



Emotional Support Animals

December 20, 2021

An emotional support animal is an animal that provides emotional support, well-being, comfort, or companionship to an individual with a disability. Emotional support animals are often prescribed by a doctor as part of therapy or treatment. Having an animal nearby can help lift depression, calm anxiety, and provide comfort to someone who is physically ill.

An emotional support animal is not specially trained and does not perform any special jobs for people with disabilities. It just helps by being there. Emotional support animals are not limited to dogs.

- **Are emotional support animals covered under the ADA?**

No. Under Americans with Disabilities Act (ADA) regulations that became effective on March 15, 2011, there are no protections for emotional support animals in terms of access to public accommodations and public entities. The Department of Justice has stated that emotional support animals are not protected as service animals under these regulations. In other words, an emotional support animal is not required to be allowed in a business with a no-pet policy.

- **Can my emotional support animal live in my apartment if there is a no-pet policy?**

Yes. Most housing is covered under the Fair Housing Act (FHA) which has different rules than the ADA. Under the FHA, landlords and homeowners' associations must make reasonable accommodations for people with disabilities. The obligation to make reasonable accommodation includes a requirement that housing providers make exceptions to no-pets policies to permit persons with disabilities to use and live with either a service or emotional support animal.

- **Can I bring my emotional support animal on the plane?**

As of January 11, 2021, the Department of Transportation revised the Air Carrier Access Act regulations and there are no longer special protections to fly with an Emotional Support Animal. They will now be considered the same as pets by the airline. For further detail, see our publication *Air Travel with Assistance Animals*.

Provided by the **Disability Law Center of Alaska**

www.dlcak.org Toll Free, Statewide (800) 478-1234

All laws are subject to change by legislation and by court decisions. The information is not intended to be legal advice. It is a Public Education resource. Readers should use this guide for information, and then ask questions about their own individual needs.