

# Barkley's Hope ESA FAQ

This is a compendium list of the most frequently asked questions and topics pertaining to support animals and their owner in Colorado. Be advised, this information should not be considered legal advice and Barkley's Hope, and its affiliates, doesn't represent this content as such. This list will be updated from time to time. 4/26

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\*According to the Americans with Disabilities Act, the only two questions that can be asked of someone representing themselves with an emotional support animal are.

- 1. Is the animal required because of a disability?**
  - 2. What work or task has the animal been trained to perform?**
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In Colorado, Emotional Support Animal (ESA) owners are protected by the federal Fair Housing Act (FHA), allowing them to live with their dogs in no-pet housing without paying pet fees or deposits. Owners must provide a valid letter from a licensed mental health professional, but no special registration is required or legally valid. ESAs must always have current proof of vaccinations and accompany the ESA letter

- **Do ESA Owners have more responsibilities than average pet owners?** YES & NO. They have the same responsibilities as regular pet owners but are ACCOUNTABLE for more when in public such as. Behavioral Standards, Strict Control, Documentation and Housing Liability.
- **Can a Colorado landlord deny my ESA?** Generally, no. Under the FHA, landlords must provide reasonable accommodation for ESAs, even in no-pet housing. However, they can deny an animal that poses a direct threat to safety or causes significant property damage.
- **Can an ESA or Service Dog be denied access?** YES. For behavioral issues or no current proof of vaccinations.
- **Is there a national registry for service or support animals?** NO
- **Can aggressive dogs be recognized as emotional support animals?** YES, that's why you should be aware of who and what is around you and your dog
- **Are there penalties for saying a dog is a service dog when it isn't?** YES, its considered fraud
- **Do I have to pay pet fees for an ESA?** No, landlords cannot charge pet rent or pet deposits for an ESA.

- **Do I need to disclose my ESA before signing a lease?** You are not required to tell a potential landlord about an ESA before signing, but it is often beneficial to do so to ensure the accommodation is in place.
- **Can I take my ESA into stores or restaurants?** No. Businesses in Colorado are not legally required to allow ESAs, though some may permit them at their discretion. Only trained service dogs have guaranteed public access rights.
- **What is an official ESA letter?** It is a document from a licensed healthcare professional (such as a doctor or therapist) practicing in Colorado, confirming you have a mental health disability that benefits from the animal.
- **What makes an ESA letter valid in Colorado?** It must be issued by a Colorado-licensed professional (e.g., therapist, psychiatrist, or doctor) with whom you have a legitimate clinical relationship. It must be on official letterhead and include their license number and signature.
- **Is online ESA registration legal in Colorado?** Official registration databases do not exist. Online registries that charge fees to "register" your dog do not provide legal protection. Only an ESA letter from a professional holds legal weight.
- **Do I need to register my ESA?** No. There is no official "registry" for ESAs in Colorado. Online certificates or "registration" IDs are often scams and do not convey legal rights.
- **Can I have more than one ESA?** Yes, but you must provide documentation justifying the need for each animal.
- **Can landlords restrict ESA breed or size?** Generally, landlords cannot impose breed or weight restrictions on ESAs
- **Does my ESA need special training?** No specialized task training is required. However, they must be house-trained, non-aggressive, and under your control.
- **Can I bring my ESA to work?** Colorado employers are not mandated by law to allow ESAs in the workplace, though they may choose to permit them as a private policy.
- **Can I fly with my ESA for free?** No. Since 2021, the Air Carrier Access Act (ACAA) no longer requires airlines to accommodate ESAs for free. They are now typically treated as regular pets subject to airline fees and policies.
- **Do ESA letters expire?** While federal law doesn't set a hard expiration, most Colorado landlords require an updated letter annually. It is best practice to renew your letter every year.

- **Can my landlord deny my ESA based on breed or weight?** Generally, no. Landlords cannot ban ESAs based on breed or weight alone. They can only deny a specific animal if it poses a documented safety threat or would cause substantial property damage.
- **Do I have to tell my landlord I have an ESA?** Yes, to be exempt from pet restrictions or fees, you must inform your landlord and provide a valid ESA letter from a licensed professional.
- **Do I need a registration document?** No. Legal protection comes from a "prescription letter" from a Colorado-licensed medical care provider.
- **Are breed/size restrictions applicable?** No. Landlords cannot apply breed or weight restrictions to ESAs under the FHA.
- **Do I have to disclose my ESA before signing a lease?** While you are not required to tell a potential landlord about your ESA before signing, doing so can prevent issues.
- **Do I need a registration document?** No. Legal protection comes from a "prescription letter" from a Colorado-licensed medical care provider.
- **What questions can a landlord legally ask?**  
If your disability is not obvious, they can ask for documentation verifying that you have a disability and a disability-related need for the animal. They **cannot** ask for specific medical records, detailed diagnoses, or treatment histories.

#### LINKS

ADA Americans With Disabilities Act / <https://www.ada.gov/>

The Fair Housing Act / <https://www.justice.gov/crt/fair-housing-act-1>

- **Disability Law Colorado (Assistance Animal Info):** Provides fact sheets on assistance animal rights, including specific guidance on housing accommodations.
  - *Resource:* [disabilitylawco.org](http://disabilitylawco.org)
- **Colorado Civil Rights Division (CCRD):** Handles complaints regarding housing discrimination if a landlord refuses a valid ESA request.