



IREM® From the Front Lines Podcast

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Top Pet/ESA Approval Issues

Erin:

Welcome to another edition of From the Front Lines, where we discuss both the day-to-day, and one-of-a-kind issues facing real estate managers. In this episode, we talk to Logan Miller from Our Pet Policy about the top pet and Emotional Support Animal, or ESA, approval issues that real estate managers face. Welcome to the podcast, Logan.

Logan:

Hey, thanks, Erin. It's great to be here. I'm excited and we're excited to be a part of IREM and all the good things that happen with IREM.

Erin:

First, can you tell us a little bit about yourself and Our Pet Policy?

Logan:

Yeah. So I guess it all starts back right when I got out of college. My first step into real estate was a duplex, and my first tenant had an emotional support animal and so that was my introduction into it. And many years later, I guess the straw that broke the camel's back, if you will, was a unit that had an older couple in it and they had two emotional support animal cats and their son moved in. He had two emotional support animal dogs. The dogs chased the cats. The cats would hide up on top of the cabinets. They destroyed the cabinets, the carpet, the doors, you name it. The tenants moved out in the middle of the night, so we're stuck fixing and dealing with all that. And, come to find out, the son had used an online purchased ESA letter. And so at that point, we were done with online-purchased ESA letters. And we worked with several lawyers before we were able to figure out a process, and once we found a process, to call those out. We had other property managers and housing providers reach out to us wanting the same thing. And that's how we got started with Our Pet Policy.

Erin:

What's the number 5 animal approval issue you see?

Logan:

Yeah. And so we categorize these. I spoke with a couple of our account managers here and they deal with this on a regular basis. So we help property managers, residential property managers respond to animal complaints and deal with all sorts of animal issues all day long. And so the number 5 we put down is animal waste. Dealing with tenants and these are, you know, irresponsible animal owners that aren't picking up after their animal. And this happens on a daily basis out in the

communities for apartment complexes and it's gross to all the neighbors. It can spread diseases among the dogs. And if children end up in it, it can also spread among children. But then even inside the house, you get irresponsible animal owners that aren't properly potty training their animals. Or they don't clean the litter box. And so instead of going in the litter box, the cat decides it'd rather go in the closet, rather go under the bed, etcetera, creating that damage from that as well. And so we'll say, you know, animal waste is the number 5 issue that properties have to deal with.

Erin:

How about the number 4 issue?

Logan:

Yeah, #4 issue we have as hiding animals. So we've interviewed quite a few tenants that were hiding animals. And part of what we do is find all the animals on the property and make sure that they're identified and they have the correct information, rabies, etc. But in doing so, we asked ones that we've encountered that did not disclose they had an animal. And asked them, you know, at what point they felt good about not disclosing it. And a lot of it comes down to the application process and so on. A lot of the applications, it didn't ask if they had an emotional support animal. It just asked if they had pets and they said, oh, it's not a pet, it's an emotional support animal. So I put no or they said, I don't have any pets. This is my spouse's pet. This is my kid's pet, it asked if I had any pets. I don't have any pets, so I marked no. Anyway, so making sure that you're asking the right questions at move-in and you have a clear process for having them add animals in the lease et cetera, is all going to help at those hiding animals. A lot of times they don't know the animal rules. They don't want to take them outside too often to get caught with them. And so they end up creating more damage and more issues that way as well. And so #4 issue is tenants that are hiding animals.

Erin:

What's the number 3 issue?

Logan:

Yeah, dealing with breed restriction. So a lot of times property managers are dealing with their, sometimes it's insurance related or sometimes it's just a property preference, but they'll have breed restrictions that typically limits the breeds of dogs, the insurance has labeled as dangerous breeds, ones that are most likely to be aggressive and cause damage to humans. And a lot of times on a vet record, it may say that it's a mix and so the tenants will say, oh, it's a black lab mix or whatever it may be, it's a poodle mix. And when you look at it, it's like, no, that's a Pitbull or one of those restricted breeds. And so that's an issue for the property managers. They're left dealing with it. They don't have the knowledge to push back on that or call that out. And so one thing that we do that's great for anyone that wants to do it, is we'll go back to their own veterinarian. So if you require a rabies record, you'll know who their veterinarian is, you'll have a picture of the animal. Make sure you get a good, solid profile picture of the animal, showing its face and you can take that picture and just send it to their own vet and just say hey, I just want to identify what type of breed of dog this is. And a lot of times they'll respond back and they'll say, oh, that's a Staffordshire terrier mix, or that's a Pitbull mix. And then you have their own vet saying that their breed is a mix of that restricted breed. And anyway, so that's one of the ways that we deal with those. Whenever there is a conflict between what the tenant's saying and what their animal looks like.

Erin:

What's the number 2 animal approval issue?

