

DOCUMENTATION FOR ESA REQUESTS ON CAMPUS

GATHERING INFORMATION IN SUPPORT OF REQUESTS FOR ESAs

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ATTACHED:

REQUEST FOR INFORMATION Re: Emotional Support Animal (WORD)

REQUEST FOR INFORMATION Re: Emotional Support Animal (pdf)

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Foreword... And Some Important Caveats

The information contained in this packet is a compilation of materials that may be useful to folks working in the area of disability and higher education. It is specifically focused on the issues of students with disabilities in the college setting, and thus doesn't deal with employees, privately-owned housing, the Air Carriers Access Act, and so on. There may be utility for some of this information to other sectors, but you'll have to extrapolate on your own. We are discussing **ONLY** the issues that surround students with disabilities in higher education, including Section 504, the ADA (Titles II and III), and the FHAA/HUD guidance regarding emotional support animals (updated to include the guidance released 1/28/2020).

This packet doesn't purport to tell you everything you need to know about emotional support animal (ESA) issues. It deals with some specific concerns that seem to arise regularly on campuses these days, and that have created particular problems for disability service providers and residence life folks. The information provided to you here focuses on the issues surrounding approval for ESAs. This has nothing directly to do with management of ESAs on campus, policies, rules, where the animals get to go, what happens when the student wants to take them out of the residence hall, or any of the rest. This is **JUST** about the process of documentation received and requested in conjunction with requests to have ESAs in residence, in campus housing.

A TOOL, NOT A WEAPON

It is **NOT** the intent of this packet of information, or the suggested course of action, to cut down or limit the number of students who get approved for an ESA in their campus residence. While the idea of ESAs in the residence hall is a new (and sometimes, not very comfortable) concept for those of us in higher education, it doesn't mean that the idea, itself, is just trendy and will, or should, go away soon. The positive effects of pet therapy have been known for many years. This is a logical extension of that idea.

If you hope that by expanding your request for information to document a need for an ESA, *you'll be able to say "no" more easily or more often* to requests for ESAs, then you are approaching all this with the **WRONG** intent. Instead, I would suggest that if you expand the information you request, *you may have to say "no" more frequently*. There is no suggestion here that ESAs are inappropriate to the college campus, or that all students who request an ESA are trying to scam the system. The purpose of ESAs is not always well understood by the "lay" public, and they may be requesting an ESA for the wrong reason. Students may also believe that the bogus certification/letters that can be had for a price (what is referred to here as "letters-for-hire") are legitimate and appropriate. They don't know the difference – we do! Don't fall into the trap of being skeptical of the student, even if you are skeptical of the paperwork they submit.

Even as this tool is made available for your use, please recognize that there is a very real chance that it could be misused. PLEASE DON'T DO THAT!

A WORD OF CAUTION...

I am **NOT** an attorney. This is **NOT** legal advice.

Following the path suggested in this packet is not for the faint of heart.

* If your administration or legal counsel ask, "How do we know that the student won't file a complaint if we do this?" the answer is that you DON'T know that -- and if that is what worries them most, you should just accept what documentation is provided and move on.

*If your administration or legal counsel ask, "Where does it say we can ask these questions, in this way?" you will find some of the answers you need in the line-by-line review of the suggested documentation form provided here. I have explained both why the statements are included and why they are phrased as they are. Whenever possible, I have tied those explanations to specific language used in the HUD guidance or the UN-Kearney settlement agreement.

* If your administration or legal counsel ask on what basis you are rejecting the paperwork presented by a licensed professional, remind them that you are *not* rejecting their paperwork. You are simply saying that you cannot fully evaluate the request until you have all the answers to the questions you have asked. If the paperwork presented does not give you all those answers, you will need additional information.

*If your administration and legal counsel don't want to take any chances, then DON'T DO IT! You cannot get in any trouble, from a legal perspective, from saying "yes" (no matter how ridiculous the claim). There is nothing to be ashamed of if the institution chooses to take the path of least resistance and tells you to "just say yes." Rather, it is very brave of the institution to be willing to say, "Stop!"

Is everyone clear on that? Then let's move on...

YOUR MISSION, SHOULD YOU CHOOSE TO ACCEPT IT...

