

Emotional Support Animals (ESA) Documentation Requirements

Under the Fair Housing Act, an individual with a disability may be entitled to keep an emotional support animal in housing facilities that otherwise do not allow pets. An emotional support animal — which can include animals other than dogs — must be permitted as a reasonable accommodation when an individual requires the animal in order to have an equal opportunity to use and enjoy the housing. The assistance the animal provides must relate to the individual's disability.

In order to expedite the processing of the request for accommodation for your ESA, please review the following items and provide them to our office.

Documents Needed

1. Please provide a letter from your licensed mental health professional (therapist, psychologist, psychiatrist) on his/her letterhead that states the person requesting accommodation for the ESA is under his/her care, is emotionally or psychiatrically disabled, and prescribes for the person an emotional support animal.

Under Pennsylvania's Assistance and Service Animal Integrity Act of 2018, the documentation provided must: a) be in writing, b) be reliable, c) be based on their direct knowledge of the person's disability or disability-related need for the emotional support animal, and, d) must describe the person's disability-related need for the emotional support animal.

An example letter is provided below for guidance should your care provide need assistance in drafting the letter.

2. Please fill out and sign the attached Animal Agreement.
3. Please Provide the following documents:
 - a. Spay/Neuter verification from the veterinarian who performed the operations.
 - b. Shot records showing the animal is up to date on shots.
 - c. Copy of rabies tag/documentation.
 - d. Copy of dog license registration from the municipality where the rental is located, if required by the municipality.
 - e. Color photograph(s) of the animal(s).

NOTICE - ASSISTANCE AND SERVICE ANIMAL INTEGRITY ACT OF 2018

Misrepresenting of Entitlement to Service Animal or Assistance Animal

Falsely representing that you have a disability or a disability-related need for a service, assistance, or emotional support animal in housing, or making false statements for the purpose of obtaining documentation for the use of a service, assistance, or emotional support animal in housing is a crime in Pennsylvania, punishable by up to one year of incarceration and a fine up to \$2,500.

Misrepresenting an Animal as a Service Animal or Assistance Animal

Intentionally creating a document falsely representing that an animal is a service, assistance, or emotional support animal for use in housing; or intentionally providing a document to another, falsely representing that an animal is a service, assistance, or emotional support animal for use in housing; or fitting an animal with a harness, collar, vest, or sign that falsely indicates or identifies an animal as a service, assistance, or emotional support animal for use in housing is a crime in Pennsylvania, punishable by a fine up to \$1,000.

Sample Letter from a Service Provider

<Professional's Letterhead>

[Date]

Name of Professional (therapist, physician, psychiatrist, rehabilitation counselor)
XXX Road
City, State, Zip

Dear [Housing Provider/Landlord]:

[Full Name of Tenant] is my patient, and has been under my care since [date]. I am intimately familiar with his/her disability. He/She meets the definition of disability under the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973.

Due to mental illness, [first name of patient] has certain limitations regarding [social interaction/coping with stress/anxiety, etc.]. In order to help alleviate these difficulties, and to enhance his/her ability to live independently and to fully use and enjoy the dwelling unit you own and/or administer, I am prescribing an emotional support animal that will assist [First Name of Patient] in coping with his/her disability.

I am familiar with the voluminous professional literature concerning the therapeutic benefits of emotional support animals for people with disabilities such as that experienced by [First Name of Patient]. Upon request, I will share citations to relevant studies, and would be happy to answer other questions you may have concerning my recommendation that [Full Name of Patient] have an emotional support animal. Should you have additional questions, please do not hesitate to contact me.

Sincerely,

Name of Professional
Signature Block

Emotional Support Animal Agreement (lease attachment)

If a violation of any of the following terms and conditions occurs, the Landlord/Management shall have the right to immediately cancel this agreement, and require Tenant to immediately remove the animal(s) from the premises. Cancellation of this Emotional Support Animal Agreement will not waive Tenant's responsibility for any damages.

