



3255 Wilshire Blvd., Suite 902
Los Angeles, CA 90010
(213) 389-2077
For California Relay Service TTY: (800) 735-2929
www.mhas-la.org



***FAIR HOUSING:
IT'S THE LAW!***

A nonprofit organization protecting and advancing the legal rights of people with mental disabilities.

Fair Housing Tip of the Month

Tip #3 – Emotional Support Animals and Requests for “Pet Deposits”

LANDLORD: “I have a no pet policy because I think pets have the potential to require more cleaning after a tenant moves out. A tenant asked me to let him have an emotional support animal because of his disability. I know emotional support animals aren’t the same as regular pets, but I still have the same concern about cleaning. Am I allowed to ask for an additional deposit because of the emotional support animal?”

The law says: Allowing a tenant to have an emotional support animal despite a general “no pet” policy is a reasonable accommodation. A landlord cannot make a tenant pay a fee or deposit in order to have an emotional support animal. In fact, even landlords that allow tenants to have pets cannot impose pet deposits or fees on tenants who require service animals or emotional support animals, even if the landlord requires those of other residents. Refusing to allow a tenant to have an emotional support animal only because they will not pay an additional deposit would be a denial of a reasonable accommodation. Denial of a reasonable accommodation is housing discrimination. Landlords who require tenants to cover the costs of repair for damage, beyond normal wear and tear, are still allowed to ask a tenant with an emotional support animal to cover the costs of repair for any damage, beyond normal wear and tear, caused by that tenant or the tenant’s animal.

What to do: You should not ask for an additional deposit as a condition for granting the reasonable accommodation. You may still recover the costs of repairs for any damage, beyond normal wear and tear, caused by the tenant or the tenant’s animal, if it is your normal practice to recover those kinds of costs from all tenants. If the disability-related need is not apparent or known to you, you may request verification of the tenant’s disability-related need for the animal. You should not ask about the tenant’s specific diagnosis or to see their medical records. You must also keep their request for a reasonable accommodation confidential.

If a landlord denies an individual a reasonable accommodation, that individual may file a complaint with a local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or the U.S. Department of Housing and Urban Development (HUD).

To file a complaint with HUD, call 800-669-9777, or visit www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process

To file a complaint with DFEH, call 800-884-1684, or visit www.dfeh.ca.gov/complaint-process/file-a-complaint/

Fair housing laws prohibit discrimination in housing based on the following characteristics: Race, religion, national origin, color, sex, marital status*, ancestry*, familial status, disability, sexual orientation*, source of income.*

*Indicates a prohibited basis for discrimination in California, but not under federal law.

Disclaimer: The Fair Housing Tip of the Month is for educational purposes only and does not constitute legal advice. If you have a legal question, please contact MHAS, your local fair housing council or another attorney of your choice.

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