



## Public Hearing Agenda

June 15, 2020

6:30 PM

### City Council

*Mike Walker - President*

*Mike Coolman – Vice President*

*Jill Amos*

*Will Bennett*

*Bob Clark*

*Patrick Lynch*

*Chuck Milliken*

Until further notice, all City Council Work Sessions and Regular City Council Meetings (held on the first and third Mondays of each month) will be closed to the public. They will be hosted online using the “Go-To-Meeting” platform for the public to view.

For the June 15<sup>th</sup> Public Hearings and Regular City Council Meeting, the public is invited to give public comment by visiting the Canal Winchester Community Center (22 South Trine Street). The public will be able to view the meeting and virtually communicate with City Council from this location. The public may also view the meeting remotely using the Go-To-Meeting platform from a computer, tablet or smartphone or dial in to listen.

Per the direction of the Ohio Attorney General Dave Yost and the Ohio Public Meetings Act, public comments may be also accepted prior to a council meeting. Written comments regarding legislation or other topics will be accepted until 3:00 pm on the day of the meeting. [Submit a Comment](#)

**For Monday evening’s meeting. It will be one link/phone number for all 4 meetings.**

CW City Council Meeting - 6-15-20

Mon, Jun 15, 2020 5:30 PM - 9:30 PM (EDT)

**Please join my meeting from your computer, tablet or smartphone.**

<https://www.gotomeet.me/CWGov/cw-city-council-meeting---6-15-20>

**You can also dial in using your phone.**

United States: [+1 \(872\) 240-3212](tel:+18722403212)

**Access Code:** 893-872-757

**Note:** In this format, video and audio of the meeting will be available as the meeting takes place, however, viewers will not have microphone or webcam permissions.

- A. Call To Order
- B. Roll Call
- C. Purpose of Public Hearing

[APL 20-001](#)

Notice of Appeal Regarding the Denial by the Canal Winchester Planning and Zoning Commission of an Appeal to Overturn a Notice of Violation Issued by the Planning and Zoning Administrator Regarding Swine Being Housed on Property Located at 392 Sarwil Drive South. ([Findings Facts Conclusions Law, Neighbor of Resident Response to Appeal, Resident Response to Violation, Violation Letter from Planning & Zoning](#))

- D. Staff Report
- E. Public Comments - Five Minute Limit Per Person
- F. Council Discussion and Recommendation
- G. Adjournment

**BEFORE THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF CANAL WINCHESTER**

In re Appeal of Notice of Violation by James and Courtney Elliott for Permission to Keep a Swine at 392 Sarwil Drive South.

This is before the Commission on the Applicant's appeal of the Planning and Zoning Administrator's determination that the Applicant currently houses a swine at their Property in violation of Canal Winchester Planning and Zoning Code § 1181.06(a). The Property, located at 392 Sarwil Drive South, is zoned R-3 (Low Density Residential). As such, swine are not permitted to be kept on the property. The Commission makes the following findings of fact and conclusions of law as required by Canal Winchester Planning and Zoning Code § 1135.04(c).

**I. FINDINGS OF FACT**

1. On March 9, 2020, the Canal Winchester Planning and Zoning Administrator issued Applicants James and Courtney Elliott a 30-day notice that housing a swine on their property was a violation of C.W.C.O. § 1181.06(a).

2. Applicant's Property is located at 392 Sarwil Drive South, Franklin County, Canal Winchester, Ohio, Parcel Number 184-001127-00, and consists of approximately 0.3 acres. The property is zoned R-3 (Low Density Residential).

3. Under the Canal Winchester City Code, swine are generally prohibited in the City but only permitted to be kept on property zoned Exceptional Use (EU) where other agriculture and agriculture farm animals are permitted.

4. The Planning and Zoning Administrator informed the Applicant's that if they disagreed with his determination they could appeal to the Planning and Zoning Commission. Accordingly, the Applicants filed an appeal under C.W.C.O § 1105.08(a).

5. Applicant's filed a timely appeal claiming that the swine in question should be

permitted because it qualifies as an emotional support animal necessary to help Ms. Elliott with depression and anxiety. The appeal included a letter from her general physician, Dr. David Lynch, which explained that Ms. Elliott was under his care for anxiety, depression, and an intolerance to multiple medications and that her Juliana pig was “medically necessary to help mitigate the symptoms” she experiences as a result of these issues.