I have significantly revamped this information from the original packet, offered in 2015. Back then, it was written after the 3rd offering of the class, “Who Let the Dogs Out... *IN?!?*” The class has now been offered 19 times (and has morphed into a new class entitled “Fantastic Beasts and Where *NOT* to Find Them”), and each time I add a little more to the piece regarding how to research ESA letters and how to manage the problems created by the letters-for-hire. What you are about to read is an entirely different approach to the issue. Instead of questioning the credibility of the information we receive, it is time we started asking for additional (credible) information to support requests for ESAs. I hope you find this approach useful.

I don't think anyone would argue that the issues of ESAs on campus have become more than a little overwhelming for many service providers over the last several years. I believe that part of the interest by the animal-loving public for having ESAs with them stems from a societal shift/phenomenon – we all love our pets and society, in general, is less stuffy about the idea of animals being out and about than it used to be. Maybe there *WILL* come a time when more institutions make a conscious choice to become pet friendly and don't mind one way or another if folks have their animals with them. Maybe you believe that would be a good idea. It doesn't matter. That is *NOT* the case now – and people who abuse the system to get something now that *MIGHT* be appropriate later should be held accountable in the same way that people who engage in clearly illegal or inappropriate actions should be held accountable.

Remember... you cannot curb the problems created by limited or inappropriate documentation if the powers-that-be aren't prepared to back you. You need to make sure that whatever plan of action you choose to adopt has been approved by the powers-that-be and they are prepared to defend those decisions. It is time that you talked to the folks from Res Life and, *TOGETHER*, decide what you are wanting and willing to do and how far you are ready to go. Then you need to go, *TOGETHER*, to those powers-that-be on campus and make your case. And what should that case be? Where should you start?

Read on...

GATHERING INFORMATION REGARDING THE NEED FOR AN ESA

We have spent almost a decade trying to find a way to assure that ESAs are available for those students who really need them, while staving off the onslaught of requests for ESAs from students whose documentation in support of their request does not cleanly establish the need or appropriateness for the presence of the animal. In some cases, the people producing the paperwork are duly licensed professionals who are using their credentials to justify their lucrative sideline – providing letters-for-hire in support of ESA requests. In some cases, legitimate practitioners are lulled into producing paperwork for a student because the student wants their pet with them, and the professional doesn't understand what harm it would do to provide it. While their actions are not unethical, they are still wrong.

The HUD guidance repeatedly references the idea that we have a right to make decisions based on **reliable** information submitted with the request. We have spent years insisting that the letters-for-hire are not reliable because they don't come from a reliable source – the letter writers don't have adequate knowledge of their clients. *That approach isn't getting us anywhere.* It's time we started focusing on whether we are looking at reliable information. Is there enough information/detail presented to allow us to make an informed decision about the request. If all we are given is a vague statement of diagnosis and an even more vague suggestion that the ESA will fulfill a useful purpose, coupled with a very direct threat of legal action if we don't do what they ask – we should be in a position to say, "I don't have enough information to consider this request. When I have the answers to all the questions asked, I'll be happy to talk with you about the accommodation." We don't need to reject either the letter or the letter writer. We simply say, "that's a start, but I'll need more."

Proposed Form for Documentation of ESA Requests

Over time, many service providers have identified paperwork that amounts to a letter-for-hire and wanted to reject it as documentation, only to be told by the college attorney that they were not allowed to turn away documentation that came from a licensed professional, even if they were engaged in questionable practices. The new documentation form eliminates that concern. We are no longer refusing to accept what those letter writers tell us. We are simply stating that we need more information in addition to what the letters-for-hire provide.

This practice should not be seen as novel or unusual. We have been doing much the same thing for many years in evaluating documentation of disability. We request documentation for two reasons: 1) to establish that this is a person with a disability, protected from discrimination under the law; and 2) to determine what, if any, accommodation is necessary to assure that the student will not be subject to discrimination. Until now, when it comes to ESAs, we have been focusing on the first reason – IS this a person with a disability? – and refusing to accept that assessment from a source that we believed was ill-situated to make that determination. This new approach focuses on the second purpose of documentation. We are willing to acknowledge the student's status as a person with a disability, but we need more information than that to determine if there is a need for an accommodation – an ESA.

