



Fair Housing:
It's the Law!

FAIR HOUSING TIP OF THE MONTH:

EMOTIONAL SUPPORT ANIMALS, FAMILY MEMBERS, AND GUESTS

Under fair housing laws, tenants with disabilities have the right to request an emotional support animal (ESA) to help alleviate the effects of their disability. Even if a housing provider has a strict no-pets policy, a request for an ESA may still be granted. This is because **ESAs are not considered pets**—they are a reasonable accommodation for a tenant's disability.

Unlike service animals, ESAs do not need to be trained for a specific purpose. Emotional support animals provide support that minimizes the effects of a disability, allowing a person to better use and enjoy their housing.

TENANTS CAN REQUEST AN ACCOMMODATION FOR A THIRD PARTY

Tenants without disabilities may also find that they need to make requests for reasonable accommodations. Under the protections granted by fair housing laws, tenants have the right to associate with individuals who have a disability, including family members and guests. These individuals may need an accommodation for a disability to stay with their family member or to visit.

In this case, the tenant may request the appropriate accommodation on behalf of their family member or guest. If a housing provider denies the request for a reasonable accommodation on behalf of the third party, this may be considered unlawful discrimination against the tenant. This applies when a family member or guest needs an emotional support animal.



REQUESTING AN ESA ON BEHALF OF A FAMILY MEMBER OR GUEST

When requesting an emotional support animal on behalf of a family member or guest, the same fair housing rights apply. That is, no-pets policies and fees related to the ESA will be unlawful.

Let's discuss an example based on a real client experience.

REQUESTING AN ESA ON BEHALF OF A FAMILY MEMBER OR GUEST

Clarence suffers from a mental health disability related to post traumatic stress. As a result, Clarence experiences intense and recurring anxiety attacks. His therapist recommended that he adopt a dog companion to lower the frequency of the attacks, and Clarence decided to give it a try. Clarence now has a dog that calms him down when an anxiety attack arises. He keeps the dog with him all the time, even when he goes to visit his close friend, Amy.

Unfortunately, Amy's new building has a strict no pet policy. Clarence has visited Amy a few times now, and Amy's landlord started making threats related to the dog. The landlord says that he will begin charging Amy for the dog that he has seen around her apartment, and that he may even start the eviction process because she is violating her lease. Clarence is worried that he may no longer be able to visit Amy without risking her living situation.

In this example, Amy – with Clarence's permission – may let the landlord know about Clarence's emotional support animal, and request that an exception to the no pets rule be made as an accommodation for Clarence to visit. Because Clarence's disability is not immediately apparent, Amy's landlord may request verification of Clarence's disability. It would be helpful for Clarence to get a letter from his therapist verifying the need for the ESA, which Amy can show her landlord. Note that Amy cannot be charged any fees associated with Clarence's emotional support dog, and Clarence cannot be prohibited from visiting Amy because of his ESA.



You made it!

This was the final tip in our three-part Fair Housing Month series. In Part I, we covered the basic information for requesting an emotional support animal as a reasonable accommodation. In Part II, we discussed how to request more than one emotional support animal. And in Part III, we discussed how these protections can be extended to third parties. Now that we have completed the series, we hope that you can see just how versatile a request for a reasonable accommodation can be. Most accommodations will vary depending on the person and their specific needs. Do not be afraid to seek help in making sure that your needs are appropriately addressed.



NEED MORE HELP?

If you think that you have been denied equal access to the protections we discussed, or if you have other fair housing issues that were not discussed here, you may want to seek help. The information provided here is not a replacement for legal advice and counsel. If you have any questions about your legal situation, **we strongly encourage you to reach out to a legal expert.**

The Department of Housing and Urban Development (HUD) offers help for individuals whose fair housing rights may have been violated. Federal fair housing laws also prohibit discrimination in housing based on the following characteristics: race, religion, national origin, color, sex, familial status, and disability.

You can find more information on these protections and examples here:

[HUD: Never Good Cause to Discriminate](https://www.hud.gov/sites/dfiles/FHEO/documents/Never%20Good%20Cause.pdf)
(<https://www.hud.gov/sites/dfiles/FHEO/documents/Never%20Good%20Cause.pdf>)

To file a complaint with HUD, call 800-669-9777, or visit their complaint site here:

[HUD: File a Complaint](https://www.hud.gov/fairhousing/fileacomplaint)
(<https://www.hud.gov/fairhousing/fileacomplaint>)

You can also reach out to a legal aid organization for assistance, such as Mental Health Advocacy Services, Inc. (MHAS). We have experience aiding our clients in contacting prospective landlords regarding housing discrimination. If you have a mental health disability, we may be able to assist you. You can reach the MHAS offices by phone at (213) 389-2077 (TTY: 800-735-2929) or by email at info@mhas-la.org.

