EMOTIONAL SUPPORT ANIMAL REJECTION BY LANDLORD RESULTS IN $15,000 SETTLEMENT



A Syracuse, New York landlord refused to allow a tenant to keep an emotional support animal in her apartment. The tenant advised the landlord orally and in writing that she was mentally ill and that the animal was medically necessary. The tenant also provided documentation from a health care provider that confirmed her assertion. Nevertheless, the landlord demanded the tenant remove the dog from the premises as there was a no pet policy in place.

The tenant contacted the U.S. Department of Housing and Urban Development for assistance. They investigated and determined that the landlord had indeed violated the Fair Housing Act. In particular, the landlord failed to follow the 1968 law that prohibits denying housing based on a tenant’s disability. The law states that landlords must make reasonable accommodations for tenants with medical conditions. This includes mental health issues. Allowing tenants with mental health issues to have emotional support animals has been determined to be within the bounds of a reasonable accommodation. However, it is not required that a landlord allow an emotional support animal that has proven it is aggressive or dangerous to others.

In order to avoid trial, the landlord agreed to settle the matter by paying the tenant $15,000. As part of the agreement, the landlord must attend Fair Housing training now, again in the future, and is subject to regular Fair Housing audits by H.U.D. Their pet policy also had to change to allow properly documented emotional support animals. H.U.D. General Counsel, J. Paul Compton, Jr. summarized, “This agreement highlights the importance of landlords following the law and making reasonable accommodations to their pet policies for tenants with disabilities.”

Discrimination based on disability, race, religion, sex and family status is also illegal. A Louisiana landlord was recently found to have violated the law by posting a “NO TEENAGERS PLEASE” line within his rental unit advertisement on Craigslist. And you would have thought we all could at least agree that no one wants teenagers around.

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