It is hoped that this new approach will be seen as appropriate (and allowable!) by the attorneys, as well. We are not refusing information, or a diagnosis, that comes from a licensed professional. We are simply saying that we need additional information to make a decision regarding the request. We would not move forward in granting accommodations for a student with a learning disability because they brought us a note from their diagnostician that said, "this student has a learning disability and

should be given accommodations.” Yet we have been doing just that for years, when presented with letters in support of an ESA request.

[NOTE: At some point, either the letter-writers or the college attorney may point to the reference in the HUD guidance that indicates that, for purposes of supporting a request for an ESA, documentation of disability may be provided by a letter from the individual’s health care professional. That is true. But the guidance goes on to state that, *“Once a housing provider has established that a person meets the Act’s definition of disability, the provider’s request for documentation should seek only the information that is necessary to evaluate if the reasonable accommodation is needed because of a disability.”* We are accepting the letters-for-hire as establishing that this is a person with a disability. Now, we are asking for further information necessary to evaluate if an accommodation is needed. The information in the new form is specifically targeted to the question of need for an ESA. It matches that guidance.]

The proposed new form for gathering information in support of a request for ESA is presented here, along with a line-by-line detailing of *why* each question or statement is included. That detailed explanation should be helpful to you, both in determining what questions you wish to include on any new form you adopt, and in explaining to administrators/counsel why the question is important in your determination. Remember that this new form is offered for your consideration and use. You need not adopt everything here in order to use some of it. Think of it less as a template, than as an example. Take what works (for you), and leave the rest.

Documentation of the Need for an ESA: Step 2!!!

There is a second step to this newly proposed format for gathering information. It seems ironic that for more than a decade, we have been focusing our attention on the interactive process and listening to what the students have to tell us about their disability and their needs when it comes to academic accommodations, but we have largely ignored our own advice when it comes to ESAs. We have focused primarily on the written documentation from that outside 3rd party, instead of (or along with) listening to what the student has to say. (When was the last time you evaluated the need for accommodation for an LD student without talking to that student?!?).

Below, I have suggested some questions that you might want to ask the student who is applying for an ESA. You will know what more you need/want to add to what is here. These are JUST suggestions. They are intended both to gather information and to inform. By mentioning some of the rules they will be expected to follow, you remind the student that there are responsibilities that they are taking on – things they may not have thought about. There is nothing in these questions, or their answers, that would rule someone “in” or “out” for an ESA, but considering the student’s answers, in conjunction with the information presented to you in the 3rd party documentation, may give you a more complete picture of the student’s needs and the appropriateness of granting the accommodation.

- What is your understanding of the purpose of an ESA?
- Why are you asking for an ESA at this time?
- How do you think having the ESA will help you in dealing with your mental health concerns?
- Your documentation suggests you first saw your clinician on _____. What prompted you to go looking for help at that time?
- Dogs and cats are not the only ESAs that we have accepted at the institution, but they are the most frequently requested. What animal are you requesting?
- As noted in our policy, your ESA must be caged or crated when you are not in your room. Are you concerned at all about leaving your ESA alone in a crate for long periods of time?
- You know that you are not allowed to leave your ESA in someone else's care. If you leave campus for a night or a weekend, you must either take the animal with you or find someplace, off campus, for your ESA to stay. Have you identified someone who can take the ESA for you?

The idea of using this form, and the follow up interview, is to help you gather reliable information that you can legitimately ask for (that is, doesn't violate HUD/FHA guidance), that can help you in making a decision as to whether or not to approve an ESA request. **IT WAS NOT CREATED WITH THE INTENT OF THROWING UP BARRIERS TO THE APPROVAL OF AN ESA.** If you are provided all of the information requested here through paperwork volunteered by the student and/or through your interview with the student, ***don't ask them to have this form filled out*** "just to be consistent" or because you are hoping that you'll get answers that you can pick apart as an excuse to say "no." There are students who have legitimate need for an ESA, used in exactly the way the FHA intended when they created the category. *Remember, this is meant to be used a tool, not a weapon!!!*

Request for Information Re: Emotional Support Animal New Form – Deconstructed!

