

Emotional Support Animals

Reasonable Accommodation Requests for Animals

- The National Apartment Association supports the rights of persons with disabilities to make reasonable accommodation requests so they may have equal opportunity to use and enjoy their housing.
- According to the Fair Housing Act, apartment owners and operators are required to make reasonable accommodations, in other words, an exception to established rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit or common space.
- The most requested accommodation is for a rental housing provider to allow an assistance animal (defined as either a service animal or an emotional support animal) to reside with the resident where it would normally be prohibited.
- The request can come in many forms, such as an exception to community rules that prohibit animals in a no-pets building, prohibit certain aggressive breeds on the property or require the tenant to pay additional fees or deposits for a pet.
- Reasonable accommodation requests for assistance animals—including emotional support animals—cause concern for apartment owners and operators.
- They affect an owner's ability to assess pet deposits and fees and to apply rules and policies to a resident's animal. Additionally, they expose owners to possible fair housing complaints.
- Federal laws and relevant HUD guidance do not give owners and operators clear direction on compliance, giving them pause because if they make the wrong decision on a request, it could result in a housing discrimination complaint and having to pay significant monetary damages to the resident.
- In cases where an apartment owner or operator may request documentation as to the disability-related need for an emotional support animal, federal regulations allow for a broad range of individuals to make the required verification of need including "a doctor or medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know."
- Among other things, there is no requirement that the individual certifying the resident's need for an emotional support animal have a bona fide relationship with the resident.
- Similar to the airline industry, a lack of clarity in the law governing reasonable accommodation requests in housing has created a loophole for bad actors to abuse the system, creating a cottage industry of online outlets that produce the verification required by law for the right price.

ISSUE TALKING POINTS

- Such abuse not only imposes an unfair burden on rental housing providers but undermines the intent of the Act to help those truly in need of an emotional support animal.
- The US Department of Housing and Urban Development and the Department of Justice should revise the regulations regarding emotional support animals or take other steps to mitigate potential abuse and ensure that the benefit of a reasonable accommodation applies to only those who legitimately need it.