



# ***Emotional Support Animals in “No Pet” Housing***

## ***Disability Rights Center - NH***

### **Protection and Advocacy System for New Hampshire**

*Disability Rights Center - NH 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.*

#### **Disability Rights Center - NH**

64 North Main Street,  
Suite 2, 3rd Floor  
Concord, NH 03301

Phone: 603-228-0432 or  
1-800-834-1721 (v/TTY)  
Fax: 603-225-2077  
advocacy@drcnh.org  
www.drcnh.org

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

The Fair Housing Amendments Act of 1988 and New Hampshire Human Rights laws (RSA 354-A) protect the rights of people with disabilities to have emotional support animals in their apartments, even when the landlord has a “no pets” policy.

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 apartment 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. 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 or task, such as easing symptoms, in order for you to use and enjoy your home.

Not everyone with a disability is entitled to have an animal living with him/her. You need to be able



to prove that you have a disability and that the accommodation is necessary. When you ask for a reasonable accommodation, you may need to provide documentation from a medical professional to support your request.

Some housing is exempt from the law, including owner-occupied housing with a maximum of three units, a private club that provides lodging to its members, and certain other housing (see <http://www.gencourt.state.nh.us/rsa/html/XXXI/354-A/354-A-13.htm>).

# Emotional Support Animals in “no Pet” Housing

## 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 to use and enjoy housing. 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?

You are responsible for your animal including cleaning up after it and making sure it is not a nuisance to other tenants. 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 animal on the property. If your animal is disruptive to other tenants, or is a direct threat to anyone, the landlord may be justified in refusing to allow the animal or in taking steps to evict you.

## Can the landlord require an additional deposit?

No. The 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 is necessary to ease your symptoms or to provide you with a service to enable you to use and enjoy your dwelling. You should include a note from your doctor, psychiatrist, social worker, or other mental health professional, 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.html](http://www.drcnh.org/serviceanimals.html).