There are two attachments accompanying this information – two copies (one in WORD, one pdf) of the newly developed form suggested for use in gathering information in support of a student's request for an ESA. You may want to either call that form up on screen, or print it out so that you have it in front of you as you read through the information below. This is a line-by-line explanation of the statements made and questions asked on the form. Each text clip shown in blue is taken from the form, with a response/comment offered below it.

(boxed information on top of form)

NOTE: ESAs may not be brought to the residence hall until official approval has been given from the Office for Disability Services. Please submit all necessary information with enough lead time to allow the office to fully consider your request.

This statement should appear (in some form) in your ESA policy and in your ESA contract. It is stated here as a reminder and a warning. You want to make it clear to any student investigating the possibility of bringing an ESA that the animal cannot be brought into college housing until after it has been approved. No matter what their first point of contact with the “rules,” they will have seen the message.

(The health care provider need not use this specific form, but all the information requested here is necessary for the institution to have in order to consider the request for an ESA; the form is provided as a convenience.)

The HUD guidance makes it clear that housing providers can develop a form to use in gathering information in support of an ESA request, but may not require that their form, and only their form, be submitted. This acknowledges that stricture while also making it clear that all the information requested here must be submitted for the college to consider a request.

“Generally, we prefer documentation from providers in the State of ----- or the student’s home state who have personal knowledge of the student, consistent with their professional obligations. “

This is a holdover from the old form. We used to be able to identify the questionable documentation when it came from someone who was (geographically) nowhere near the student. In these days of telehealth services, it is a less reliable indicator, but still worth including.

(shaded box on form)

Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting a reasonable accommodation has a disability and disability-related need for an accommodation that are not obvious or otherwise known. In HUD’s experience, such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal. (Excerpt from 2020 HUD Guidance)

This statement is taken directly from the 2020 HUD guidance. It clearly acknowledges the existence of scam websites, and suggests that the letters-for-hire are typically not “sufficient to

reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal.” This statement justifies the institution’s choice in asking more, and more in-depth questions.

Information About the Student’s Disability

Federal law defines a person with a disability as someone who has a physical or mental impairment that substantially limits one or more major life activities. That suggests that a diagnosis (label) does not necessarily equate with a disability (substantial limitation). What is the nature of the student’s mental health impairment (that is, how is the student substantially limited?)

The HUD guidance specifically says that we should not ask about the diagnosis of disability (cannot require “disclosure of details about the diagnosis”). OK... we won’t ask. We will, instead, ask for verification that this **is** a student with disability by asking about the impact.

Documentation of disability must come from a source with sufficient direct personal knowledge of the individual to clarify the need for the ESA and the nexus between the disability and the presence of the animal in housing.

When did you first meet with the student regarding this mental health diagnosis?

What is the nature of your meetings (i.e., face-to-face meetings or virtual interaction)?

When did you last interact with the student regarding this mental health diagnosis?

How often have you seen the student (or plan to see the student) for further counseling/treatment? _____.

What you are looking for is an indication that the student has a legitimate working relationship with the provider, and that the provider has enough working knowledge of the student’s situation to produce **reliable** information about the student’s disability and the need for the ESA. Asking for the date of the first meeting and the last meeting (most recent interaction) separately may help to ferret out those who had one-time interaction for the purpose of getting a letter. Even if the student “contracts” for additional sessions, if the letter is dated the day of the first contact, it tells you something. The question about face-to-face or virtual interaction is another hint as to the personal nature of the interaction.

What specific symptoms is this student experiencing, and how will those symptoms be mitigated by the presence of the ESA? General assessments are typically insufficient. For example, a statement that “The animal alleviates anxiety” is too general and does not explain HOW the animal may alleviate the symptoms of this student’s disability.

The purpose of this new, more comprehensive form, is to provide credible support for the request for an ESA. Too many of the letters-for-hire use general descriptions/phrasing that are not dissimilar to what we have traditionally referred to as “prescription pad diagnosis” – a note from the diagnostician that said, “Yep – he’s disabled!” That simply isn’t enough.

Information About the Proposed ESA

(Note: there are some restrictions on the kind of animal that can be approved for the residence hall; it is possible the student may be approved for an ESA, based on the information you provide here, but may not be allowed to bring the specific animal named.)

