

[Date]

[Landlord's Name]

[Landlord's Address]

Re: Reasonable Accommodation Request for Emotional Support Animal

Dear [Landlord],

This letter is a formal request for an exception to the building's no-animals policy as a reasonable accommodation for my disability. I need an exception to the building's no-animals policy so that I can keep a [dog/cat/other species of animal] as an emotional support animal (ESA).

I am a person with a disability and need an ESA to alleviate the symptoms of my disability. [Explain how an ESA helps you with your disability. You do not need to disclose a specific condition or diagnosis, but you should explain how the ESA will help you. For example, an ESA may help a tenant manage their anxiety or depression by making them feel calm, safe, and comforted. Or, an ESA can help a tenant stay focused by providing structure to their daily routine.]

My ESA is especially necessary during COVID-19. Many people are currently experiencing stress, fear, worry, and anxiety related to the outbreak.<sup>1</sup> Individuals with mental health disabilities are at an increased risk of stress due to COVID-19, which could aggravate their disabilities. [If helpful, provide examples of how COVID-19 is affecting and aggravating your disability]. ESAs can help people cope with the social isolation caused by shelter-in-place orders. So, it is crucial that I be allowed to keep an ESA in my home.

As a housing provider that operates multi-family housing, you are subject to the Federal Fair Housing Act (FHAA), and the California Fair Employment and Housing Act. Both federal and state fair housing laws make it unlawful for a housing provider to discriminate against people with disabilities.<sup>2</sup> The FHAA requires housing providers to "make reasonable accommodations in

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<sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html>

<sup>2</sup> See 42 U.S.C. § 3604; Cal. Gov't Code §§ 12927, 12955.

rules, policies, practices, or services” in order to grant a person with disabilities “equal opportunity to use and enjoy a dwelling.”<sup>3</sup> Specifically, the FHAA “imposes an affirmative duty upon landlords reasonably to accommodate the needs of [people with disabilities],’ not only with regard to the physical accommodations” but also with regard to the “administrative policies governing rentals,” such as policies governing pets in rental properties.<sup>4</sup>

In granting a reasonable accommodation request, housing providers “[c]annot charge a fee or require an additional deposit or financial contribution as a condition of receiving, processing, or granting a reasonable accommodation.”<sup>5</sup> Nor can housing providers require tenants to pay “[a]ny pet fee, additional rent, or other additional fee, including additional security deposit or liability insurance” in connection with an ESA.<sup>6</sup> “No breed, size, and weight limitations may be applied...” to an ESA either.<sup>7</sup>

In conclusion, I request an exception to the building’s no-animal policy as a reasonable accommodation for my disability so that I can keep an ESA. You can reach me at [contact information]. Due to the time-sensitive nature of the situation, I request a response from you within a week. Please be aware that an undue delay in responding to a reasonable accommodation request may be construed as a denial. A landlord’s failure to grant a reasonable accommodation request may be used as an affirmative defense in an unlawful detainer.

Sincerely,  
[Name]

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<sup>3</sup> 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204(a); *Giebeler v. M & B Assocs.*, 343 F.3d 1143, 1146 (9th Cir. 2003).

<sup>4</sup> *Giebeler*, 343 F.3d at 1146-1147; *Auburn Woods I Homeowners Assn. v. Fair Employment & Hous. Com.*, 121 Cal. App. 4th 1578, 1593 (2004) (“But it is clear that...allowing a pet despite a no-pets policy may constitute a reasonable accommodation.”).

<sup>5</sup> Cal. Code Regs. tit. 2, § 12180; See also *Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act*, p. 9, n. 11 (May 17, 2004) (“Housing providers may not require persons with disabilities to pay extra fees or deposits as a condition of receiving a reasonable accommodation.”)

<sup>6</sup> Cal. Code Regs. tit. 2, § 12185(d)(2).

<sup>7</sup> Cal. Code Regs. tit. 2, § 12185(d)(5).