



# THE ULTIMATE ESA

+ Survival Guide

Live a  
Hassle-Free  
Lifestyle  
with your

**EMOTIONAL SUPPORT ANIMAL**



**How to fight for your rights and more!**

Learn the laws that apply to your landlord and airlines.  
Discover the steps needed to qualify for an ESA.

**Understand the federal laws surrounding emotional support animals.**

# CONTENTS

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- 1. INTRODUCTION**
- 2. WHAT IS AN ESA?**
- 3. ESA FEDERAL LAWS**
- 4. HOUSING**
- 5. TRAVEL**
- 6. ESA LETTER**
- 7. EXTRAS**
- 8. DISCLAIMER**

# INTRODUCTION

Thank you for registering your ESA (*emotional support animal*) and best friend with ESA Registration of America. Our team of ESA advocates created this helpful handbook to get you up to date on all things ESA related. We receive hundreds of questions daily so what better way to condense everything into this handy guidebook just for you and those who are unfamiliar with ESA laws. Our organization was formed to keep you informed of your ESA rights.

Since our inception we have helped eliminate thousands of conflicts for our members. After reading this guide you will have a better understanding of the laws protecting ESA's, the steps needed to make your ESA official, and the tools needed to educate others about emotional support animals.

Let's dive right in and get started with the basics!



# What is an ESA?



An emotional support animal is a companion animal that a medical professional has determined provides benefit for an individual with a disability. ESA's are mostly dogs but can vary from cats, rabbits, birds, to even certain reptiles. They may be used by people with a range of physical, psychiatric, or intellectual disabilities.

Most people often confuse an ESA with a Service Animal, however it's important to note the difference in both. A service animal can only be a dog or miniature horse that is trained either by you or a professional to perform tasks for the benefit of an individual with a disability, including a physical, psychiatric, sensory, intellectual, or other mental disability. Service animals do not need a written recommendation from a licensed mental health professional.

To be prescribed an ESA, the person seeking such an animal must have a verifiable disability. To be afforded protection under United States federal law, a person must fall under the federal definition of a disability and must have a note from a physician or other medical professional stating that the person has that disability and that the ESA provides a benefit for the individual with the disability.

In the next segment, we will focus on the laws covering an ESA.

# ESA FEDERAL LAWS

In the U.S., federal protection against housing discrimination is afforded to mentally disabled persons under two federal statutes: **Section 504 of the Rehabilitation Act of 1973** and the **Federal Fair Housing Amendments Act (FHAA)** of 1988.

These statutes, and the corresponding case law, create the general rule that a landlord cannot discriminate against disabled persons in housing, and if a reasonable accommodation will enable a disabled person to equally enjoy and use the rental unit, the landlord must provide the accommodation. Persons with disabilities may request a reasonable accommodation, such as a waiver of a “no pets policy”, for any assistance animal, including an emotional support animal, under both the FHAA and Section 504.

In January 2021, the Department of Transportation (DOT) revised the definition of a service animal under the **Air Carrier Access Act**. Emotional support animals are no longer protected by this designation under this new ruling. Still, the DOT has left their ruling up to airlines themselves whether they would allow emotional support animals to fly on a plane free of charge. We recommend you reach out directly to the airline before purchasing an ESA letter.

\*It is important to note that ESA's are not covered under the **American's with Disabilities Act** as they are not under the same class as service animals. This means that ESA laws do not apply to private businesses such as grocery stores or hotels. \*

# HOUSING

Many landlords have “no pets” policies for their rental properties, and many landlords that allow pets impose restrictions on the type and size of pets that tenants can bring into the rental property. Many landlords are reluctant to waive their pet policies and restrictions, even when requested by a tenant who is requesting accommodation of a mental or emotional disability.

Under the Fair Housing Act the owner of the building/home cannot charge you any extra fees for the ESA, but the animal will still be expected to behave in an orderly fashion and not be a nuisance to any of the tenants.

Below are some exemptions from the Fair Housing Act.

- If the owner-occupied building has 4 or fewer rental units then they are exempt from the federal Fair Housing Act.
- If a tenant’s ESA compromises the safety of other tenants or their property.
- If the tenant becomes unable to care for the animal.
- Failure to follow any other lease requirements or having an unsanitary environment.
- When an animal is too big for the accommodation such as a horse or llama.

One other common question that is always asked is “How many ESA’s can one person have? Well, the law isn’t really clear on that particular issue. Most mental health doctors only feel comfortable prescribing a max of 2 pets per client. It is not necessary to have 5 ESA’s in let’s say a studio apartment.

Please consult with your mental health doctor and landlord for more information on this particular circumstance.