6. The Commission also received a letter and pictures from Ms. Kathryn Santore, a neighbor of the Applicants, describing and depicting multiple issues with the swine in question including digging under the fence between properties, the smell of waste, and other conditions related to housing the swine.

7. On May 11, 2020, the Planning and Zoning Commission heard the Applicant’s appeal of the Planning and Zoning Administrator’s Determination. The Applicants did not attend the appeal although it was determined that they received proper notice. The Planning and Zoning Commission reviewed the materials submitted with the appeal, heard testimony from neighbors of the Applicant, and voted to uphold the Notice of Violation.

8. C.W.C.O. § 1135.04(c) requires the Planning and Zoning Commission to memorialize its decision on such an appeal in a Findings of Fact and Conclusions of Law.

## **II. CONCLUSIONS OF LAW**

1. Any person aggrieved by a decision of the Planning and Zoning Administrator has the right to file an appeal with the City Planning and Zoning Commission under C.W.C.O. § 1105.08(a).

2. The Planning and Zoning Administrator issued a Notice of Violation for keeping a swine on property located at 392 Sarwil Drive South, which is not permitted under C.W.C.O § 1181.06(a) and the homeowners appealed claiming that the pig was an emotional support animal.

3. C.W.C.O. § 505.13(b) prohibits the keeping of certain animals within the City of Canal Winchester, except as otherwise provided within the City Code, including swine, or animals of the *suidae* family.

4. So-called “miniature pigs” including Juliana pigs, like the one at issue in this appeal, fall within the *suidae* family and are therefore prohibited in the City except in certain zoning districts.

5. The City has established a list of animals that are not permitted within certain residential zoning districts and that list includes swine.

6. The Federal Fair Housing Act requires a city to make reasonable accommodations to an applicant with a disability unless doing so would require a fundamental alteration in the nature of the zoning ordinance or would place an undue financial or administrative burden on the city.

7. Here, the Planning and Zoning Commission reviewed all of the documents submitted by the Applicant and neighbors of the Applicant. It determined that the Canal Winchester Ordinances clearly prohibited these animals and that those wishing to seek accommodations from the City must make a request prior to violating such Code provisions.

8. Further, the potential administrative burden placed on the Planning and Zoning Administrator to visit the Property to ensure that all other City code provisions regarding property maintenance, temporary shelters, and damage to neighboring properties would be substantial.

9. Therefore, the Planning & Zoning Commission denies the appeal of the Planning and Zoning Administrator’s determination that the Applicant is not permitted to house a swine at 392 Sarwil Drive South, Canal Winchester, Ohio.

\_\_\_\_\_  
DATE

AS TO THE APPEAL OF THE PLANNING AND ZONING ADMINISTRATOR'S DETERMINATION

  
\_\_\_\_\_  
BILL CHRISTENSEN

*PC*              
Concur      Dissent      Abstain

\_\_\_\_\_  
BRAD RICHEY

             
Concur      Dissent      Abstain

  
\_\_\_\_\_  
MICHAEL VASKO

             
Concur      Dissent      Abstain

  
\_\_\_\_\_  
KEVIN SERINA

*AS*              
Concur      Dissent      Abstain

  
\_\_\_\_\_  
JOE WILDENTHALER

             
Concur      Dissent      Abstain

  
\_\_\_\_\_  
JOE DONAHUE

             
Concur      Dissent      Abstain

ABSENT  
MARK CAULK

Concur

Dissent

Abstain

0128850.0615530 4825-0962-2717v1

Kathryn Santore  
386 South Sarwil Drive  
Canal Winchester, OH 43110  
[katyster@gmail.com](mailto:katyster@gmail.com)

May 20, 2020

City of Canal Winchester  
Attn: City Council  
36 South High Street  
Canal Winchester, OH 43110

Re: Swine Complaint Appeal Response

Dear City Council Members:

Canal Winchester Zoning Ordinance 505.13 section (b) (27), which appears to be for animals regarded as pets, specifically lists swine as being an animal that is prohibited from being owned within the City of Canal Winchester. Section 1181.06(c) of the codified ordinances in relation to agricultural animals also lists swine as being prohibited from being owned in the City of Canal Winchester. Properties in the Winchester Village subdivision are zoned residential and the lot sizes are uniform to around 1/3 of an acre. When I conducted my own research into ownership of mini pigs and mini pigs as emotional support animals, all the sites advised people to check zoning codes prior to obtaining a mini pig as many zoning codes prohibit the ownership of such animals. Many breeders also required potential owners to sign a document stating that a mini pig was approved by zoning prior to selling to a customer.

