




→ Emotional Support Animals: What You Need to Know

A webinar by  *turbotenant*

This webinar will be recorded and emailed to you after our session ends.



Intro Poll:

How many rental units do you own?

Have you attended a TurboTenant webinar before?

Do you have a TurboTenant account?

What is an emotional support animal?

Key Takeaways:

- Knowing the difference between emotional support animals (ESAs), service animals, and companion animals is crucial.
- An ESA can be requested at any time before or during tenancy, regardless of your lease agreement.
- To protect your business, ask for an ESA housing letter and verify that it meets the required federal/state qualifications.



The Importance of Understanding ESAs

- Where: Meeker, CO
- When: Summer 2019
- What: Landlord tried to require an additional pet fee for tenants' ESAs
- Verdict: \$1M settlement



Welcome to the Menagerie



Emotional Support Animals 101

- Provide therapeutic companionship
- Protected by the Fair Housing Act
- Does *not* require special training
- No breed qualifications
 - *Animal must be:*
 - Reasonably accommodated in a home
 - Disturbance-free*



Meet the Whole Zoo, pt 1

- **Emotional support animals**
 - No special training
 - Protected by the FHA
 - Serve their owner
- **Service animals**
 - Special training required
 - Protected by the Americans with Disabilities Act
 - Serve their owner



Recommended resources:

- [Fair Housing for Landlords Course](#)

Meet the Whole Zoo, pt 2

- **Therapy animals**
 - Special training typically required
 - Serve people other than their owner
- **Companion animals**
 - No special training required
 - Are pets



ESAs Made E-A-S-Y



What Do ESAs Mean for Your Rental?

- According to the U.S. Department of Housing and Urban Development:
 - Disabled individuals can request to keep ESAs as a reasonable accommodation.
 - You can't refuse to make reasonable accommodations as a housing provider.
- However, there are exceptions to following the FHA.



Exceptions to the FHA

- The following housing situations are exempt from the FHA, per Pettable:
 - Owner-occupied buildings that have no more than four units
 - Housing operated by religious organizations and private clubs that limit occupancy to members
 - Single-family housing sold or rented by the owner without the use of an agent



A Reasonable Accommodation

- A request made to you by or for the disabled person.
 - *Must be supported by reliable disability-related information*
- You don't have to accept all accommodation requests.



Turning Down an Accommodation Request, pt 1

- You must demonstrate that the request:
 - Imposes an undue financial and administrative burden on your business
 - Fundamentally alters the essential nature of your operations

Turning Down an Accommodation Request, pt 2

- You must demonstrate that the request:
 - Places an animal in a position to directly threaten the health or safety of others*
 - Would result in significant physical damage to others' property*



**despite any other reasonable accommodation that could mitigate the threat or damage*

Protecting Your Rental Business

- Always request an ESA housing letter.
- Communicate any concerns respectfully.
- Work with your tenant.



Recommended resources:

- [Emotional Support Animal Laws](#)
- [Master the Landlord-Tenant Relationship in 5 Steps](#)