## **University Housing**

On April 25, 2013, the U.S. Department of Housing and Urban Development sent notice to its regional offices that public universities are required to comply with the Fair Housing Act, which includes allowing emotional support animals into college dormitories and residence halls.

## **Reasonable Accommodation Forms**

Some apartment managers require an additional form, that they provide, that must be filled out by your therapist. The therapist that ESA Registration of America work with can assist in getting those forms filled out\*.



*\*There is a separate fee for the reasonable accommodation service. Please consult with one of our representatives for further information.*

# Travel

## 2021 Update

In December 2020, the U.S. Department of Transportation (DOT) offered new upcoming guidance on changes made to the classification of Emotional Support Animals which went into effect in January 2021. Under the DOT's new rules airlines are no longer required to recognize emotional support animals as service animals. It allows airlines, for the first time, to recognize emotional support animals (ESA's) as pets. In short ESA's are no longer a protected class of animal in the US with regards to flying. However, the DOT did note that airlines may choose to continue to transport emotional support animals without charge at their discretion. Since airlines are constantly adopting new rules, ESA Registration recommends you contact your airline directly to determine if ESA's are allowed on the flight free of charge.

The information below applies to airlines that do allow ESA's to travel free of charge.

# TRAVEL (cont'd)

Emotional support animals may travel with you on an airline without any additional fees if you have an ESA Travel letter and if the airlines specifically have ESA policies in place. It is important to note that not all airlines have the same policy when it comes to an ESA. Airline policies are always changing so it's important to view their policy every time you plan on traveling. Like with housing, most airlines will require the reasonable accommodation form.

All airlines require your pet to be properly trained, behaved, and bathed/groomed before flying. Failure to oblige will result in your ESA not allowed on the flight.

Flying International? Please consult with the airline before booking and with the destination countries laws on bringing animals. Most will require that your pet have up to date vaccinations, and some may impose a fee. Remember ESA's are only covered under US federal law so we must respect other nations laws and procedures when it comes to traveling with your pet.

*\*ESA Registration of America's reasonable accommodation form service subject to change at any time due to airline policy changes.*

# Travel(cont'd)

Although it's not required by law, airlines now ask that you have identifying patches, a vest on your animal (or its cage, if it's kept in one), and a service-type leash.

Since ESA's vary from a wide range of species you will have to check with the airline to see what is allowed on board. There will be restrictions as to what kind of animal you can bring. Most do not allow reptiles or exotic pets.

Your pet can also be stressed to when flying for the first time so make sure you are well prepared. Some tips below.

- Make sure your animal has gone to the bathroom before the flight.
- Do not let your animal eat before the flight. It is important to have an 8-hour gap period from the flight time.
- Have a bag of small treats handy.
- Have all proper documentation! (*ESA letters for travel must be renewed annually*).

These are just the basics of traveling and what you need however if you have more questions calling the airline will be the best option to get you all the information you need for traveling with your ESA.

# ESA LETTER

Now that you are familiar with all the rules and basics of having an ESA you will need the most important document of them all, the **ESA Letter**. This letter can be written by any licensed mental health professional. Licensed mental health professionals include psychiatrists, psychologists, licensed clinical social workers, and licensed therapists. If you do not have access to one, then we here at ESA Registration of America have contracted our own network of therapists who are readily available to evaluate you. We offer either a Travel Letter or a Housing letter to suit your needs.

This is what your ESA letter will include

- Mental health professional's letterhead and signature, as well as date of issuance.
- Mental health professional's license type, date of license, license number, and the state that issued the license.
- Acknowledgement that you have been evaluated by the licensed therapist for a mental health condition listed in the Diagnostic and Statistical Manual of Mental Disorders.
- Confirmation that the condition is significantly affecting your daily activities and that an emotional support animal is a vital part of your life.
- Description of how the animal will help the condition.
- Prescription for an ESA.
- Your name and details about your pet (type, breed, name, etc.)

# ESA LETTER (cont'd)

If you are already in therapy for a mental condition, ask your therapist for a letter. They will decide whether a pet can really help in your recovery.



# EXTRAS

Below are a list of links and numbers if you ever need to file a complaint or gather more information about ESA's. Thank you for reading this book and we hope that you learned a lot throughout this journey.

1. <https://www.esaregistration.org/>
2. <https://www.servicedogregistration.org/>
3. <https://www.justice.gov/crt/fair-housing-act-1>
4. <https://www.justice.gov/crt/how-file-complaint>
5. <https://www.transportation.gov/airconsumer/passengers-disabilities>

ESA Registration of America Contact Number – **888-316-0855**

Fair Housing Act Complaint Hotline – **1-800-896-7743**

# DISCLAIMER

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