

## WHAT IS AN EMOTIONAL SUPPORT ANIMAL?

Housing law defines an emotional support animal, or ESA, as an assistance animal that provides emotional support that alleviates one or more identified symptoms or effects of a person's existing disability.



Emotional support animals may be permitted by a housing provider as a **reasonable accommodation**, which federal law defines as an exception to standard rules, policies, practices, or services necessary to afford a tenant with a disability the equal opportunity to use and enjoy a dwelling.

An emotional support animal is **NOT** a pet

### An emotional support animal may be a:

- Dog
- Cat
- Snake
- Miniature horse
- Bird
- Fish
- Monkey
- Pig
- Hamster

**An ESA could also possibly be an animal not listed here!**

## SUGGESTIONS ON HANDLING REQUESTS FOR AN EMOTIONAL SUPPORT ANIMAL

### TENANTS

- Obtain written documentation from your health care provider regarding your need for an emotional support animal.
- Submit your request to have an emotional support animal in writing in a dated letter.
- If possible, notify your landlord prior to obtaining an emotional support animal.
- Avoid obtaining so-called certificates or registration from online sources.
- Although you do not have to pay an extra deposit for the emotional support animal, you are still responsible for damages caused by the emotional support animal.
- If you have more than one emotional support animal, readily provide the documented need for each animal.

### LANDLORDS

- Do not ask what the emotional support animal is for; simply request that the tenant provide documentation prescribing an emotional support animal.
- Because emotional support animals assist with a tenant's disability, you may not charge a tenant extra money to have the emotional support animal.
- While working with a tenant's request for an emotional support animal, try to maintain an interactive process with the tenant.
- Emotional support animals can include so-called "dangerous breed" animals.
- Taking too long to respond to a request for an emotional support animal could be deemed a denial.
- Tenants are not required to complete landlord's emotional support animal paperwork.



**This guidance should not be used as a substitute for legal counsel.**



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- Legal representation for victims of housing discrimination
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- Advocacy for tenants to resolve fair housing disputes with landlords
- Referrals for residents to additional legal services
- Strategies and education to empower tenants on how to protect their fair housing rights

If you feel that you have been a victim of housing discrimination, please contact:

## Lexington Fair Housing Council



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## Fair Housing & EMOTIONAL SUPPORT ANIMALS

