**Everything You Need to Know About Renting with an Emotional Support or Service Animal**

They’re cute, they’re cuddly, and we even consider them our best friends—but sometimes we need pets for more than just the companionship that they offer. Pets love us unconditionally and, in certain instances, they can even save our lives. Such is the case with an emotional support or service animal.

Emotional support animals (ESAs) and service animals—although different in occupations—are important medical resources in many people’s lives. From helping their owners relieve feelings of anxiety to alerting their owners of impending seizures, emotional support and service animals play significant roles in helping their holders maintain their health. So how does one rent with an ESA or service animal? We knew you’d ask, so we have answers. Read on to discover exactly how to rent with an animal assistant, where to find the best apartment for your pet, and how the law protects you both throughout the process.

**EMOTIONAL SUPPORT ANIMALS VS SERVICE ANIMALS: WHAT'S THE DIFFERENCE?**

The main difference between ESAs and service animals lies in their respective purposes and the legal protections they afford their owners. While they are similar in many areas, both pet types differ in that:

* Emotional Support Animals – Or ESAs, are defined as companion animals that help their owners cope with the challenges associated with emotional and mental health conditions. By providing comfort with their presence, ESAs help their owners rectify the effects of conditions such as anxiety and depression. Emotional support animals can be a range of animals—from raccoons to Rottweilers—and are protected by law through the Fair Housing Act of 1968.1
* Service Animals – are specifically trained to perform tasks that directly ease the challenges associated with their owner’s physical, psychiatric, sensory, and/or developmental disabilities. While any animal may classify as an ESA, service animals can ONLY be dogs. Service dogs perform a range of tasks—from guiding citizens who are blind to calming owners with Post Traumatic Stress Disorder (PTSD). However, the most common types of service dogs include guide, hearing, medical alert, mobility, autism service, and psychiatric service dogs.2

Both emotional support and service animals coincide in their purpose to aid in their owners’ health. However, ESAs aid patients with therapeutic, emotional support, while service animals aid their owners with medical disabilities. Emotional support animals help to improve the mental and emotional health of their owners, but in many cases, service animals are the crucial, critical keys to saving their owners’ lives. Because of this vital distinction, service animals are awarded certain legal protections that Emotional Support Animals are not.

**THE FINE PRINT: UNDERSTANDING HOW THE LAW PROTECTS RENTERS WITH ESAS AND SERVICE ANIMALS**

Renters have several protections when it comes to housing their emotional support and service animals. However, since the roles of emotional support and service animals differ, their protections also range. In United States Law, there are two Acts that define the protections offered to renters and their support/service animals: The Fair Housing Act of 1968 and the Americans with Disabilities Act of 1990.

* The Fair Housing Act of 1986 – Protects citizens from discrimination when renting or buying a home. This act thus protects tenants with both emotional support animals and service dogs. This law stipulates that, despite the housing provider’s pet restrictions, landlords must provide reasonable accommodations to disabled tenants who request to keep an assistance animal. These reasonable accommodation requests may include3:
* A request to live with an ESA or service animal at a property where the housing provider has a no-pets policy
* A request to waive all pet deposits, fees, and other rules as they apply to an ESA or service animal
* The Americans with Disabilities Act OF 1990 – Or the ADA, protects disabled citizens from discrimination in all areas of life. Thus, the ADA only protects tenants with service animals. It does not protect tenants with animals whose sole function is to provide emotional support. [The ADA](https://www.ada.gov/service_animals_2010.htm) specifies that “State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is allowed to go.”

The Fair Housing Act permits emotional support and service dog owners to rent properties that otherwise enforce pet restrictions. However, the ADA stipulates that service dogs are allowed entry into all areas where their owner is permitted—unless their presence would compromise a sterile environment. Thus, while emotional support and service animals have the same protections in housing, service dogs are allowed more permission in areas concerning the general public.