Logan:

Yeah, dealing with animal issues between residents and so anytime that there is a complaint, those get sent to us, we deal with all the complaints on the property, and there are so many ways that animals create issues for other tenants. And so one of them might be dogs inside the unit and they're barking. That inhibits on the neighbor's ability to quietly enjoy their housing, and dealing with that. And so we'll respond back to them and let them know that, hey, it's been reported that their animals are barking late at night, etcetera. And we give them resources to help train their animals to not be barking, to not be creating those issues. And so that's always the number one goal is to fix the problem quickly, but then also letting them know that, hey, if this isn't addressed quickly, that their animal may be required to be removed from the property. It also goes back to one of the other issues is not picking up after their animal, which is quite common. Animal bites or attacks. That's probably the biggest liability and that's something that all property owners want to make sure and look into their insurance and make sure that that's covered and is that covered for all breeds or are there certain breeds that are restricted? And if you have emotional support animal they can't be limited by breed, and so do you have breeds of those that are allowed that aren't covered under your insurance? And if so, how do you mitigate that risk? And if your insurance doesn't cover those and you go out and get a couple of other quotes and it would be a financial burden to move to one that does cover those breeds. At that point, you know, consulting with your local council. You could move forward with requiring emotional support, animals even to you know if it is a restricted breed to provide extra insurance on top of that. Real quick story. One of the things we had an issue where an animal was barking through the screen door at people when they'd walk by and one of the property managers had mentioned to a resident and said, "Man, I'm scared of that dog, it appears aggressive." And then one day that dog ends up biting another resident. Well, at that point, the property management knew that that animal was aggressive. They'd mentioned that it was aggressive. They hadn't dealt with it or made that a safe environment for the other residents. And at that point that property is going to be liable for that and so making sure that anytime there's any aggression on the property, having a clear plan for the property managers, leasing agents, maintenance to be able to report that and to be able to handle that quickly before it leads to an issue that could have been prevented. At that point, that lands on the liability of the property. And before that if it happens out of nowhere, at that point, the liability doesn't go to the property, it ends up with the animal owner. But in cases where the property had knowledge of it and didn't protect the other residents by acting accordingly. At that point, they can carry the liability. And so all those types of animal issues are the number two animal issue for properties.

Erin:

What's the number 1 issue real estate managers face when it comes to pet or ESA approvals?

Logan:

Yeah. And the number one biggest one that is only getting worse in the industry is the online ESA letters. There are also online service animal letters as well. And so just to take a quick step back, online emotional support animals are allowed for people with a disability, that they have an animal that's going to alleviate symptoms of their disability. And so that animal is needed because of the disability. And so it's a federal requirement that housing providers allow those animals without charging any pet fees, any pet rent without having breed restrictions, etcetera, without limiting the number of animals on the property that they be allowed for free.

Over the last 15 years, there's been websites that have popped up that will sell you these ESA letters. They're signed by licensed health care professionals and all you have to do is go through this questionnaire and say I sometimes feel stress and they'll say congratulations, you qualify for an emotional support animal, pay your \$99.00 to \$289 here and we'll e-mail you an ESA letter. And so it's real easy for tenants to go through that process and get a letter and hand it to the housing provider, hand it to the property manager and say, hey, I need my emotional support animal, I need my four emotional support animals. We had one not too long ago where they said, hey, I need my emotional support animal that's a monkey. And so it could be all sorts of different types of animals, and the average property manager, even the average lawyer that works for landlords, they often don't know how to push back on that. It's written by a licensed healthcare professional and so a lot of them are approving it. All that does is exacerbate the problem, and so it just gives those online letter companies more money to advertise on social media. They'll find tenants that have an animal and that are renters, and they will blast them with social media posts about, "Hey, don't pay pet rent for your animal. Come here and make it an emotional support animal!", or, "Hey, no pets, no pet rules, no problem, or no pet policy, no problem. Get your ESA letter here and get your animal in for free. And anyway, so these healthcare providers, they're doing it. It's not ethical the way that they're going about it. They are diagnosing these people even some of them are through just a questionnaire and some of them are through a very short interview. The longest interview we've had was about 6 minutes, but usually they're between 2 and 3 minutes. And these healthcare professionals that are licensed, they are legitimate healthcare professionals. Technically, they are diagnosing a disability and providing a treatment plan, all within that 2 minutes, which is very unethical. And so HUD, which is the governing body that is over the Fair Housing Act. And they get to interpret the Fair Housing Act and enforce the Fair Housing Act. They came out in 2020 and said that type of documentation is not considered reliable and so and a lot of other things in that guideline as well. So we're able to push back on that and hold them accountable. One of the fun things about our job is finding healthcare professionals that are going way above and beyond and lying to housing providers in order that they don't have to refund the tenants. And in that case, we'll collect all that evidence and we'll send it to the state licensure board, and they'll find that they're using methods of deceit to create fraud. They will fine them, they put them on probation and even remove their licenses. And so that's one of the fun parts of our job. We get to play a little detective and catch them in the act of that. But the average property manager, like I said, the average housing provider doesn't have those resources. They don't have that knowledge and aren't able to do that and so they end up approving all of them and creating all sorts of legal issues. When we go back and look at the sheer number of animals that are creating problems, there is a high number of those that are emotional support animals. They feel that they don't need to follow the rules, or maybe the property has a list of pet rules and because emotional support animals aren't a pet, they don't have to follow those rules. So making sure that you have a set of animal rules, not a set of pet rules is huge, and making sure that they follow those rules. Anyway, so all the legalities of dealing with approving emotional support letters and all of these online letters and even the healthcare providers that are selling those, they don't want to give a refund for that. So if you do push back, they have a whole bunch of legal jargon that they will give the tenant to throw at you. They'll recommend that they submit a fair housing complaint and threaten you with that, etc. And for the average person, you know that's not worth dealing with or they can't deal with that. And so that's kind of where we found a big headache in the industry that wasn't being served and wasn't being solved and we kind of took that head on and found a good solution for that. And anyway, so that's what we have, I would say is the number 1 issue when it comes to animals for real estate managers.

Erin:

Thanks for joining us, Logan.

Logan:

Okay, well, thank you. It's been a blast being on here. Appreciate the opportunity.

Erin:

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