



Housing Equality & Advocacy Resource Team

## Emotional Support Animals FAQs

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Tenants with disabilities should feel empowered to request a reasonable accommodation from their housing provider or landlord to have their service animal or emotional support animal live with them. People with disabilities have fought for the right to have fair access to housing through reasonable accommodations which have been enacted into Federal law through the [Fair Housing Act](#), [Americans with Disabilities Act](#), and [Section 504 of the Rehabilitation Act of 1973](#). HEART LA works alongside tenants with disabilities to protect their rights when they are challenged by housing providers. In this way, HEART LA can help protect people, pets, and their homes.

## What are emotional support animals?

Emotional support animals are not pets. They are assistance animals that alleviate one or more identified effects of a person's disability. **In other words, an emotional support animal is an animal that helps a person cope with their disability and manage their symptoms.**

## What kind of animals can be emotional support animals?

Whereas, under the **Americans with Disabilities Act**, service animals must be either a trained dog, or in rare circumstances a trained miniature horse, there are **no restrictions** on what type of animal can be an emotional support animal as long as the animal alleviates one or more effects of a person's disability. The most common emotional support animals are dogs and cats, but many other animals can provide emotional support. **An emotional support animal does not need to be specially trained.**

## What is considered a disability?

Under the Fair Housing Act, a person with a disability is a person with a physical or mental impairment that substantially limits one or more major life activities. Simply put, a person has a disability, if an impairment makes it difficult for them to carry out daily activities, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking. **There are many more daily activities outside of this list that would meet the definition.** Thus, this definition is very broad and would include many mental disorders such as depression, anxiety, post traumatic stress disorder, bipolar disorder, etc.

## What is a reasonable accommodation?

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, or service that may be needed for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common spaces.

People with disabilities have a right to a reasonable accommodation. Reasonable accommodations remove some of the barriers that prevent people with disabilities from participating fully in housing and enjoying their home.

- **Example:** A tenant in an apartment complex who has anxiety requires an emotional support animal to decrease the symptoms of their anxiety and to feel safe during the evenings. The landlord has a no pet policy. A reasonable accommodation would allow the tenant to keep the emotional support animal as an exception to the no pet policy.

## Can my landlord charge me extra fees or deposits for allowing my emotional support animal as a reasonable accommodation?

**No. And a reasonable accommodation can be requested so a tenant does not pay a pet deposit in “pet-friendly” housing.** A landlord is not able to charge extra fees or deposits or place any extra conditions or requirements on a tenant that needs a reasonable accommodation. The right to a reasonable accommodation is designed to achieve equal access to housing not to require people requesting reasonable accommodation to take on extra costs.

## What do I do if I or a family member needs an emotional support animal but my apartment has a no pet policy?

If the disability and disability-related need for an emotional support animal are not apparent, the housing provider may request information from a healthcare provider. You and your healthcare provider **do not** need to provide any information on what your disability is, but only that you have a disability and the animal alleviates one or more symptoms of that disability. Below is a sample letter you can have your healthcare provider fill out and a sample letter that you can use to notify your housing provider.

- 1) Request a reasonable accommodation letter from your healthcare provider

**Sample Letter From Service Provider:**

[Doctor's Letterhead]

[Date]

Name of Professional [therapist, physician, rehabilitation counselor]

Street Address

City, State, Zip

To Whom It May Concern:

[Full name of tenant] is my patient, and has been under my care since [date]. I am familiar with his/her/their medical history and with the functional limitations imposed by hi/her/their disability and confirm that she/he/their indeed meets the definition of disability under the American with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973.

Due to [his/her/their disability], [first name] has certain limitations. In order to help alleviate these difficulties, and to enhance her ability to live independently and to fully use and enjoy her/his/their dwelling unit, I recommend that [Full name of tenant] be permitted to retain at their home a support animal.

I am familiar with the professional literature concerning the therapeutic benefits of assistance animals for people with disabilities such as that experienced by [first name]. Upon request, I will share citations to relevant studies, and would be happy to answer other questions you may have concerning my recommendation that [Full Name of Tenant] have a support animal.

