



HUD Releases ESA (Emotional Support Animal) Guidance

On January 28, 2020, the U.S. Department of Housing and Urban Development (HUD) released new guidance to clarify the responsibilities of both rental housing providers and renters concerning reasonable accommodation requests for emotional support animals (ESAs) in housing. NAA staff has reviewed the guidance and is working with industry experts to update NAA's ESA products accordingly, including NAA's ESA Toolkit and NAAEI's ESA course. In light of the revised guidance, you are strongly advised to consult your legal counsel before taking any action regarding emotional support animal requests.

For four years, this has been a priority issue for NAA and we have been urging HUD to issue new guidance, so this clarity is welcome news that was urgently needed in the face of growing abuse. As rental housing operators know, in recent years there has been a significant increase in requests for emotional support animals from applicants and residents. The overwhelming number of accommodation requests for ESAs are to allow animals in no-pets buildings, grant exceptions to existing policies on prohibited breeds or weight restrictions or to avoid paying pet deposits or fees. This made it extremely difficult for owners and operators to parse out legitimate requests from illegitimate ones.

We hope this new federal guidance will help rental housing providers mitigate abuse, ensure better compliance with fair housing laws and continue to protect the rights of disabled persons to live with their service animals and emotional support animals. NAA will communicate the specifics of the guidance as soon as the analysis is complete.