This makes it clear that the professional’s recommendation for an animal to serve as ESA is just that – a recommendation. It is not binding on the institution. While we have always

known/acknowledged that, students often argue that they must be given the animal named in their documentation because that is what the professional identified. This statement makes it clear that whatever the professional says, the institution will make its own decision.

Name: _____

Type of animal: _____ **Age of animal:** _____

Size of the cage/crate needed for containment: _____

This asks for the age of the animal in a neutral context (without suggesting that it could be critical in the decision to approve). Asking for the size of the cage/crate not only makes it clear that a cage/crate is necessary, but fits with the statement in policy that says the size of the cage/crate may be considered in reviewing the request (as per UN-Kearney settlement regarding the space needed for the animal as a consideration).

Dogs and cats are most often requested as ESAs, and seem best suited to adapting to the communal living setting of the college residence hall. If another type of animal is being suggested for this student, please explain why you believe that animal is a better choice.

The reference to dogs and cats being the most often requested is true. It doesn't say you are restricting ESAs to dogs or cats, but it suggests that they are more easily acclimated to life in the residence hall (and potentially more likely to be approved?). It is easier for the institution to establish rules and assess appropriate behavior for dogs and cats than for other species. Why not subtly encourage their selection?

Is there evidence that an ESA has helped this student in the past or currently? If not, why do you believe this may be an effective support for the student now?

Again, this may or may not provide useful information. But if the only answer to "why do you believe this may be effective now" is that the student said they thought it would help, it may be useful information to have in making your decision.

Please address the likely impact on the student should the following scenario occur: once the student is living with the animal in the student housing unit, the animal is permanently removed from the unit because of a violation of policy (e.g. the animal injures someone or destroys property) and balance this impact, if any, against the benefit that you expect the animal to provide to the student.

We know that there might be other reasons that it is determined the ESA must be removed. Citing this one possibility (non-threatening because it has to do with the animal's behavior) allows you to ask, again, about the importance of the ESA in the student's environment and to press for more information about how well the professional really knows the student.

This student was provided with a copy of the rules and restrictions surrounding the presence of an animal in residence in the University housing. Has the student shared those restrictions with you? Yes___ No ___

Have you discussed the responsibilities associated with properly caring for an animal while engaged in typical college activities and residing in campus housing? Do you believe those responsibilities might exacerbate the student's symptoms in any way? (If you have not had this conversation with the student, we will discuss with the student at a later date.)

These two questions are really meant more for the professional providing the documentation than for information purposes. Too often, legitimate health care professionals are coaxed into providing ESA documentation for a patient because the parents convince them that the student would really like to have their pet and, really, it's not big deal. Everyone has animals these days, right? These two questions are a reminder to the provider that it IS a big deal.

Please provide contact information, sign and date this questionnaire (below), and return it to (institutional contact info).

Contact information:

Address:

Telephone:

FAX and/or Email address:

Professional Signature: _____

Type of License: _____ License #: _____

Date: _____

This is fairly standard information to request from the professional.

STUDENT (please sign this form before providing it to your mental health provider to complete):

By signing below, I consent to allowing my health care provider to share any information relevant to my need for an ESA as an accommodation, as shown on this form, with (personnel from the DSS office) for the next 60 days.

Signature

Date

This last piece accomplishes two things. First, it does get you signed permission to ask additional questions of the professional. Those who write letters-for-hire often try to hide behind HIPAA restrictions regarding the sharing of information. The permission form removes that excuse. Second, by restricting what you can ask to only additional information regarding the accommodation request, and only for a set period of time, you quell any claim that your inquiries are overly intrusive.

There you have it, folks! I REPEAT! Remember that this new form is offered for your consideration and use. You need not adopt everything here in order to use some of it. Think of it less as a template, than as an example. Take what works (for you), and leave the rest.

BEWARE OF BOILERPLATE LANGUAGE

(The Letters-for-Hire Aren't Going Away!)

While we are no longer going to obsess over proving that the letters-for-hire provide less-than-credible information as part of the documentation process, folks will continue to receive these letters. It seemed appropriate to share information on how to identify such letters as they cross your desk, and provide some suggestions on how to respond.

