



Landlord Letter

April 2026

Legal Case Studies: Emotional Support DUCKS?!?

In our “Dear Attorney” section in this edition of our newsletter, you’ll learn how to evaluate a request for multiple ESAs. In short, you first need to determine (1) whether the tenant is disabled, and (2) whether the animal they’re requesting assists them with their disability. When dealing with multiple ESA requests, it’s usually reasonable to also ask “Does the subsequent animal satisfy a separate and distinct need that the earlier animals do not?”

Along those lines, we recently had a case where a tenant requested multiple emotional support DUCKS. However, they didn’t make the reasonable accommodation request until AFTER the landlord saw the animals during an inspection, but the ducks were INSIDE THE HOUSE in a child’s play pen!!! The landlord told the tenants (1) they needed to comply with the lease by removing the animals, but (2) the tenant could make a reasonable

accommodation request so that it could be validated. The tenants later provided a doctor’s note establishing a disability and requesting two ducks.

The landlord later discovered that the tenant actually had many more than just two ducks (up to 10 possibly?), and they were keeping the ducks INSIDE the house! The landlord worked to try to find a solution (which really helped the landlord during the fair housing investigation), but ultimately, the tenant refused to remove the animals. The landlord reached out to us around this point in the case, which allowed us to guide the landlord through the process to help protect them.

In the end, the tenant filed a fair housing complaint that the landlord had to defend. We were forced to go through interviews with the fair housing investigator and also submitted our communi-

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What people are saying about US!!!

“Love this team! They are the go-to attorney’s office for me. They truly go above and beyond.

100% recommend.”

~Erin .—Google Review



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recation with the tenant showing we were trying to work toward a solution but the tenants were uncooperative. We focused on two primary arguments: (1) ducks are not domesticated household animals, (2) allowing ducks inside the house was unreasonable, and (3) the tenants hadn't established a separate and distinct need for multiple ducks.

The fair housing investigator ruled in our favor and dismissed the fair housing complaint. The written ruling found that the tenant's request to keep waterfowl INSIDE the home was an unreasonable request, which permitted the landlord to deny the animals. The home lacked "the proper infrastructure or modifications necessary to permit proper care of the ducks" which created "animal welfare concerns." They also found that "the costs associated with altering the property to be suitable for waterfowl would have caused an undue burden" on the landlord.

The landlord was eventually successful, but it was only because they were cautious in evaluating a request, even if the request began as a violation of the lease and was eventually found to be unreasonable. It also helped that we were involved early in the process to help guide and direct the case. If you find yourself in a similar situation, reach out early so you can protect yourself.

Attorney Jeremy Shorts



Documentation from the Internet

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.³⁵ 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.

By contrast, many legitimate, licensed health care professionals deliver services remotely, including over the internet. One reliable form of documentation is a note from a person's health care professional that confirms a person's disability and/or need for an animal when the provider has personal knowledge of the individual.



Dear Attorney,

Q: *My tenant requested **FOUR** emotional support animals at the same time! What do I do?*



A: Even though your tenant is requesting multiple ESAs, you would still process the request like normal, with a small tweak. Your focus is to verify two things: (1) whether the tenant is disabled, and (2) whether that animal assists them with the disability. However, when multiple ESAs are requested, you can also consider whether the second (or third, or fourth) animal satisfies a separate and distinct need that the earlier animals do not.

Do NOT ask your tenant to explain WHY they need multiple animals. It's just a YES or NO question – "Does the subsequent animal satisfy a separate and distinct need that the earlier animals do not?" You are just verifying that there is a separate and distinct need for the subsequent animals.

How do you verify this? Many times the medical provider provides ONE letter that prescribes MULTIPLE animals, which shows the medical provider is prescribing multiple animals. If they provide TWO separate letters

that also explain that each animal has a separate benefit, that's fine too. But if they provide multiple letters for multiple animals, but the letters do not reference whether there is a separate benefit between the animals, it is likely reasonable to request reliable documentation from the tenant.

Finally, depending on the size and layout of the unit, having multiple animals may become unreasonable depending on several factors. If it's a shared room in student housing with limited space, shared common areas, and other tenants have already been granted an ESA, maybe multiple animals is unreasonable?

In the end, HUD hasn't given any black and white rules on when multiple animals are an unreasonable request. You should enter into an "Interactive Dialogue" to discuss your concerns with the tenant and hopefully come to a consensus of how to move forward.

Quick Tips to Ask When Hiring an Attorney

Ask these questions BEFORE you tell an attorney about your case.

- ✓ What is your specialty? (You want to hire an expert in that field!)
- ✓ How many cases like mine have you handled in the last month?
- ✓ What professional groups or associations are you involved in?

If you don't feel comfortable hiring them, then move on and call someone else!

Courtroom Chronicles—Read the Texts

We always tell our clients – Papers are better than Opinions. Anything you can do to document your case helps if you ever end up in front of a judge.

We had a case where the tenant filed a fair housing complaint and made some serious allegations against the landlord. Luckily, we had text messages that showed exactly what happened and what the parties agreed to.

We provided these texts to the fair housing investigator which clearly showed we were right. When the investigator asked the tenant about the

texts, the tenant said, “That’s not what I wrote!” The tenant tried claiming, “The landlord is tech savvy, he must have hacked into my phone and he wrote all those replies back to himself!!!”

The tenant also provided copies of their version of the texts, which only had the landlord’s messages to the tenant, but NOTHING was ever written back to the landlord. It was obvious that the tenant had deleted several texts and tried hiding what was really going on.

Gladly, the fair housing investigator saw what was really going on and dismissed the case.



Utah Rental Housing Trade Show

Parting Thoughts

- We’re working to build our readership, tell your friends to subscribe to this FREE newsletter. Send us an email info@utahevictionlaw.com.
- Have an eviction question? Email it to us for a future newsletter!
- Help us build our online presence! You can “Like” our Facebook page (www.facebook.com/utahevictionlaw).
- You can also give us a Five Star Google Review (search “Utah Eviction Law Reviews” and click on our link).

Tuesday,

April 15th, 2025

8:00 AM - 4:00 PM

**Mountain America
Expo Center**

**9575 State Street
Sandy, UT 84070**

