



March 15, 2019

The Honorable Anna Maria Farias  
Assistant Secretary  
Office of Fair Housing and Equal Opportunity  
U.S. Department of Housing and Urban Development  
451 7th St SW  
Washington, DC 20141

Dear Assistant Secretary Farias,

On behalf of the members of the National Apartment Association (NAA) and the National Multifamily Housing Council (NMHC), thank you for meeting with the apartment industry to discuss reasonable accommodation requests for emotional support animals. For four years, we have urged HUD to issue new guidance as more clarity is urgently needed in the face of growing abuse of the law intended to protect the rights of disabled persons.

Abuse by those who do not legitimately require an emotional support animal is enabled by online sources and others who provide documentation for a fee on demand. These form letters are intended to generally fit the letter of the law but often do not reflect a bona fide therapeutic relationship with the requesting party. Such exploitation of the rules not only imposes an unfair burden on rental housing providers but undermines the intent of the Fair Housing Act. Moreover, it unfairly increases mistrust of anyone who requests an emotional support animal.<sup>1</sup>

In recent years, property owners have seen a significant increase in reasonable accommodation requests for emotional support animals. The overwhelming number of requests that housing providers receive 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. Under the current regulatory framework, it is often difficult for the average on-site staff person to parse out legitimate requests from illegitimate ones.

While data on emotional support animal requests is incomplete, in 2014 the New Yorker reported that, "...in 2011 the National Service Animal Registry [NSAR], a commercial enterprise that sells certificates, vests, and badges for helper animals, signed up twenty-four hundred emotional-support animals. [In 2013], it registered eleven thousand."<sup>2</sup> As of this writing, NSAR has registered 192,976 such animals.<sup>3</sup>

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<sup>1</sup> <https://www.chicagotribune.com/business/ct-biz-emotional-support-animals-20180211-story.html>

<sup>2</sup> <https://www.newyorker.com/magazine/2014/10/20/pets-allowed>

<sup>3</sup> <https://www.nsarco.com/database.html>

NSAR is part of an industry that increases misinformation within the general public about who should qualify for emotional support animals. These companies make a profit by taking advantage of consumers who do not know what is required as proof for the need for a reasonable accommodation. In addition to offering unnecessary certification and registration documents, NSAR and at least 20 other online providers that we know of often supply access to a mental health care provider who will provide the required attestation for a fee and with a money back guarantee. In short, these companies are less about helping disabled persons fully use and enjoy their housing and more about enabling bad actors to avoid pet restrictions and fees.

Federal guidance would add certainty and uniformity to a patchwork system of state requirements and help rental housing providers mitigate abuse and better comply with the law. State governments are not waiting for federal action to curtail abuse by bad actors. Thirty states have laws criminalizing the misrepresentation of oneself or an individual's animal for the purposes of obtaining a reasonable accommodation for a service or emotional support animal. Moreover, several of these laws make it a crime to offer documentation for the sole purpose of obtaining compensation and place additional restrictions on the process to evaluate requests.

As we have articulated to HUD previously, we urge the Department to consider the following as it moves forward with guidance in this area:

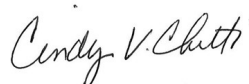
1. Require that reliable documentation must come from a third party that has or had a therapeutic relationship with the requester.
2. Affirm the right of housing providers to verify the authenticity of any submitted documentation.
3. Clarify that individuals requesting multiple support animals are required to show a separate and distinct disability-related need for each animal and that owners may consider the size of the unit to determine reasonableness of multiple animal requests.
4. Specify that the resident is liable for any damages or disruptions caused by the animal (including eviction for noncompliance with the lease), although assessments of deposits or fees for an assistance animal remain prohibited.
5. Include a safe harbor for housing providers that they should not be liable for personal injuries caused by an animal that was approved in good faith.

Finally, thank you for the update as to when the final guidance will be issued. If there is any change in the status of the guidance or we can serve as a resource, please let us know. In the meantime, please contact Nicole Upano, Director of Public Policy, NAA at [nupano@naahq.org](mailto:nupano@naahq.org) if you have any questions.

Sincerely,



Greg Brown  
SVP, Government Affairs  
National Apartment Association



Cindy Chetti  
SVP, Government Affairs  
National Multifamily Housing Council