Some of the bogus letters you receive will include phrases (sometimes whole paragraphs!) from the letter below (Template Letter Sample). This "Sample Letter from a Service Provider" is offered on both a HUD site and from the Bazelon Center. It is offered here simply to alert you as to where some of the rhetoric you see in questionable letters may have been born. Sooner or later, someone is going to ask you whether it is appropriate to reject the documentation if it follows the template provided on the HUD website – doesn't that make it official? The answer is that you are not rejecting the documentation that follows this template. It simply is not adequate in establishing the need for an ESA. In other words, if such letter is offered as the sole evidence/documentation, you will need more information (as shown on the newly offered form) before you can consider the request. The template was developed in response to the guidance document from 2013 that has now been replaced by the newer HUD guidance (2020). It was also developed LONG before the proliferation of a cottage industry in ESA documentation letter-writing. While it may have been adequate to the purpose in 2013, it falls short in 2024.

Occasionally, you will see a letter written by a legitimate service provider, who has ample reason to believe that the student in question has need of an ESA, but uses this same old, outdated, letter template from HUD. We know why the bogus letter writers write their letters (for the money!). But why would a legitimate mental health provider use that same, outdated sample? *Because they don't know any better!* If you are a mental health provider who is working with a client and is being asked to write an ESA letter for the first time, and you didn't know what should be included, it would be logical to go to the HUD website, pull down the sample you find there, and plug in the appropriate information about your patient. *They don't have a better model to use.* So...let's give them one!

When you get that letter that gives only scant information, even though you believe both the need and the provider are legitimate, you may wish to send back a response along these lines:

Dear _____,
Thank you for providing information in support of John Doe's request for an ESA to be in residence with him here at Anywhere College. Your letter seems to be based largely on the sample format provided on the HUD website for such letters (https://www.hud.gov/sites/documents/DOC_7399.doc). Unfortunately, that template was created more than a decade ago (2013), and our understanding of ESAs and the information needed to evaluate such a request has changed considerably since that time.

Anywhere College has developed a form to gather the necessary information in support of a request for an ESA (see attached). You do not need to use that form, but we do need the information requested there in order to evaluate John's request for an ESA.

Sincerely,

You are giving them a better model. The legitimate mental health provider will likely simply fill out your form and send it back, or at least provide a great deal more information that you can use to approve the decision (if approval is appropriate).

WAIT! Now that you have that wording (above) available, maybe you can use it in another way. Consider sending that SAME response letter, with the SAME copy of your form to the not-so-legit letter writers. In my experience, most of the bogus letters did, indeed, start with the HUD template (many of them still use whole paragraphs in their own letters). Consider sending this letter that says, “thanks, but we need more, and here is the kind of thing we need.” You are not accusing them of anything. You are simply pointing out that their model is outdated and while you appreciate what they have already sent, you need more.

IMPORTANT NOTE:

If you choose to send out the response letter suggested above, **REMEMBER...** if the documentation came to you directly from the service provider who wrote the letter, *you need a signed HIPAA release* from the student before you write back to the provider. If the student forwarded the letter from the mental health provider to you, *then you should return your letter and the suggested form to the student*, and ask them to pass it along to the provider. You are taking this extra step in order to be in keeping with FERPA regulations, but it may actually strengthen your available response to bogus letters/letter writers. In the past, we have only said to students, “Sorry, the information in this letter does not provide us with the information we need.” Students were either defensive (because they had been told this letter was enough), or aggressive (“just tell me what it needs to say”). This way, you are responding to either of those answers in a neutral, non-confrontive way. You are simply saying, “I recognize the language in your letter as being from an early template. We need more, please.” And you are saying the same thing to ANY letter that looks like that. Maybe THIS is the answer we have been looking for!!!

TEMPLATE LETTER SAMPLE:

<http://www.bazelon.org/wp-content/uploads/2017/04/ESA-Sample-Letter.pdf>

https://www.hud.gov/sites/documents/DOC_7399.doc

Sample Letter from a Service Provider

[date]

Name of Professional (therapist, physician, psychiatrist, rehabilitation counselor) XXX Road
City, State Zip

Dear [Housing Authority/Landlord]:

[Full Name of Tenant] is my patient, and has been under my care since [date]. I am intimately familiar with his/her history and with the functional limitations imposed by his/her disability. He/She meets the definition of disability under the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973.

