

## **FREQUENTLY ASKED QUESTIONS: Emotional Support Animals in Housing**

**The NYC Human Rights Law protects against disability discrimination in housing, including for people who rely on emotional support animals as a reasonable accommodation for their disabilities. This fact sheet will help New Yorkers understand their rights and responsibilities related to emotional support animals in housing.**

### **Q. What is an emotional support animal?**

**A.** An emotional support animal provides emotional support or other assistance that helps treat the symptoms of a disability. In contrast with a service animal, an emotional support animal does not need to be trained to perform a particular task.

### **Q. Are housing providers required to allow residents to keep emotional support animals?**

**A.** Yes. Housing providers, including shelters and other forms of temporary or supportive housing, must permit residents to keep emotional support animals as a reasonable accommodation for a disability, unless it would cause an undue hardship to the housing provider.

**Q. Are housing providers required to allow any type of animal as an emotional support animal?**

**A.** No. Certain categories of animals are prohibited under the Public Health Code. In addition, emotional support animals may be excluded if they cause damage or disruption that creates an undue hardship for the housing provider.

**Q. Can building policies, such as no-dog policies, or policies restricting the breed, weight, or size of pets, apply to emotional support animals?**

**A.** No. Housing providers must exempt emotional support animals from such policies, unless the exemption would cause an undue hardship to the housing provider.

**Q. Can housing providers state “no dogs or cats” in an apartment listing?**

**A.** Housing providers should use language in apartment listings that makes clear that exceptions to pet restrictions are available as reasonable accommodations for people with disabilities. For this reason, listings should avoid blanket statements such as “no dogs,” but might say “no dogs except as reasonable accommodations for disabilities.”

**Q. What kinds of policies should housing providers have related to emotional support animals and other reasonable accommodations for disabilities?**

**A.** Housing providers should develop and notify residents of their written policies for handling requests for reasonable accommodations, including identifying the appropriate contact and process for requests. (See the [Sample Reasonable Accommodation Policy](#) at page 130 of the [NYC Commission on Human Rights Legal Enforcement Guidance](#))

NYC Commission on Human Rights

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[on Discrimination on the Basis of Disability](#) available on the Commission's website: NYC.gov/HumanRights)

**Q. Can a housing provider seek confirmation of a resident's need for an emotional support animal from their treatment provider?**

**A.** Yes. If a resident's disability or need for an emotional support animal is not readily apparent to a housing provider, the housing provider may request confirmation from a treatment provider that **(1)** the person has a disability and **(2)** the animal would help treat the disability. Housing providers can not require disclosure of the specific underlying disability or reject accommodation requests based on rigid requirements, such as requiring a specific form or type of documentation, or that the documentation be dated within a certain time of the request for accommodation.

**Q. Can a housing provider charge an additional security deposit or pet fee, require additional renter's insurance coverage, or require that the resident use an alternative entrance or elevator because of the presence of their emotional support animal?**

**A.** No. A housing provider cannot preemptively charge any such fees or require additional insurance coverage. However, a housing provider may require a resident to pay for actual damage or excessive wear and tear caused by an emotional support animal.

**Q. Can housing providers require that emotional support animals be leashed in common areas?**

**A.** Yes. Housing providers may require that emotional support animals be leashed or harnessed in common areas.

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**Q. What documentation can a housing provider require a resident to provide about their emotional support animal?**

- A.** If the animal is a dog, a housing provider may require the resident to submit information confirming it has been vaccinated, as required by New York State law. As discussed above, housing providers can also require confirmation from a treatment provider that the person has a disability and the animal would help treat the disability.

To learn more about your rights and responsibilities under the NYC Human Rights Law, see the [\*NYC Commission on Human Rights Legal Enforcement Guidance on Discrimination on the Basis of Disability\*](#), available at [\*\*NYC.gov/HumanRights\*\*](https://nyc.gov/HumanRights).

If you have been a victim of discrimination, please call the Commission's Infoline at **718-722-3131** to report it.