The Importance of Documentation



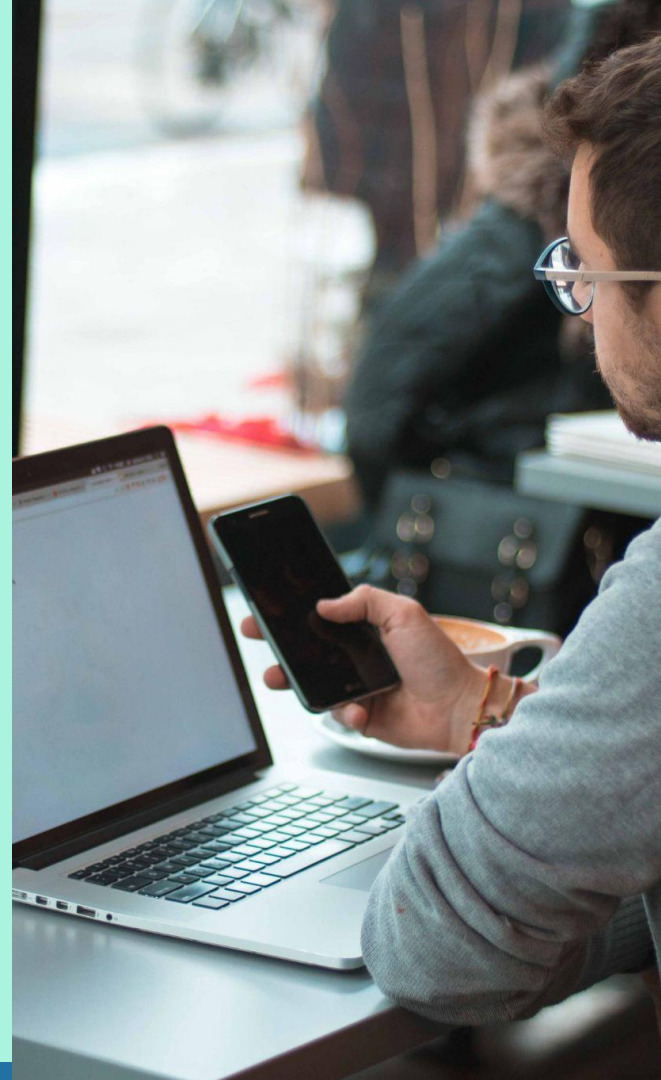
The Components of an ESA Housing Letter

- The signature of a medical professional, social worker, peer support group, or another reliable party
- A statement indicating how long the tenant has been a patient/group member
- An explanation of why the ESA is necessary



What Can You Do With an ESA Housing Letter?

- You can:
 - Verify the clinician/professional's existence
 - Look up the provided license number or other identifiable information





Poll:

Can you contact your tenant's mental health professional to verify their emotional support housing letter?

Out of Compliance With the FHA

- You cannot:
 - Contact the professional listed on the ESA housing letter
 - Ask your tenant for details of their disability
 - Impose breed or weight restrictions
 - Collect pet fees, pet rent, or pet deposit

Recommended resource:

- [Pet Fees, Pet Rent, and What You Need to Know About Pet Policies](#)

FAQs About ESAs



How many ESAs can my tenant have?

- According to the Rental Housing Journal, federal law limits each tenant to one ESA.
 - In some cases of additional need, a disabled tenant may be allowed to have more than one service animal.
- Multiple people in a household can have their own ESAs.



Are there state-specific protections that apply to the FHA re: ESAs?

- Yes, per Pettable:
 - **CA:** AB 468 requires those seeking an ESA letter for dogs to establish a client-provider relationship with the individual for at least 30 days prior to providing documentation.
 - *Results in having two consultations before qualifying*
 - **FL:** State law ensures housing protections for ESA owners while criminalizing fraudulent ESA requests.

How long do I have to answer a tenant's ESA request?

- You have **10 days** to respond to an ESA request in most states.



Pro Tip:

Stay up to date on your [local landlord-tenant laws](#) to best protect your rental property business!

What happens if I deny an accommodation request?

- Your tenant may file a complaint with your local HUD office or another government agency, which will investigate the case as possible disability discrimination.



What if my tenant registers their pet as an ESA after I've collected pet fees or a pet deposit?

- Technically, your tenant would be entitled to a refund.
- There isn't much guidance on what portion of the fees should be refunded, but most agree that something should be returned based on the length of their tenancy.



Example:

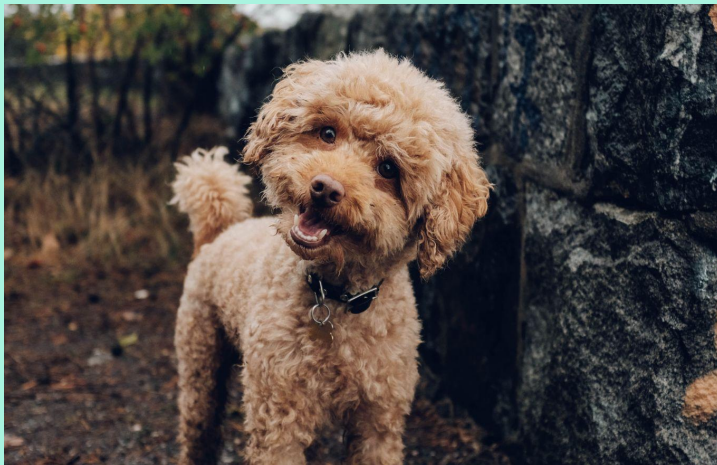
Your tenant's lease started June 1st, then their pet became qualified as an ESA on 1/1. Most would say you should return a prorated refund based on those six months.

What if the ESA lashes out and causes physical to another tenant, staff member, etc.?

- Depending on the severity of the issue, you could:
 - Send a cure-or-quit notice
 - Begin legal proceedings to remove the animal
 - Though you should expect a fight from your tenant if they don't decide to leave too



Q & A



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Final Poll:

- 1. How did today's session compare to your expectations?**
- 2. I can use the information from this webinar:**