

PHN 2023-01 Attachment A: Terms Defined

WHO IS A PERSON WITH A DISABILITY?¹

Federal nondiscrimination laws define a person with a disability to include any of the following: (1) individual with a physical or mental impairment that substantially limits² one or more major life activities, (2) individual with a record of such impairment, or (3) individual who is regarded as having such an impairment.

PHYSICAL OR MENTAL IMPAIRMENT:

In general, a physical or mental impairment includes, but is not limited to, examples of conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV), developmental disabilities, mental illness, drug addiction, and alcoholism.³

MAJOR LIFE ACTIVITIES:

“Major life activities” includes those activities that are important to daily life. Major life activities include, for example, walking, speaking, hearing, seeing, breathing, working, learning, performing manual tasks, and caring for oneself. There are other major life activities that are not on this list. Major life activities also include the operation of major bodily activities, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems.⁴

OBSERVABLE IMPAIRMENTS/ READILY APPARENT:

Observable impairments may include, but are not limited to, blindness or low vision, deafness or being hard of hearing, mobility limitations, and other types of impairments with observable symptoms or effects, such as intellectual impairments (including some types of autism), neurological impairments (e.g., stroke, Parkinson’s disease, cerebral palsy, epilepsy, or brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions.⁵

UNOBSERVABLE IMPAIRMENTS:

Certain impairments, however, especially including impairments that may form the basis for a request for an emotional support animal, may not be observable. In those instances, a housing provider may request information regarding both the disability and the disability related need for the animal. Housing providers are not entitled to know an individual’s diagnosis.⁶

SERVICE ANIMAL PERFORMING “WORK OR TASKS” UNDER THE ADA:

Performing “work or tasks” means that the dog is trained to take a specific action when needed to assist the person with a disability.⁷

¹ See [24 C.F.R. § 100.201](#); 28 CFR § [35.108](#); 24 C.F.R. § [8.03](#); [M.G.L. c. 151B § 1](#).

² [HUD, FHEO Home, Disability Overview](#). See also 28 CFR § [35.108](#).

³ [HUD, FHEO Home, Disability Overview](#). See also 24 C.F.R. § 100.201; 28 CFR § [35.108](#); 24 C.F.R. § [8.03](#).

⁴ Id.

⁵ [FHEO Notice: FHEO-2020-01, p.9](#).

⁶ Id.

⁷ [FHEO Notice: FHEO-2020-01, p.7](#)