



# ***EMOTIONAL SUPPORT ANIMALS IN “NO PET” HOUSING***

## *DISABILITIES RIGHTS CENTER*

*The Disabilities Rights Center is dedicated to eliminating barriers existing in New Hampshire to the full and equal enjoyment of civil and other legal rights by people with disabilities.*

Several laws protect the right of people with disabilities to have emotional support animals, even when the landlord has a “no pets” policy. Those laws include:

- The Fair Housing Amendments Act of 1988
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act, Title II



### **Disabilities Rights Center**

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Fax: 603-225-2077

Email: [advocacy@drcnh.org](mailto:advocacy@drcnh.org)  
[www.drcnh.org](http://www.drcnh.org)

Under the law, emotional support and service animals are not “pets,” but rather are considered to be more like assistive aids such as hearing aids and wheelchairs. In most housing complexes, the landlord must allow you to have an emotional support animal IF:

- You are a person with a disability;
- You need the animal to ease the symptoms of your disability or to provide a service to you;
- You have a letter or prescription from a doctor or therapist.

Not everyone with a disability is entitled to have an animal living with them. There must be a relationship

between your ability to function and the assistance your animal provides for you. The animal must be necessary to perform a service such as easing symptoms in order for you to use and enjoy your home.

Being able to show that you have a disability is necessary when you ask for a reasonable accommodation. If a landlord does not allow the emotional support animal, and then you pursue legal action, the court will require evidence of your disability.

**Protection and  
Advocacy System  
for New  
Hampshire**

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## What is a reasonable accommodation?

A reasonable accommodation means making a change in rules, policies, practices, or services, when it is necessary to give a person with a disability equal access or opportunity. The landlord must provide the accommodation unless it causes an undue financial or administrative burden, or fundamentally alters the nature of the housing. An example of a fundamental alteration that a landlord would NOT be required to provide would be to provide transportation, pet sitting, or social services when the landlord did not provide these to other tenants. It would be hard for the landlord to prove that allowing an animal was an undue burden or fundamental alteration, because existing housing (HUD) regulations specifically state that allowing a service animal does NOT constitute an undue burden. Federal courts have also found that having an animal is not an undue burden on a landlord.

## What if my animal causes a problem?

If your animal causes damage, you may be responsible for the costs of cleaning or repair and your landlord may be able to refuse to allow the pet on the property. Likewise, if your animal is disruptive or bothers other tenants the landlord may be justified in refusing to allow the animal or taking steps to evict you.

## Can the landlord require an additional deposit?

No. The [www.drcnh.org](http://www.drcnh.org) Landlord cannot require you to pay an additional deposit as a condition to allowing you to have the animal, even if deposits are required for other pets.

## How do I request an exception to the landlord's no pet rule?

If you need an emotional support animal to ease the symptoms of your disability, you should make a written request to the landlord or manager for a reasonable accommodation. The request should state that you have a disability and explain that the requested accommodation will be helpful to ease your symptoms or to provide you with a service. You should include a note from your doctor or therapist, verifying the need for the support animal. You do not have to disclose the details of your disability or medical history.

The landlord can ask you for evidence that you need an emotional support animal, such as the letter from your doctor, but you do not have to provide proof of your animal's training or certification. For a sample letter your doctor can use to show you need an emotional support animal, go to:

[www.drcnh.org/serviceanimals.htm](http://www.drcnh.org/serviceanimals.htm).

*This brochure is not meant to be legal advice. For specific legal advice, consult an attorney.*