As dogs have many different breeds, so do swine and mini pigs fall under the swine category. Research shows that mini pigs do not reach full size until they are between 3 and 5 years of age. Any swine falling under 180 pounds is considered to be miniature. No person or breeder can guarantee what size a swine will be when it is fully grown. The swine in question is under a year old and already exceeds the owner's maximum weight claim of 30 pounds.

All types of waste cause odor and can carry parasites and disease, therefore proper clean up and disposal of waste is important. Swine in particular have large volumes of ammonia in their urine, which can cause lung problems in humans if it is not properly contained. Their excrement can carry many different worms and other parasites that can infect other animals and humans. The swine next door to me is outside, unattended and roaming the yard for over 12 hours per day. I have observed it using the bathroom wherever it pleases (both urine and other excrement), especially along and urinating through the line fence that separates the properties. This waste is not collected by the owners for weeks at a time or is absorbed into the ground leaving it exposed to rain, which collects along that fence causing the waste and any diseases/parasites that could be contained in it to leach over onto my property which can present a health hazard for myself as well as my dog. The solid waste had been kept for over two months in an uncovered plastic garbage can at the corner of the fencing line that separated our properties. It drew unwanted insects and other pests and had an awful smell that wafted into my home when I attempted to have my windows open for fresh air. It limited my ability to fully enjoy my home.

Swine, when unattended and not properly kept busy, can have many destructive habits, for example rooting. The swine next door has taken to rooting all along the line fence and its supports, and, in two

instances so far, it's rooting is going under the chain link line fence and onto my property. Chain link line fences are not designed to contain swine and the owners had shown no initiative to contain their animal and stop its rooting of that fence row although the destructive habit had been pointed out to them in March. On Sunday May 17, the owners leaned pink plastic fencing along a small portion of the fence in what I am guessing was an effort to contain it's rooting in that one area. As of Tuesday May 19, said fencing has been blown over and has not been put back in place. If the destruction of this fencing continues, it will cause me an additional financial burden to properly repair.

The mentioned swine also appears to live in a tarped structure behind their home, not in the home as stated. I have observed the swine coming out of said structure in the early morning and being chased into it by various individuals when the owners are not home, or, on occasion, going into it voluntarily at night. When it is dark out, the structure emits a red glow indicating that a heat light is being kept in there to keep an animal warm. This structure also appears to be of a temporary nature and is surrounded by now rotting straw bales which can easily attract unwanted insects and rodents into the area. If that area is not properly cleaned, that could also add to the issues of pests and odors in the area.

Individuals looking to buy a home in the City of Canal Winchester do not expect to have to live next door to swine. The swine, it's associated odor, disease risk and unsightly shelter can all cause my property to not be attractive to potential buyers, resulting in a decreased property value and much more difficult selling process. Should I ever decide to sell my property, I would be at a disadvantage based on their disregard for city zoning ordinances prohibiting the ownership of swine.

In conducting research into emotional support animals (ESA's), they bring comfort to their owners through the owner spending time with them and petting them to help to alleviate symptoms of mental distress, even when travelling. The AKC addresses emotional support animal ownership as not just being limited to dogs, and states that an animal needs to be under its owner's control at all times and cannot present a danger or be a nuisance to others. The swine in question was left alone in the back yard on April 27 and 28, 2020 when the owners were not at their residence. The animal rarely has anyone visiting it in the back yard, so I do question as to how this animal is providing emotional support to anyone in the home when its time is mainly spent outside alone.

Should this swine be allowed to stay it opens the door for anyone to claim any animal as an emotional support animal leaving zoning ordinances almost unenforceable. Notes from varying medical professionals can be obtained through proper channels for ESA ownership but also through online sites that are not regulated and where the doctor does not even have to have an established medical relationship with the individual requesting such letter. A big question to all council members should be do we want to open door for any type of animal ownership in residential areas? If a variance is granted for one, it would be very difficult for the city to deny the same type of accommodation to another individual asking for it and ESA's are not limited to certain breeds or type of animal.

