

NAA Policy Resolution

Date: June 23, 2015

Resolution #: 1

Title: Emotional Support Animals

Sponsor: Legislative Committee

WHEREAS, the federal Fair Housing Act (“The Act”), prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disability, and

WHEREAS, the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling is a prohibited form of discrimination under the Act, and

WHEREAS, tenant requests for reasonable accommodations for an emotional support animal (also known as a companion animal) have increased significantly in recent years, and

WHEREAS, in cases where a landlord may request documentation as to the disability-related need for an emotional support animal, federal regulations allow for a broad range of individuals to make the required verification of need including “*a physician, psychiatrist, social worker, or other mental health professional,*” and

WHEREAS, among other things, there is no requirement that the individual certifying the tenant's need for an emotional support animal have a bona fide relationship with the tenant, and

WHEREAS, the lack of greater specificity in this area of the regulations allows for abuse by individuals who do not legitimately require an assistance animal as they are able to obtain documentation on demand from online sources or others who may not have a bona fide professional relationship with the tenant, and

WHEREAS, such abuse not only imposes an unfair burden on landlords, but undermines the intent of the Act to help those truly in need of an emotional support animal.

NOW, THEREFORE, BE IT RESOLVED that the National Apartment Association strongly supports the rights of persons with disabilities to make reasonable accommodation requests so they may have equal opportunity to use and enjoy a dwelling.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the National Apartment Association urges the US Department of Housing and Urban Development to revise its regulations regarding emotional support animals or take other steps to mitigate potential abuse and ensure that the benefit of a reasonable accommodation applies to only those who legitimately need it.