

Housing Discrimination and Emotional Support Animals

People who rely on emotional support animals (ESAs) as a reasonable accommodation for their disabilities are protected against housing discrimination. This means you cannot be treated differently by landlords, sellers, agents, banks, management companies, operators of facilities, co-op boards, or other housing providers because you have an emotional support animal. This also means your housing provider must make reasonable accommodations to allow you to live with your emotional support animal. Building policies such as no-dog rules or breed restrictions cannot be used to exclude emotional support animals.

What are some examples of disability discrimination toward people with ESAs?

- Denying someone the ability to live with an emotional support animal because the building has a no-pets policy
- Charging a deposit or fee for emotional support animals
- Applying pet rules, such as breed or size restrictions, to emotional support animals

What kinds of animals are protected?

Assistance and emotional support animals are protected under fair housing laws. These are animals that help people with disabilities to fully use and enjoy their homes. A doctor's letter is all that is needed to classify an animal as an emotional support animal. For example, a doctor may be able to explain that a dog helps calm a person with post-traumatic stress disorder (PTSD) during anxiety attacks.

Are ESAs the same as service animals?

Service animals are trained to do a specific task for their owners (e.g., guide dogs), while ESAs can meet the needs of people with disabilities in more generalized ways. It is often a shorter process to get an animal classified as an ESA. Housing providers are required by fair housing laws to allow you to live with both ESAs and service animals.

What restrictions *can* housing providers place on emotional support animals?

- Requesting medical documentation to show the need for an emotional support animal is related to a disability
- Prohibiting certain categories of animals under public health codes, or excluding animals if they impose an undue burden on the housing provider
- Requiring that emotional support animals be leashed or harnessed in common areas

All dogs, regardless of whether they are a service dog, an emotional support animal, or neither, must have a valid dog license issued by the local authorities in the area where they live.

Where can I learn more?

If you think you are experiencing any form of housing discrimination, contact the FHJC. We will help sort out the facts and provide you with information about your rights and options under fair housing laws. You can also contact us – anonymously if you prefer – if you know about housing discrimination that is happening to others. Our counseling and investigative services are provided for free, regardless of income.