It is my hope that council upholds the city ordinance and removes the swine from this area. I do sympathize with emotional issues, but responsible animal ownership also comes with the proper research of and adherence to all applicable state and city laws and ordinances. If that is not possible, I hope that council will impose restrictions on the animal being able to roam the property unattended, implement proper waste removal and inspection protocols as is required for agricultural animals and prevent the swine from further destroying the fencing that separates the properties by requiring the owners to install swine appropriate and zoning approved fencing made to contain and keep it and its

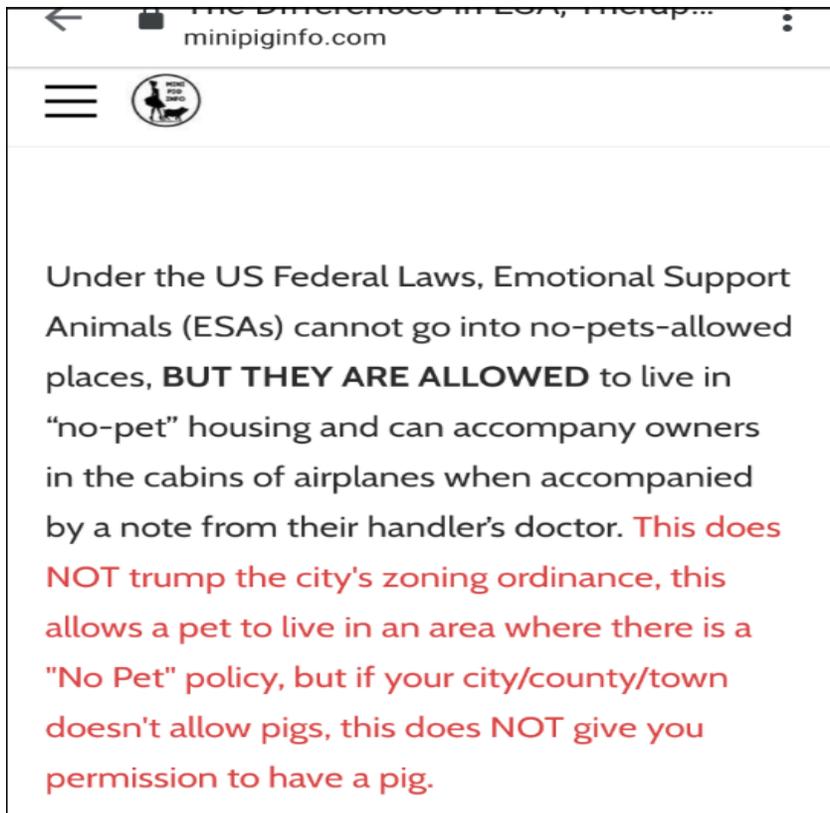
waste products away from my property. Since this animal appears to be kept outside, the owners should be expected to install a more sightly, zoning approved and permanent structure in which to properly house the swine outside.

Below, please find several applicable photos and the main websites I used for research with screen shots to some of the various pertinent information. If this letter could please be forwarded to City Council for their review, I would appreciate it.

Respectfully,  
Kathryn Santore

**Websites:**

<https://www.minipiginfo.com/esa-and-zoning-for-mini-pigs.html>



In conducting additional research on this Delta airlines does not allow hooved animals such as swine to be brought onto their flights.

<https://americanminipigassociation.com/owners/ready-mini-pig-owner/frequently-asked-questions/>

## **Is it legal to own a pig? Zoning?**

Every city has its own code for zoning. It is up to each owner to do their due diligence and call your city to make sure your city allows mini pigs. Unfortunately, zoning for cities were written a long time ago when mini pig were not pets, but considered livestock or hoofed animals which some cities may not permit. Home Owners Associations, landowners, and landlords have the right to deny a pig as a pet. It is extremely important to check city zoning, home owner association rules, or get landlord written permission before adding a pig to the family.

## What is the average size of mini pigs?

Mini pigs come in many shapes and sizes and have different genetic origins and backgrounds. All American Mini Pigs are essentially mixed. Miniature pigs have been sized down and cross bred over many generations and mixed with different miniature pig breeds including Potbelly, Juliana, Kune Kune, Gottingen, Hanford Miniature Swine, Ossabaw Island Pig, just to name a few. By definition any breed of pig averaging 350 pounds and under is considered a "Miniature" breed of swine. Any breed averaging 150 pounds or less is considered a mini pig.

