

Fair Housing Tip of the Month

Tip #5 – Reasonable Accommodation and Emotional Support Animals

“My therapist suggested that I have an emotional support animal to help me with my anxiety. I plan to get one but I am moving to a new apartment and my landlord says the building is pet-free. I haven’t told my landlord that I plan to get an animal. What should I do?”

The law says: Fair housing laws recognize that a person may need an animal’s support for his or her emotional well-being. Emotional support animals do not need to be specially trained, registered, or certified. While a landlord has a right to a no-pets policy, fair housing laws make clear that emotional support animals are not considered pets, and your landlord must allow you to have an emotional support animal when it is necessary and reasonable to enable you to maintain your housing. Your animal cannot pose a direct threat to the health and safety of others or cause substantial physical damage to your unit that cannot be reduced by another reasonable accommodation. It cannot pose an undue financial or administrative burden. It cannot fundamentally alter the nature of your landlord’s operations. These determinations, however, must be made on an individualized basis that relies on objective evidence about your specific animal’s conduct.

What to do: If your treating professional has determined you would benefit from having an emotional support animal, ask him or her to write a letter explaining how the emotional support animal is necessary to alleviate one or more symptoms of your disability. Then, write a letter of your own asking that you be allowed to keep your animal as a reasonable accommodation under fair housing laws. Provide the letter from your treating professional, if your landlord requests it. Your landlord cannot ask what diagnosis you have or ask to see medical records. Your landlord must keep your information confidential. Keep a copy of all letters for your records.

If your landlord refuses to consider your request for reasonable accommodation or refuses to engage in an interactive process, you can file a complaint with a local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or the federal Department of Housing and Urban Development (HUD).

To file a complaint with HUD, call [800-669-9777](tel:800-669-9777), or visit https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process

To file a complaint with DFEH, call [800-884-1684](tel:800-884-1684), or visit <http://www.dfeh.ca.gov/complaint-process/complaint-forms/>

Fair housing laws prohibit discrimination in housing based on the following characteristics: Race, religion, national origin, color, sex, marital status*, ancestry*, familial status, disability, sexual orientation*, source of income.*

*Indicates a prohibited basis for discrimination in California, but not under federal law.

Disclaimer: The Fair Housing Tip of the Month program is for educational purposes only and does not constitute legal advice. If you have a legal question, please contact MHAS, your local fair housing council or another attorney of your choice.

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