Tenant(s) Name(s) _____

Rental Address _____

Tenant(s) agree(s) to comply with the following terms and conditions:

1. Only the specific emotional support animal(s) listed and described in this Animal Agreement are authorized within the rental (attach photo or photos).
2. Emotional support animal(s) will not cause: danger, damage, nuisance, noise, health hazard, nor soil the rental unit, premises, grounds, common areas, walks, parking areas, landscaping, lawn or gardens. Tenant agrees to clean up after the emotional support animal(s), and agrees to accept full responsibility and liability for any damage, injury or actions arising from, or cause by their emotional support animal(s).
3. Tenant(s) will comply with all applicable laws and animal regulations. Tenant(s) will register their emotional support animal(s) and immunize it/them in accordance with local laws and requirements, and will provide Landlord with proof of registration, licensing, and immunization. Tenant(s) will provide Landlord with documentation records showing that the emotional support animal(s) has/have been spayed or neutered (applies to all uncaged mammals).
4. Tenant warrants that the emotional support animal(s) is/are housebroken. Tenant warrants that the emotional support animal(s) has/have no history of causing physical harm to person or property, such as biting, scratching, chewing, etc, and further warrants that the emotional support animal(s) has/have no vicious history or tendencies.
5. The tenant(s) will observe the following regulations:

Dogs: Must be controlled at all times. Must be kept on a short leash while in common areas or on the grounds. Barking will not be tolerated. It is considered a nuisance to other tenants and/or neighbors.

Cats: Must remain indoors. Property disposal of cat litter (securely bagged) will be done on a frequent (daily) basis. Odors arising from cat litter will not be tolerated.

Birds: Birds must be properly caged. Seeds and droppings will be shielded or caught to prevent accumulation and/or damage to carpeting/floors.

Fish: No aquariums over ____ gallons. Aquarium must not leak, and will be cleaned regularly to prevent foul water and/or odors.

Other Animals Types or Terms: _____

Animal Description:

Kind	Type or Breed	Color	Name	Age	Weight
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Date: _____

Tenant(s): (signing jointly and severally)

Signature

Signature

Signature

Signature

Landlord/Management

Name of Landlord

Authorized Signature

NEW PENNSYLVANIA LAW REGULATING SERVICE AND ASSISTANCE ANIMALS

ACT 118 - THE ASSISTANCE AND SERVICE ANIMAL INTEGRITY ACT OF 2018

Under the Americans with Disabilities Act and other federal and state laws, regardless of any policy prohibiting pets or other animals in their rental property, landlords are nonetheless required to permit Service Animals and Assistance Animals in their rental units, as a reasonable accommodation to tenants having a physical or mental disability for which the animal provides a service or support. No additional charge, or deposit may be required for such animals.

Recently, a number of online web sites have come into being which provide "documentation" for the need of such animals to anyone who pays a fee. The documentation may even be issued under the name of a licensed medical provider or psychologist, but it is not based on any actual direct knowledge of the patient's disability or their disability-related need for the animal. Many have used these sites to make fraudulent claims of a disability-related or emotionally-related need for Service or Assistance Animals, simply to violate their landlord's policies prohibiting pets or requiring additional rent or damage deposits for pets.

To help curb this abuse, Pennsylvania now has a new law designed to protect landlords from tenants who falsely claim the need for Service Animals, or other Assistance Animals, such as for Emotional Support.

ACT 118 - Assistance and Service Animal and Integrity Act of 2018

This new Pennsylvania law became effective December 25, 2018.

The ACT provides that:

1. Landlords may require documentation of a tenant's disability and their disability-related need for a service or assistance animal, but only if the disability or disability-related need is not readily apparent or known to the landlord.
2. Any such documentation must a) be in writing, b) be reliable, c) be based on direct knowledge of the person's disability and disability-related need for the service or assistance animal, d) describe the person's disability-related need for the service or assistance animal.
3. Landlords shall not be liable for injuries caused by Service Animals or Assistance Animals permitted by the landlord as a reasonable accommodation for those having a disability-related need for such animals.

ACT 118 also creates two new crimes designed to punish those who try to abuse the laws to violate landlord no-pet policies:

Misrepresentation of Entitlement to Assistance Animal or Service Animal

a) Falsely representing that they have a disability or a disability-related need for a service or assistance animal in housing; or b) making materially false statements for the purpose of obtaining documentation for the use of a service or assistance animal in housing.

This crime is a 3rd degree misdemeanor, punishable by up to one year of incarceration and no more than \$2,500 in fines.

Misrepresentation of an Animal as an Assistance Animal or Service Animal

a) Intentionally creating a document misrepresenting an animal as an assistance or service animal for use in housing; or b) intentionally providing a document to another, falsely stating that an animal is an assistance or service animal for use in housing; or c) intentionally fitting an animal that is not an assistance or service animal with a harness, collar, vest, or sign that indicates is an assistance or service animal for use in housing.

This crime is a summary offense, punishable by a fine not to exceed \$1,000.

A copy of the ACT can be obtained at <https://tinyurl.com/y6jatdyj>