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inches tall. weights can vary greatly depending on genetics, diet, environment, and lifestyle (activity). You can expect your mini pig to be anywhere from 50-150 pounds full grown at 5 years of age. Some have reported even smaller mini pigs full grown, but it cannot be expected and not the norm. A 50-75 full grown pig is very small pig. Mini pigs are short and three times more dense than a dog, so it is difficult to compare their body weight to a dog. Most mini pigs will have the body composition of a bulldog, short but dense.

Please expect your mini pig to be on the larger end of the scales. Expect your mini pig to be larger than estimated, and do not trust when a breeder that tells you that your pig will be tiny or quotes unrealistically low weights. Overfeeding your mini pig will promote growth and obesity. Never underfeed your mini pig to stunt their growth and lead to serious health problems



akc.org



CELEBRATING  
**135**  
YEARS



Share:

ESAs can be any common domestic animal including dogs, cats, or ferrets, and more. To qualify, the animal must be reasonably well behaved and under the control of its handler at all times. It also must be housebroken, and cannot be a nuisance or danger to others.

Airlines may exclude certain types of animals from accompanying passengers. Like, service dogs, emotional support dogs are not required to wear identifying equipment, such as a vest

Feedback

**Pictures:**

Below is the can of waste and where it was sitting in relation to property line. This was finally removed on May 3, 2020 after sitting for months uncovered at the property line.





Below is a picture of the swine in street untethered after it slipped it's harness in front of my home. Demonstrates no control over swine even when it is attended. This could also present a hazard for individuals who drive on the street should the swine have decided to dart into traffic.



The below is just one example of swine solid waste laying along the property line fence where water collects. As of May 20, this instance and the others still have not been removed from the property and are being degraded by the amount of rain we have had. Also demonstrates their idea of proper fence repairs in order to try to contain their animals to their yard.



The below shows the temporary looking shelter surrounded by straw bales where the swine lives. The bales have been rotting more since this particular picture was taken.



The below pictures are a few examples of rooting damage being done to the fence and under the fence onto my property. There is bent fencing from this rooting as well as a fence post that used to be covered and is in the process of being rooted out. I also included a picture of the swine about to begin rooting again as I was taking the pictures. The swine was unattended as no one was at the residence at the time that picture was taken.









The below are varying pictures of the swine in the yard at different times and time of days completely unattended. These are only several examples but this is a daily occurrence for long hours at a time.







The below pictures are of the pink plastic fence, which I can only assume is meant to stop rooting on one area of the property line. The second picture shows how the fence can't even withstand rain storms and would be completely ineffective at containing a swine. I'm also not sure that would meet zoning approval for fencing in the City.



## To Whom This Concerns

I recently obtained a note in the mail stating that Charlotte, My Julianna pig must go! I was unaware of an ESA (emotional support animal) being in violation with the zoning laws of Canal Winchester! I would like to fight for her right to stay with our family! She is a small domesticated pig that will only reach 30 pounds, at max! She doesn't bark nor bother anyone and is going to be trained to work as a therapy pig in the community, at nursing homes, and at the local schools and such!

She lives in my house and only goes outside to use the restroom. She is very smart and completely potty trained! Unlike a dog/cat or any other animal along those lines she is much cleaner! People tend to think pigs are dirty but in reality, dogs and cats are dirty! She can't get fleas and does not sweat so she doesn't smell, at all! She always uses the restroom in the same area away from where she eats! This is just something pigs, they are so intelligent! This makes for a very easy clean up! Also, unlike a dog her poop doesn't have a smell to it! She is on a strike diet on mini pig food and a fruit/vegetable a day!

Unlike a dog who just poops all over your backyard, she is very easy to clean up after! And my backyard has no smell (zero)! She does have a small shelter outside for when I'm at work, she can escape the rain and get warm. Yes she is potty trained but if no one is home to let her out she will have an accident, just like a dog!

Pigs are hyperalgesic so they make a great pet for someone who is allergic to dogs or cats because of their hair. That being said, my husband struggles very much and he is currently under treatment at Premier Allergy here in Canal Winchester. So this is a great factor about Charlotte.

The main reason I got Charlotte is because I did a lot of research on ESA (Emotional Support Animals) and what animals would work best for me in coping with my severe depression and anxiety. You may ask, why wouldn't another animal work? I've tried a dog/cat and hamster, also a fish! No other animal helped me as much as Charlotte has!