You can reach me by mail at the above-referenced address.

Sincerely,

Name of Professional

License No.

- 2) Request a reasonable accommodation from your housing provider

**Sample Letter to Housing Provider Requesting Assistance Animal**

[Date]

Dear [Landlord, Housing Authority, Homeowners Association]

I am writing to request an assistance animal as a reasonable accommodation for my disability/disabilities.

I live at/am applying to rent your property at [address]. Because of my disability, I need to keep an assistance animal as a reasonable accommodation.

My physician/psychiatrist/psychologist/therapist/social worker/occupational therapist /other individual [describe] has deemed this accommodation necessary in light of my disability. Please see the attached letter from [doctor or professional's name].

Federal and state law require that a housing provider reasonably accommodate tenants/occupants and applicants who have disabilities. Please respond to this request by [date]. Feel free to contact me at [your phone number and/or e-mail address] if you have any questions. Thank you.

Sincerely,

[Your name]

[Your address]

## What happens if my housing provider rejects my request?

**Your housing provider must not reject your request without attempting to find a solution that meets the tenant's needs. This is called an interactive process.** If your housing provider rejects your request for a reasonable accommodation after you have made your request and provided your documentation, the housing provider must demonstrate that:

- 1) Making the accommodation would impose an **undue financial and administrative burden**. (The majority of emotional support animals should not impose much, if any, financial and administrative burdens on a housing provider.)
- 2) The accommodation would **change the services** provided by the housing provider

(For example - Once you have an emotional support animal, asking a landlord to feed, walk, or clean up after the support animal might be a fundamental alteration to the housing services a landlord provides.)

- 3) The emotional support animal would be a **direct threat** to the **health or safety of others** despite any other reasonable accommodations that could eliminate or reduce the threat

(A direct threat can only be determined by an individual assessment of the support animal's behavior. The housing provider **cannot** determine whether a support animal is a threat based on a **stereotype about the breed**.)

- 4) The request would result in **significant physical damage** to the property of others despite any other reasonable accommodations that could eliminate or reduce the physical damage

(It would be unlikely for an emotional support animal to cause significant physical damage to property)

## Filing a Complaint or Lawsuit

If the housing provider is unable to show that they are substantially affected by any of these four points, the housing provider is violating the **Fair Housing Act** by not providing the accommodation. You can inform your housing provider of this violation and may want to contact [HEART LA](#).

If a landlord, condominium association or other housing provider refuses to allow your assistance animal as a reasonable accommodation, you can **file a lawsuit or an administrative complaint**.

You can file an administrative complaint with the California Department of Fair Employment and Housing (DFEH) within one year of the most recent date of discrimination. Information on how to file a complaint with DFEH can be found at <https://www.dfeh.ca.gov/filing-a-complaint-online/>, or by calling (800) 884-1684 (voice) or (800) 700-2320 (TTY).

You can file an administrative a complaint with U.S. Department of Housing and Urban Development (HUD) under the Fair Housing Amendments Act, also within one year after the discrimination. Information on how to file a HUD complaint can be found at 1-800-669-9777 or: [https://portal.hud.gov/hudportal/HUD?src=/topics/housing\\_discrimination](https://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination).

Violations of the laws discussed above may also be enforced through private lawsuits. Please be aware that statutes of limitations restrict the timeframe for filing litigation and

that you could potentially lose claims if you do not act within the applicable statute of limitations. These deadlines can be as short as two years from the date of discrimination. If you are interested in pursuing litigation, you should consult with an attorney as soon as possible.

<https://www.disabilityrightsca.org/publications/fact-sheet-rights-to-assistance-animals-in-housing>

## **What do I do if I have received a notice of eviction because of my pet or emotional support animal?**

Contact an attorney immediately. Here is a link where you can find legal help <https://www.stayhousedla.org/>. Contact your local [tenants union](#) and [tenant organizers](#). Tell your family. Tell your friends. Organize.

Additional information:

- ([https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/assistance\\_animals](https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals),
- <https://www.disabilityrightsca.org/publications/fact-sheet-rights-to-assistance-animals-in-housing>)