Things You Should Know About Emotional Support Animals in Housing

1. An emotional support animal (ESA) is an animal that improves at least one symptom of the person’s disability. An ESA is different from a service or guide animal; unlike service or guide animals, ESAs are not individually trained to perform specific tasks associated with their owner’s disability.

2. A housing provider is required to modify or make exceptions to its policies governing animals when it may be necessary for a person with a disability to be able to fully use and enjoy the housing. This means that a housing provider may need to make an exception to a “no pets” policy to permit a tenant with a disability to keep an emotional support animal (ESA). But unlike service or guide animals, ESAs are not automatically exempt from a housing provider’s no-pet policies.

3. If you live in or are about to move into a building with a no-pet policy, you can request a reasonable accommodation for your ESA. If your disability and disability-related need for an ESA are not obvious or otherwise known, your housing provider may request reliable documentation from your treating health care professional that you have a disability and that you need an ESA. Your housing provider cannot require that your request be in writing or that you submit documentation in a specific format. Documentation obtained from the Internet that does not come from a treating healthcare professional generally will not be sufficiently reliable to support the need for an ESA.

4. Your housing provider must conduct an individualized assessment of your request and may deny your request if allowing an ESA would create an undue burden on its operations. The inquiry is highly fact-specific and considers whether allowing you to keep an ESA would fundamentally alter the housing provider’s operations or impose an undue financial or administrative burden on the housing provider.

5. Your housing provider cannot require you to pay an additional security deposit or pet fee, or obtain additional renter’s insurance, in exchange for allowing you to keep an ESA. However, your housing provider may require you to pay for any actual damage the animal causes.

To find out more or to file a complaint, go to NJCivilRights.gov or call 973-648-2700