



Tightening the Leash on Emotional Support Animal Certificates

Florida's new law sheds light on eligibility for housing with an emotional support animal.

BY TESS RAINES

The Florida Statutes warn that it's unlawful to discriminate against someone looking to buy or lease based on their disability and subsequent need for an emotional support animal (ESA).

While the statute harbors the best intentions, it is also vague, and has long confused housing providers and REALTORS® on what exactly constitutes a person's eligibility for an ESA. This omission has proven even more problematic in that many buyers or tenants have obtained an unofficial ESA certificate online as a way to bypass any pet restrictions in the sale or lease of a home.

To the relief of harried REALTORS® and housing providers throughout the state, the Florida Legislature passed State Bill 1084 earlier this summer, which clarifies what documentation is needed to constitute official ESA eligibility, as well as what information a housing provider can request of the person claiming disability.

This means that the days of invalid online ESA certifications are no more. "This law completely tightened up the registration process and who can give those types of certificates out," says PJ Smith, NABOR®'s 2020 RPAC committee chair and 2020 member of the NABOR®'s board of directors.

"The Florida Statute changes clarified some of the allowable documentation for verifying an ESA," says real estate instructor Cynthia DeLuca, who counts ESA certification among her areas of expertise. "The changes

will hopefully lessen the amount of fraudulent or fake emotional support animals, leading to more people who have the real need for an ESA to be enabled to provide thorough documentation required."

According to the new law, housing providers are allowed to ask for information that supports the disability, if the disability isn't apparent. The person may provide any federal proof of disability or receipt of disability services from the government; proof of eligibility for housing assistance; or documentation from a doctor or qualified health-care provider.

Likewise, housing providers may also ask for documentation supporting the need for the animal itself. Proof from a licensed health practitioner clearing the person's need for the animal's assistance or therapeutic emotional support would be sufficient.

The housing provider cannot charge the buyer or tenant an extra pet fee or deposit for the animal. However, the buyer or tenant must be able to show proof of the animal's vaccinations upon request, and that person is responsible for any property damage the animal carries out.

While the law adds extra steps to the buying or leasing process for anyone with an ESA, it also ensures that those abusing the system with online certificates are no longer receiving the accommodations that people with an ESA rely on.