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

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

Fair Housing Tip of the Month

Tip #9 – Requesting Reasonable Accommodation to Have an Emotional Support Animal in a Rented Room in a Private Home

TENANT: *“I lost my apartment a while ago and couldn't find another apartment, so I am renting a room in a private home in Los Angeles. There are five people renting separate rooms here. I have a mental health disability, and I want to ask my landlord for a reasonable accommodation to have an emotional support animal. I know the landlord dislikes animals and does not want any in the house. Can my landlord refuse to allow me to have an emotional support animal because this is a private home?”*

The law says: No, landlords generally cannot refuse to allow emotional support animals needed by tenants with disabilities in private homes in California. Fair housing laws require that landlords make exceptions, called “reasonable accommodations,” to their rules when necessary to allow people with disabilities equal opportunity to live in and enjoy housing. A tenant must request the accommodation and show why it is necessary and related to the disability.

Under California law, the vast majority of landlords are required to provide reasonable accommodations to tenants with disabilities. There is narrow exception for landlords who live in single-family homes and rent to only one person. Because your landlord rents rooms to multiple people, the landlord must review your request and consider whether it is necessary due to your disability. Your landlord must respond promptly and is required to grant the request, unless it is too difficult or expensive (known as an “undue burden”). Your landlord is not allowed to cancel your current rental agreement or otherwise retaliate against you for making the request.

While California law provides a right to reasonable accommodation in your circumstances, federal law might not. A federal appeals court has ruled that fair housing protections do not apply to shared living situations in view of constitutional concerns.

What to do: Ask your landlord, preferably in a written request, to allow you to have an emotional support animal as a reasonable accommodation. Keep a copy of your request. If your disability or the need for accommodation is not obvious, the landlord can ask for verification of your disability and/or the connection between your disability and the requested accommodation. Under fair housing laws, verification can usually come directly from you or from a doctor, medical professional, peer support group, service agency, or any reliable third party who is in a position to know about your disability. Your landlord must accept credible verification and cannot request medical records or demand to know your diagnosis.

If you and your landlord cannot agree on a reasonable accommodation, or if the landlord retaliates against you for making the request, you can file a complaint with your local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or the U.S. Department of Housing and 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

To file a complaint with DFEH, call 800-884-1684, or visit 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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