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***FAIR HOUSING:  
IT'S THE LAW!***

*A nonprofit organization protecting and advancing the legal rights of people with mental disabilities.*

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## ***Fair Housing Tip of the Month***

### **Tip #6 – Psychiatric Service Animal or Emotional Support Animal?**

***TENANT: “I’m looking for an apartment right now and lots of buildings have no-pets rules. I have a dog that I’ve trained to help me with my panic attacks. My dog senses when I am about to have an attack, and climbs into my lap (if I’m seated) or on top of me (when I’m lying down) to calm me. I know my dog is not just a pet, but is it a service animal or an emotional support animal? How should I request a reasonable accommodation from potential landlords to keep my animal with me in housing?”***

**The law says: Because your dog performs a specific task—sensing a panic attack and sitting on top of you to calm you—your dog is a service animal. As such, you are entitled to have your dog in an apartment building, irrespective of the no-pets rules.**

Service and support animals are two different types of assistance animals. Service animals are trained to perform a specific task to assist someone with a disability, including a mental health disability. Tasks may include reminding an owner to take medication, alerting an owner with diabetes that his or her blood sugar has reached a high or low level, and alerting an owner to panic attacks. Although service animals must be trained, they need not be professionally trained or certified. Support animals, also known as comfort or emotional support animals, do not need to be trained to perform any specific task. These animals simply provide comfort to someone with a disability.

Tenants are permitted to have service animals in all dwellings, including common areas, with only a few limitations. For instance, a landlord may impose reasonable conditions on the use of an assistance animal, such as restrictions regarding waste disposal. In regard to support animals, a tenant may request a reasonable accommodation, which is a necessary exception to a rule in order to allow a person with a disability to have equal opportunity to enjoy housing. A landlord may deny a request for a support animal only if granting the request would be too difficult or expensive (an “undue burden”), change the nature of the landlord’s business (a “fundamental alteration”), pose a direct threat to the health or safety of others, or would cause substantial property damage.

**What to do:** Inform your landlord that you have a psychiatric service animal, preferably in writing with the date and your signature. The landlord is allowed to ask only these two questions: (1) are you an individual with a disability? and (2) what is the disability-related task that the animal has been trained to perform? If you provide verification of your disability and describe the task(s) for which your dog has been trained, the dog must be allowed in the housing, unless the landlord can show that the dog poses a threat to the safety of others or would cause substantial property damage.

If the landlord denies your request or imposes unreasonable conditions, consider filing a complaint with a local fair housing agency, California’s Department of Fair Employment and Housing (DFEH), or with the U.S. Department of Housing & Urban Development (HUD).

To file a complaint with HUD, call 800-669-9777, or visit [www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/complaint-process](http://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process)  
To file a complaint with DFEH, call 800-884-1684, or visit [www.dfeh.ca.gov/complaint-process/file-a-complaint/](http://www.dfeh.ca.gov/complaint-process/file-a-complaint/)

Fair housing laws prohibit discrimination in housing based on the following characteristics: race, religion, national origin, color, sex, familial status, disability, marital status,\* ancestry,\* sexual orientation,\* gender identity,\* gender expression,\* genetic information,\* and source of income.\*

\*Covered under California law, but not federal law. (For most housing, California laws also prohibit discrimination on the basis of citizenship, immigration status and primary language.)

***Disclaimer: The Fair Housing Tip of the Month 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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