Due to mental illness, [first name] has certain limitations regarding [social interaction/coping with stress/ anxiety, etc.]. In order to help alleviate these difficulties, and to enhance his/her ability to live independently and to fully use and enjoy the dwelling unit you own and/or administer, I am prescribing an emotional support animal that will assist [first name] in coping with his/her disability.

I am familiar with the voluminous professional literature concerning the therapeutic benefits of assistance animals for people with disabilities such as that experienced by [first name]. Upon request,

I will share citations to relevant studies, and would be happy to answer other questions you may have concerning my recommendation that [Full Name of Tenant] have an emotional support animal. Should you have additional questions, please do not hesitate to contact me.

Sincerely,
Name of Professional

While there are many of the bogus enterprises that use the above letter as a template for their efforts (hiding behind the presumed “official” wording because it was suggested by HUD), they often make variations to what is offered here to mask their less-than-legitimate efforts. For example, the HUD letter says,

[Full Name of Tenant] is my patient, and has been under my care since [date]. I am intimately familiar with his/her history and with the functional limitations imposed by his/her disability. . He/She meets the definition of disability under the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973.

One of the bogus websites uses a template (that is, has their clinicians who write letters using a template) that is clearly based on the HUD letter, but begins with this:

_____ is under my care and meets the definition of disability under the Americans with Disabilities Act defined by the DSM-5.

Note that there is no reference to how long the patient has been under care, or that the clinician has direct knowledge of the individual’s history or functional limitations. The template also references ONLY the ADA. But it then goes on to take whole sentences, verbatim, from the HUD letter, including this one: *I am familiar with the voluminous professional literature concerning the therapeutic benefits of assistance animals for people with disabilities such as that experienced by [first name].* That whole paragraph seems to be included as part of an attempt to bully the person who receives the letter into bowing to the expertise of the letter writer by citing research that they don’t have and don’t know. (Most of the more recent research questions the efficacy of ESAs in support individuals with mental health disorders.)

Here is another example of a template in use from one of the contact websites. I have letters from four different therapists, written in support of seven different students in seven different states, that includes this sentence:

_____ has been diagnosed with a Differential Illness (“DI”) under the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) that substantially limits one or more major life activities. The DI meets the definition of disability under the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973, Section 504.

There IS no such diagnoses (DI) in the DSM-V.

I also have more than half a dozen letters from as many different letter-writers that begin this way: *As per our discussion and review of your history, I have diagnosed you with a mental and emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition (DSM-5). Specifically, Depressive Disorder; Generalized Anxiety Disorder 300.02 (F41.1).*

I am also familiar with the limitations imposed by your diagnosed disability and the need to mitigate those limitations and associated symptoms...

Note the reference to “review of your history,” which likely means reviewing a self-report questionnaire filled out by the student. Note, too, that a label (diagnosis) for purposes of establishing a classification in the DSM-5 does not necessarily translate to a disability as we use the term – a **substantial** limitation in a major life activity.

There are lots of tip-offs of letters-for-sale that may be obvious when you review documentation provided to you. Look for the letters that have not bothered to tailor the template to the client (e.g. “I am familiar with his/her diagnosis” or “Dear Landlord”). Look for letters with strange typos (e.g., references to “The Americans with Disability Act”). Look for letters that contain official sounding but hollow wording/threats (e.g., *“If you do take the necessary steps to establish your rights but your landlord refuses to provide you with a reasonable accommodation, you have the right to make complaint with US Department of Housing and Urban Development (HUD) by filing a claim of discrimination through the HUD website - www.hud.gov - or calling the discrimination hotline at 1-800-667-9777. They will investigate the claim free of charge.”*)

BUT REMEMBER – the fact that the letter is not appropriate in establishing that the student has a need for the ESA does NOT mean that the student *doesn’t* have a need for an ESA. Nor does it mean that the student knowingly brought you fraudulent paperwork. Many students believe the information presented to them through these online businesses that assure them they are providing appropriate information. If you say “I need more.” when presented with a questionable letter, you are NOT questioning the student’s motives or need, nor are you challenging the credentials of the service provider. You are simply saying that the information presented through the letter does not provide the information you will need to consider the request for an ESA.