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The Abuse of Phony Emotional Support Animals Ends Now!

The claim of Emotional Support Animals (ESA) has been the largest abuse on income property owners. Any tenant can pay for a certificate, which thereby allows multiple animals to occupy your property. This is true regardless of a “no pet” policy which may exist in your building.

Thankfully, there has been some recent changes in the California law. On January 1, 2022, Assembly Bill 468, which went into effect. This law changed the process and the proof required, upon which a tenant can claim the need for an ESA.

The major change in requirements of the new California ESA law affects licensed mental health professionals (LMHP) who write ESA letters. An official ESA letter is required to prove to a landlord, or anyone else, that there is a legitimate need for an emotional support animal.

The following are now additional requirements that must be met:

- The health professional must hold a legitimate and active license. In the ESA letter, they must include their license number, the effective date, their jurisdiction, and the type of professional license.
- The health professional must be licensed to provide professional services within the scope of the license in the jurisdiction in which the documentation is provided.
- The health professional must establish a professional relationship with the client at least 30 days before providing the ESA letter.
- The health professional must conduct a clinical evaluation of the client to assess their need for an emotional support pet.
- The health professional must provide a verbal or written notice to the individual, similar to the sales notices explained above, stating that an emotional support animal does not qualify as a service animal, and that misrepresenting the support animal as a service animal is against the law.

Based on this new law you can prevent tenants from using phony documentation to allow pets to occupy the property. Remember that the professional relationship with your tenant must have been established at least 30-days prior to issuing the ESA letter. For further information please call the office.