

EMOTIONAL SUPPORT LIONS, TIGERS AND BEARS... OH MY!

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Emotional support animals have gained notoriety over the last few years with everything from a peacock to an 80-lb pig attempting to join their owner on a passenger airplane (the pig flew, the peacock did not). In Late 2020, US Department of Transportation announced it was revising its guidelines. Bottom line: service animals are permitted; emotional support animals are not. But what about in housing?



Emotional Support Animals and the Fair Housing Act

For housing purposes, the term assistance animal is used in place of service animal or emotional support animal, as used by the Americans with Disabilities Act. According to the U.S. Department of Housing and Urban Development (HUD), an assistance animal is “an animal that works, provides assistance, or performs tasks for the benefit of a person with a



disability, or that provides emotional support that alleviates one or more identified effects of a person’s disability. An assistance animal is not a pet.” Emotional support animals are treated with the same protections as trained service animals. Landlords are required to make “reasonable accommodations” for a person with an assistance animal.



What You Need to Know

In order to qualify for the reasonable accommodation, a tenant must meet two conditions: 1. The tenant must have a disability that impacts a major life activity. 2. Does the disabled person have a need for the animal and will it assist the disabled person. A landlord may require a letter from a physician or mental health professional. No other information must be supplied by the tenant regarding their medical condition.

Common accommodations are allowing an assistance animal in a no-pets building or unit. No pet-specific security deposit may be charged or any additional rent for the animal. There are no species or breed restrictions on an assistance animal so long as the animal is identified by a professional to provide support.

Breed restrictions imposed by insurance companies or by local ordinance could be found in violation of the federal Fair Housing Act if exemptions are not made for legitimate assistance animals.

More information can be obtained at www.hud.gov, www.ada.gov, and www.usserviceanimals.org/