



Assistance Animals: Emotional Support Animals

People with disabilities may use assistance animals for help. Assistance animals support the disability-related needs of their owners.

This fact sheet provides information about when reasonable accommodations must be provided to **emotional support animals**. You can read about **service animals** [here](#).

What is an emotional support animal?

An emotional support animal is an animal that provides therapeutic emotional support to a person with a disability.

Are emotional support animals different from service animals?

Yes; emotional support animals differ from service animals in a few important ways. First, while service animals must be dogs (or, in limited circumstances, miniature horses), emotional support animals do not have to be a particular species. Second, while service animals are trained to perform disability-related tasks for their handler, emotional support animals do not need to be trained. Third, and because of the higher standard for service animals, service animals must be granted access to places of public

Equity Through Advocacy

The Protection and Advocacy System for the State of Indiana

accommodation and public programs, while emotional support animal access is limited to the owner's residence.

Can any animal be an emotional support animal?

Potentially. Remember that an emotional support animal must provide its owner with a disability-related therapeutic benefit. For that reason, common emotional support animals include dogs, cats, small birds, rabbits, hamsters, gerbils, guinea pigs, other rodents, fish, turtles, and other domesticated animals.

Housing providers may also lawfully refuse access to an assistance animal that poses a direct threat. Denial due to a direct threat must be based on information about the specific assistance animal, rather than stereotypes or assumptions about its species or breed. The housing provider must also consider whether there are ways the assistance animal's owner can reduce or minimize the threat, such as by keeping the animal in a secure enclosure, before denying it access.

What are the laws about emotional support animals?

The main federal law about emotional support animals is the Fair Housing Act (FHA). The FHA, in part, allows people with disabilities to ask their housing provider to make reasonable accommodations to its rules and policies. The FHA requires housing providers to allow emotional support animals that are necessary for a resident with disabilities to use and enjoy their housing.

Indiana law generally echoes the FHA regarding emotional support animals.

How do I talk to my housing provider about my emotional support animal?

Because the need for an emotional support animal may not be obvious, owners should request a reasonable accommodation from their housing provider. Fortunately, there are no specific words that must be used; you can ask for an accommodation in the way that works best for you. IDR recommends making the request in writing, such as through email, to create a record. Download IDR's [Housing Reasonable Accommodation Template](#) for a sample request.

A housing provider may respond to a request by asking for verification that the person has a disability, as defined by the FHA, and needs an emotional support animal. In general, verification should come from a medical provider who has recently seen or treated the person with a disability.

What happens after a reasonable accommodation is requested?

The FHA does not set a specific time by which a housing provider must respond to a request for reasonable accommodation. Instead, a housing provider must respond within a reasonable amount of time. Not responding to a reasonable accommodation request within a reasonable period may be considered an accommodation denial.

If a housing provider believes a requested accommodation is unreasonable, it should talk to the person with a disability about whether an alternative option could meet their needs. If a reasonable and effective alternative exists, it must generally be

granted. This collaborative discussion about accommodations is often called “the interactive process.”

Can a housing provider make a resident with an emotional support animal follow extra rules?

Housing providers can require people with disabilities to prove that their assistance animal has been vaccinated, if required by state or local law. Housing providers can also generally require that assistance animals be leashed in common areas and cleaned up after by their owner. If needed and reasonable, additional reasonable accommodations can be requested regarding these responsibilities. For example, if a person with severe anxiety, major depression, and degenerative disc disorder cannot physically bend over to bag their emotional support dog’s waste, the person may request the reasonable accommodation of having a specific patch of property where the dog can toilet without cleanup. Alternatively, the housing provider might allow the person extra time to return home and have their able-bodied child or other assistant clean up after the dog.

Otherwise, housing providers generally cannot impose pet-related rules on assistance animals. For example, limits on size and breed do not apply to assistance animals. A deposit, increased rent, or other related fees cannot be charged to assistance animals, unless the housing provider is seeking funds to repair actual damage caused by the animal.

What if an emotional support animal is denied access by a housing provider?

If your emotional support animal is denied access by your housing provider, you may call IDR at 317-722-5555 or 800-622-4845.

You may also contact us at:

<https://in.accessgov.com/idr/Forms/Page/idr/for-help-fill-this-out/0>.

More Resources

- [United States Department of Justice, *ADA Requirements: Service Animals*](#)
- [Joint Statement of the Department of Housing and Urban Development and the Department of Justice, *Reasonable Accommodations Under the Fair Housing Act*](#)
- [Department of Housing and Urban Development, *Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act*](#)
- [Fair Housing Center of Central Indiana, *Guide to Requests for Reasonable Accommodations Related to Animals Needed for Those with Disabilities*](#)

Last Updated: September 2024