If I was to lose Charlotte this would be devastating to me! This would be like the loss of a child, a family member, a best friend and the reason that I can cope with my daily struggles! She is so intelligent, so smart and she brings so much joy to my life and improved my health by a great deal. When I was 17 I worked here at the Canal Winchester Walmart. One day, while on my way to work I went off the road on Coonpath Rd hitting a tree. I almost died, I split my head open, exposing my brain, doctors couldn't believe that I lived! It was a miracle but I was left with Traumatic Brain Injury! This is something that has changed me, I struggle everyday and no dog, no cat or any other animal has ever done the things that Charlotte has done for me!

Not long ago I tried to commit suicide and my husband agreed to let me bring her home and she's literally saved my life, not just for me but for my kids as well. They need a mom who is happy and mentally stable! I am finally happy and I'm having to fight to keep that happiness! Not saying that everyone should be able to have this type of animal but in a responsible manner! And for the right reason, and I'm using her to not only help myself with my health issues but to bring joy to others as well! Unlike a dog who could care less, she cries, when I cry! Did you know pigs show actual human emotions! No dog/cat could do that! Could a dog/cat be trained to do multiple tricks in ten minutes or less. She potty trained herself in less than six weeks and used a litter box at 4 weeks old! These are not opinions but these are facts!

To take someone's pride and joy, something so little that isn't hurting anyone, isn't right, zoning laws or not she should be considered because Charlotte is not a Hog. She is a small domesticated Juliana pig! She is very much like a dog, just way smarter! Also less noisy, these are also facts, not options!

Juliana pigs are considered to be the fourth smartest animal in the world and you can compare their mental capabilities to a two-year-old child. This is why Juliana pigs are able to learn so many different commands, also be litter/house trained, unlike dogs/cats or any other animal. They are good for people with depression/anxiety because they are always eager to please! They are very interesting and charming pets. Charlotte even loves to dance to music, she sits, spins and can stand! She has a daily routine, like you and I and even loves to take a bath. Who would have thought! She visits her grandma and grandpa on Sundays and even goes for car rides! She's very loving and doesn't bite, you could even stick your hand in her mouth, she wouldn't bite you, she's a big baby!

I could go on and on about how amazing Charlotte is but I wanted to include some data and articles on other Juliana pigs who are helping in the community. I wanted you to see for yourself the evidence and proof. This animal is not only smart, she is hypoallergenic and she is no hog, a hog gets way bigger! Charlotte will get no bigger than what she is at this current moment! Her mom and dad are just big as she is! She is not bothersome like a dog who barks all the time, she doesn't cause harm nor could she attack or bite anyone like a dog could! During these uncertain times in our world if we could all work together to keep each other's health strong. Not tear it down! These are facts, not opinions! Please if you don't understand Traumatic Brain Injury, or depression/ anxiety, these are real things and Charlotte is my real hero!

Also my husband who is a firefighter and who is face to face with this coronavirus everyday! Please take into consideration how much this will affect my health! This isn't something you should take lightly, zoning laws, or not! This is someone's life and mental health you're playing with! Please see attached my ESA letter from my doctor and

multiple papers with information on juliana pigs! Also a photo of Charlotte! Also would like to ass Charlotte is microchipped and fixed, she was bought from a licensed breeder and i will send information on that as well.

Sincerely

Courtney Elliott

James Elliott









# World's first airport therapy pig hogs the limelight at San Francisco airport

NOVEMBER 11, 2019 [REUTERS](#)



LiLou, a five-year-old Juliana pig, is part of San Francisco International Airport's "Wag Brigade".

*Instagram/LiLou\_SFPig*

**SAN FRANCISCO** - Pigs might not fly, but LiLou the therapy pig wants to make air travel less stressful.

The five-year-old Juliana pig and her owner, Ms Tatyana Danilova, are part of San Francisco International Airport's "Wag Brigade" - a

programme that brings therapy animals to the airport to cheer passengers up and help ease travel anxieties.

Dressed in a pilot's cap and with toenails painted bright red, LiLou breezes through the metal detector at airport security and trots to the departure gates.

She raises a hoof in greeting, poses for selfies and entertains departing passengers with a tune on her toy piano.

"People are very happy to get distracted from the travel, from their routines, whether they're flying on their journey for vacation or work," said Ms Danilova.

"Everybody is usually very happy and it makes them pause for a second and smile and be like, 'Oh, it's great.'"

