly meant to include municipal corporations. Specifically, the FHA defines "person" to include "one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title II, receivers, and fiduciaries." 42 U.S.C. § 3602 (d); 24 C.F.R. § 100.20; see also A.R.S. § 41-1491(9). The Acts do not exempt or limit municipalities' coverage. 42 U.S.C. § 3607; 24 C.F.R. § 100.10. Further, it is well-established under federal case law that municipalities are included in the FHA definition of "person." *Kelth v. Voipe*, 858 F.2d 487, 482 (9th Cir.1988) ("The [FHA] applies to municipalities."); *United States v. City of Parma*, 661 F.2d 562, 571-72 (6th Cir.1981) (holding a municipality is a "person" that could be sued under the FHA); *United States v. City of Black Jack*, 508 F.2d 1179, 1183-84 (8th Cir.1974) (same); see also *Village of Bellwood v. Gladstone Realtors*, 569 F.2d 1013, 1020 n. 8 (7th Cir.1978) ("The Village is a municipal corporation, and we see no reason ... to construe [the FHA] to exclude that type of corporation."), abrogated on other grounds, *Village of Bellwood v. Dwivedi*, 895 F.2d 1521 (7th Cir.1990); cf. *City of Tempe v. State of Ariz.*, 237 Ariz. 360, 351 P.3d 367, 372 (Ct. App. 2015) (We hold that a municipal corporation is a "person" within the meaning of A.R.S. § 41-1491(9)) (interpreting the Arizona Fair Housing Act).

The FHA and AFHA prohibit municipal corporations, like any other persons, from discriminating in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability and to refuse to make reasonable accommodations in rules, policies, practices, or services which such accommodations may be necessary to afford a disabled individual equal opportunity to use and enjoy a dwelling, including public and common areas. 42 U.S.C. §§ 3604(a) & (F)(3)(b); 24 C.F.R. §§ 100.202 & 100.204; see also A.R.S. § 41-1491.19(A),(B) & (C)(2).

Municipalities Are Liable For Non-Zoning Violations. Indeed, courts have held municipal corporations liable for discriminatory conduct other than zoning regulation where it results in otherwise making housing unavailable or denying reasonable accommodations to rules, policies and procedures. See e.g. *Gallagher v. Magner*, 619 F.3d 823 (8th Cir. 2010) (lessors of low-income rental housing established prima facie case of disparate impact claim related to city's aggressive maintenance, fire, and safety housing code enforcement that disproportionately burdened lessors' rental businesses, which indirectly burdened their tenants and decreased the overall amount of affordable housing); *The Comm. Concerning Cmty. Improvement v. City of Modesto*, 583 F.3d 690, 714-15 (9th Cir. 2009) (overturning

⁴The County also contends that, based on the Department of Justice's (DOJ) July 2015 FAQ guidance on Service Animals, it may apply licensing requirements upon service animals. This interpretation, however, did not prevent Pima County from agreeing to waive the fee for service dogs that satisfied the meaning under A.R.S. § 11-1024. While we agree that Pima County residents who have service dogs and assistance dogs must comply with the licensing requirements, we do not believe that extends to paying a fee.

summary judgment of plaintiffs' FHA claims that the City discriminated on the basis of race in the timely provision of law enforcement personnel so specific neighborhoods); *Greater New Orleans Fair Housing Action Center v. St. Bernard Parish*, 841 F.Supp.2d 563, 569, 577-578 (E.D. La. 2009) (invalidating post-Hurricane Katrina ordinance restricting the rental of housing units to only "blood relative[s]" in an area of the city that was 88.3% white and 7.6% black); *Jeffrey O. v. City of Boca Raton*, 511 F. Supp. 2d 1339, 1357 (S.D. Fla. 2007) (holding that city code section violated FHA because it did not include an opportunity for individuals or group home providers to seek a reasonable accommodation to an occupancy limit); *2922 Sherman Ave. Tenants' Ass'n v. D.C.*, 444 F.3d 673, 684-85 (D.C. Cir. 2006) (denying summary judgment to district where there was evidence of discriminatory building code enforcement based on national origin); cf. *City of Tempe v. State*, 237 Ariz. 360, 351 P.3d 367, 372 (concluding that the authority of the City's Housing Community Voucher Program ("HCVP") to grant or deny assistance is an activity that renders the AFHA applicable to public housing agencies because it renders certain housing "otherwise unavailable").

Zoning violations are Simply Violations of General FHA Provisions. The Acts do not expressly address unlawful zoning practices. When courts address challenges to a municipal corporation's zoning practices, they do so under the same theories of discriminatory treatment based on membership in a protected group and/or denial of reasonable accommodations to rules, policies, and practices. The Joint Statement of the U.S. Department of Housing and Urban Development (HUD) and the Department of Justice (DOJ) on Group Homes, Local Land Use, and The Fair Housing Act contrasts the two discrimination theories in the following way:

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to six unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission. If that ordinance also disallows a group home for six or fewer people with disabilities in a certain district or requires this home to seek a use permit, such requirements would conflict with the Fair Housing Act. The ordinance treats persons with disabilities worse than persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together as long as the restrictions are imposed on all such groups. Thus, in the case where a family is defined to include up to six unrelated people, an ordinance would not, on its face, violate the Act if a group home for seven people with disabilities was not allowed to locate in a single family zoned neighborhood, because a group of seven unrelated people without disabilities would also be disallowed. However, as discussed below, because persons with disabilities are also entitled to request reasonable accommodations in rules and policies, the group home for seven persons with disabilities would have to be given the opportunity to seek an exception or waiver. If the criteria for reasonable

Ms. Barbara Burstein
September 11, 2015
Page 5

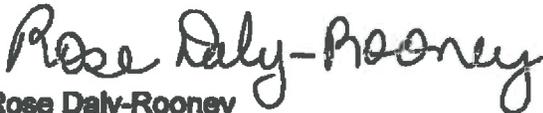
accommodation are met, the permit would have to be given in that instance, but the ordinance would not be invalid in all circumstances.

JL Statement (last updated 8/6/2015).

Ordinances May Impact Service and Assistance Animals. More specifically, a municipal corporation's refusal to provide reasonable accommodation to its rules, policies or practices that affects an individual's use of a service animal is covered under the FHA and AFHA. In *Anderson v. City of Blue Ash*, No. 14-3754, 2015 WL 4774591, at *18 (6th Cir. Aug. 14, 2015), the Sixth Circuit overturned the district court's grant of summary judgment to the city because there were genuine disputes of material fact regarding whether requested accommodation of keeping miniature horse at resident's house was reasonable and necessary to afford her and her daughter an equal opportunity to use and enjoy their dwelling, within meaning of the FHAA. As the Sixth Circuit concluded, "[r]equiring] public entities to make exceptions to their rules and zoning policies is exactly what the FHAA does."

By extending the licensing fee waiver to include assistance dogs, Pima County has the opportunity to be a model of compliance under the ADA, FHA, and Rehabilitation Act. Based on the foregoing, please reconsider your position.

Sincerely,



Rose Daly-Rooney
Legal Director



Jessica Jansepar Ross
Staff Attorney

RDR/rms