



Fair Housing:
It's the Law!

APRIL IS FAIR HOUSING MONTH!!!

To commemorate the anniversary of the Fair Housing Act, the Department of Housing and Urban Development (HUD) designated April as Fair Housing Month. To help celebrate, we will be putting out a series of three tips this month. These tips will explore different types of requests for an Emotional Support Animal. We hope that these tips will show the flexibility of reasonable accommodations and how they can be shaped to match many different needs. Stick with us throughout the month to learn more!



HOT TOPIC: EMOTIONAL SUPPORT ANIMALS

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.

HOW DO I REQUEST APPROVAL FOR AN ESA?

A request to keep an ESA as an exception to existing rules or policy may be granted as a reasonable accommodation for a disability. Requesting a reasonable accommodation is simple. A request may be made orally or in writing but should explain your accommodation and why that accommodation is necessary. In this case, you should explain that you have a disability, and that you need an ESA because it will reduce or eliminate some of the negative effects of your disability.

WHAT IF MY LANDLORD REQUESTS VERIFICATION?

If your disability or your need for an accommodation is not obvious or already known to the housing provider, they may request verification. It is best to provide them with a letter from a medical or mental health care provider. For example, a doctor, nurse, physician's assistant, or therapist may be a good source for a letter. There is no need to disclose a diagnosis, but the verification letter should state that you have a disability and explain how the ESA helps to manage or alleviate the symptoms of your disability.



I USED A WEBSITE TO GET MY ESA VERIFICATION, BUT MY LANDLORD WON'T ACCEPT IT!

California law may allow your housing provider to refuse verification from an online service that does not meet certain criteria. To avoid this situation, it is very important that your ESA verification is individualized to you and your needs. To ensure that your online ESA verification is sufficient, make sure it follows these guidelines:

1. The verification should be based on an individualized assessment conducted by a licensed health care professional of your disability and your need for an ESA.
2. It should describe the ESA that you need, including the species (for example, dog or cat) of the ESA.
3. It should describe how your ESA reduces the impact of your disability to afford you an equal opportunity to enjoy your housing.

If you have already submitted an online certification that failed to meet the criteria above, your landlord may not simply issue a denial. Instead of denying the reasonable accommodation request, they must give you an opportunity to provide additional information.

Stay Tuned!

This tip covered the basic information for making a request for an emotional support animal as a reasonable accommodation. In our next tip, we will discuss how a request for multiple emotional support animals differs from what we discussed here.



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.