

PET vs. EMOTIONAL SUPPORT ANIMAL vs. SERVICE ANIMAL

Property Management Quick Reference — ADA & Fair Housing

IMPORTANT: The ADA primarily governs public accommodations, not ordinary residential housing. For rental housing, the Fair Housing Act (FHA) and applicable state/local law generally govern assistance-animal accommodation requests. The distinctions below are intended as a practical property-management reference.

	PET	EMOTIONAL SUPPORT ANIMAL (ESA)	SERVICE ANIMAL
Purpose	Companion animal. No disability-related function is required.	Provides emotional support/therapeutic benefit related to a person's disability.	Individually trained to perform work or tasks for a person with a disability.
ADA status	Not a service animal.	Not a service animal under the ADA merely because it provides comfort.	Generally a dog; a miniature horse may have separate ADA protections in appropriate circumstances.
Housing status	Subject to the property's normal pet policy.	May qualify as an assistance animal and require a reasonable accommodation under the FHA.	May qualify as an assistance animal and require a reasonable accommodation under the FHA.
Pet fees/deposits	Normal lawful pet fees/deposits may apply.	No pet fee/deposit may be charged solely because of the approved assistance animal.	No pet fee/deposit may be charged solely because of the approved assistance animal.

WHAT PROPERTY MANAGEMENT MAY ASK FOR

- **Ordinary PET:** Apply the normal pet policy consistently. You may request the information normally required for a pet (for example, animal type, vaccination/licensing information, and compliance with applicable pet rules).
- **SERVICE ANIMAL — ADA/public-access standard:** If the animal's service function is not obvious, only two questions are permitted: (1) Is the animal required because of a disability? (2) What work or task has the animal been trained to perform? Do NOT ask for the person's diagnosis, require medical records, require certification/registration, or require the animal to demonstrate the task.
- **ESA / ASSISTANCE ANIMAL — HOUSING:** If the disability-related need is not obvious or already known, a housing provider may request reliable information reasonably necessary to establish (1) that the person has a disability and (2) that the animal is needed because of that disability. A healthcare-professional statement may be appropriate. The provider should not demand the person's diagnosis, detailed medical records, or a specific government certification.

DOCUMENTATION: WHAT TO ACCEPT / WHAT NOT TO DEMAND

GENERALLY APPROPRIATE

A reasonable accommodation request from the resident/applicant.
For a non-obvious housing accommodation: reliable information from a healthcare professional with personal knowledge confirming disability-related need for the animal.
Information reasonably necessary to evaluate the accommodation under the FHA.
Legitimate animal-related rules that apply to the property and do not discriminate against a person with a disability.

DO NOT REQUIRE

Service-animal certification, registration, vest, ID card, or training certificate.
A specific diagnosis, complete medical records, or a medical release allowing access to unrelated medical information.
A notarized statement, statement under penalty of perjury, or a specific form when the law does not require one.
Pet rent, pet deposits, or pet fees solely because the animal is an approved assistance animal.

RED FLAGS FOR PROPERTY MANAGEMENT

Do not rely solely on an internet-purchased ESA certificate, registration, ID card, or vest as proof. HUD guidance states that documentation from websites selling certificates/registrations is generally not sufficient by itself to reliably establish a non-obvious disability or disability-related need. Legitimate healthcare professionals may provide reliable documentation, including through legitimate telehealth relationships.

BOTTOM LINE A pet is governed by the pet policy. An assistance animal is not treated as a pet when a reasonable accommodation is required. For residential housing, use the FHA accommodation process rather than applying the ADA public-access two-question rule as the entire housing analysis.

Sources: U.S. Department of Justice — ADA Service Animal Guidance; U.S. Department of Housing and Urban Development — Assistance Animals Notice/Guidance.