It is important to note that, [according to the U.S. Department of Housing and Development](https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals), the Fair Housing Act exempts, “owner-occupied buildings with no more than four units, single-family houses sold or rented by the owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to members.” If you are seeking housing with an emotional support animal, first check that the housing you seek is not exempt under the Fair Housing Act.

**CAN LANDLORDS DENY TENANTS WITH ESAS OR SERVICE ANIMALS?**

Generally, Landlords cannot deny housing to tenants with emotional support or service animals. However, there are a few cases when the denial of a tenant’s lease application is warranted. These instances include:

* Tenants do not provide proper documentation – Landlords are permitted to request documentation verifying a tenant’s emotional support animal. Although the document does not need to clearly define a tenant’s impairment, tenants must provide documentation that proves the animal is necessary to their wellbeing. The letter must contain the date and signature of a licensed healthcare professional.
* The animal threatens the safety of the general public – If an ESA or service animal displays threatening or violent behavior, this may be reasonable cause for a landlord to deny a renter’s application. To ensure that this does not occur, animals must be well-trained, and owners must always maintain control over the animal.
* The animal is illegal in the property’s state and/or country – A landlord may deny tenants’ applications if their emotional support animal is illegal to house. Emotional support animals range from peacocks to kangaroos, so if your ESA is classified as an exotic animal—make sure that it is not illegal to house in your state.
* Animal is too large for reasonable accommodation – Landlords may deny tenant ESAs if the animal is too large to reasonably accommodate. For example, a landlord could deny an ESA giraffe if the tenant wished to live in a two-story building. This rule does not apply to the general size of domesticated animals.

PROTECTIONS FOR TENANTS WITH ESA AND SERVICE ANIMALS: WHAT LANDLORDS CAN’T DO

Landlords cannot, under any circumstances, ask a tenant about their disability or why they require emotional support or a service animal. Landlords also cannot deny ESAs or service animals based on allergies or general aversions, pet breed, pet weight, or current no-pet policies. Lastly, it is illegal for landlords to charge additional fees, such as extra rent or deposits, to tenants with emotional support or service animals.

It is, however, important to remember that tenants are responsible for any [damage incurred by their emotional support or service animals.](https://www.apartments.com/blog/dealing-with-pet-damage-in-your-apartment) Landlords may legally charge tenants for pet-related damages to the unit, and tenants are legally required to pay.

It is paramount to maintain clear communication with your landlord when requesting to rent with an ESA or service dog. If a landlord does not reasonably comply with a request, tenants may file an official complaint with the Department of Housing or sue for discrimination.

According to the Fair Housing Act of 1968 and the Americans with Disabilities Act of 1990, Landlords must reasonably accommodate all emotional support and service animals. They also must waive all pet-related fees—regardless of the pet breed, weight, or policy restrictions in place. If a tenant supplies the necessary documentation, landlords cannot legally discriminate against their emotional support or service animals—unless they are unable to reasonably accommodate them.

*For more reference:*

1. American Humane. Definition of a Service Dog vs. Emotional Support Animal vs. Therapy Dog. [Definition-of-Service-Dog\_3\_7\_18.compressed.pdf (americanhumane.org)](https://www.americanhumane.org/app/uploads/2018/05/Definition-of-Service-Dog_3_7_18.compressed.pdf)
2. American Humane. Definition of a Service Dog vs. Emotional Support Animal vs. Therapy Dog. [Definition-of-Service-Dog\_3\_7\_18.compressed.pdf (americanhumane.org)](https://www.americanhumane.org/app/uploads/2018/05/Definition-of-Service-Dog_3_7_18.compressed.pdf)
3. The United States Department of Housing and Urban Development. Assistance Animals. [Assistance Animals | HUD.gov / U.S. Department of Housing and Urban Development (HUD)](https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals)

1. ADA. Service Animals. [ADA 2010 Revised Requirements: Service Animals](https://www.ada.gov/service_animals_2010.htm)