

Meet my Certified Emotional Support Animal "Lucky"



By now most property owners and managers are familiar with the term service animal or guide dog. We also know that service animals are the exception to your "no pet" policy.

According to California Penal Code 30850, assistance dogs must have an assistance dog identification tag verifying that the animal has been properly trained as a guide, signal or service dog. Tags may be applied for at the county clerk's office or at the animal control department. The law further states that identification tags must be returned after the death or retirement of an assistance dog.*

Service animals are trained to assist individuals who have a physical disability. In recent years the medical profession has determined there are therapeutic benefits to patients who are mentally or emotionally impaired. This need has brought about the introduction of the emotional support animal (ESA). Other terms more often used to describe an emotional support animal are companion, comfort or therapy animal.

ESA animals are also the exception to your no pet policy. Unfortunately, many tenants have viewed this as an opportunity to bypass your policy by claiming their animal is for emotional support.

Here is what you need to know.

Most landlords, managers and business owners are not aware of what actually constitutes a therapy animal. Countless pet owners have turned to the internet to find registries or certifications for their pets so they can sidestep the no pets sign on your property. Landlords are hesitant to deny a prospect in possession of a certificate & photo ID dog (or cat) tag from the National Service Animal Registry. But unlike a service animal, an ESA animal requires no special training or certification.

A landlord may request documentation from a physician or professional** stating the individual making the request does indeed require an ESA. The physician does not have to state the disability, nor can you ask what it is.

The ESA isn't required to perform a specific task for the mental or emotional disability; therefore the ESA does not have to be a dog. Since the purpose of the ESA is to provide emotional comfort to its owner, it can be another type of animal such as a cat or a rabbit.

What if the animal owner wants an animal that is not acceptable to you, such as a python or a pit bull? You can contact the physician and ask if another type of animal could serve the purpose of emotional support. Most physicians are not going to go so far as to say their patient can only be comforted by a pit bull. It's important to know that you can deny certain animals or breeds with the consent of the physician. When I asked Russ Castle, Castle Insurance, how certain breeds could affect the property owner's insurance coverage, he said "Pit Bull, Rottweiler, Chow, Akita, Jindo, Staffordshire Terrier & Presa Canario are usually an issue with preferred insurance companies. Dogs that are over 25lbs in apartments and 50lbs in properties with yards are an issue as well. They will cancel the policy if either of these items is present. The weight is subject to how much over and the age and type of breed".

Meet my Certified Emotional Support Animal, Lucky.

Out of curiosity I went on one of the registry websites and registered my little schnauzer, Lucky. I expected it to be more difficult. There were no questions about why I needed Lucky, and no request for verification from a physician or professional. I did have to sign (click the box) a disclaimer swearing I was indeed in need of my ESA. I provided a photo of the dog, paid my \$64.95, and that was it. I now possess a certificate from the National Service Animal Registry (NSAR) and a dog tag with little Lucky's photo. Anyone can do it. It's clear how the certificate could be intimidating if you

were not aware these registries, that require no documentation, exist. The certificate states that "the emotional support has been formally prescribed" even though no verification of a prescription was requested.

When running a rental ad it's not unusual to receive a call from a prospect stating they have a registered therapy animal. My response is the same to all who make this claim, "Therapy animals don't have to be registered; therefore I won't ask to see the certificate for your animal. I will, however, request that you provide a letter from your physician or professional stating that you require a therapy animal". I have not had one prospect call back. This leads me to believe that their therapy animal was registered and certified via the internet.

Sandy Adams
President, Rental Housing Network