When she's not delighting passengers at the airport, LiLou lives with Ms Danilova in her downtown San Francisco apartment, where she enjoys a diet of organic vegetables and protein pellets, sleeps in her own bed and goes for daily walks around the neighbourhood.



PHOTO: Reuters

Ms Danilova says LiLou loves interacting with people, but, as a prey animal, doesn't like having anyone approach her from behind.



Tell your friends, [asiaone](#) is on Telegram.

At the airport, eight-year-old Katie Schroeder, from San Ramon, California, squealed in delight as LiLou bashed out a tune on her piano, using her hooves and snout.

"I've never seen a pig in the airport. She can do tricks like a dog," she said.

Guest services manager Jennifer Kazarian says LiLou is the world's first airport therapy pig in a "Wag Brigade" programme, which includes dogs of all breeds and sizes. Ms Kazarian says LiLou has built a sense of community in the airport.

"When we first launched the programme, our main goal was to relieve stress for our passengers. However, what we have found is we have formed a connection with our passengers and it's been totally amazing," Ms Kazarian said.

All the therapy animals take part in a training programme with the San Francisco SPCA and must have a stable temperament, good manners and a friendly personality, she said.

As for little "accidents", Ms Kazarian said there have not been any issues. All the animals, including LiLou, are house-trained.

ALSO READ: [Woman with 'emotional support' peacock barred from flight](#)

- This is a Juliana pig who was recently on the news for helping people, this article is not mine and is from the website

<https://www.asiaone.com/world/worlds-first-airport-therapy-pig-hogs-limelight-san-francisco-airport>



# Fair Housing Act – Emotional Support Animals

Choosing between your ESA and housing is a decision you should never have to face, and the federal Fair Housing Act ensures you'll never have to. For owners of emotional support animals, their health and wellbeing depend on having their ESA in their life. From everyday tasks to challenging obstacles, an emotional support animal can be vital in successfully navigating day to day life. Thankfully, because of the Fair Housing Act, emotional support animals and their owners have legal rights that specifically guarantee access to housing.

If you're considering getting an emotional support animal, or are facing a challenge regarding your emotional support dog and housing availability, we've created a useful guide to understanding your rights under the federal Fair Housing Act.

## What is the Federal Fair Housing Act?

The **Fair Housing Act (FHA)** protects individuals from unlawful discrimination in housing, specifically unfair treatment due to disability, religion, race, color, national origin, sex, or familial status. Under the FHA, anyone trying to purchase or rent a home, get a home mortgage, or qualify for housing assistance cannot be unfairly discriminated against due to the above-named factors.

The Fair Housing Act also makes it illegal for a property owner to apply different terms and conditions for the rental or sale of a house based on the above reasons, with different rental prices or sale prices also specifically banned. Further, failing to provide proper maintenance, limiting privileges or services, or harassing a resident because of disability, religion, race, color,

national origin, sex, or familial status (or requested accommodations associated with any of these factors) is prohibited.

While the FHA is designed to protect the rights of those seeking housing, it also considers certain situations in which property owners and/or landlords might be reasonably exempt. Housing managed by religious organizations, members-only private clubs, single-family houses rented or sold by the owner, and owner-occupied buildings with four or less units are categorized as exempt from FHA regulations.

## The Fair Housing Act and Emotional Support Animals

Under the Fair Housing Act, an emotional support animal is considered a “tool” for aiding an individual with a disability, therefore excluding ESAs from “no pets” policies and certain other pet-related property rules. If you have been diagnosed with a mental, emotional, or psychological disability outlined in the Diagnostic and Statistical Manual (DSM) of Mental Disorders, you are included in the FHA’s provisions for disabled persons.

According to the HUD, the government entity responsible for enforcing the Fair Housing Act, a housing provider must consider two simple questions when evaluating a request for ESA housing:

- Does the individual making the ESA request have a diagnosed disability?
- If so, does the individual have a disability-related need for the emotional support animal?

If both questions can be answered affirmatively, the housing provider is legally required to make reasonable accommodation for you and your ESA. In contrast, if one of the above questions can be answered with a “no,” then the landlord can deny an ESA request.

However, it’s important to understand that just because a housing provider is uncertain about whether you have a disability or a disability-related need for your ESA, that doesn’t mean they can deny your request. Your ESA letter serves as professional confirmation that you qualify under FHA regulations, eliminating any guesswork on the part of the housing provider.

## What Does “Reasonable Accommodation” Mean Under the FHA?

The Fair Housing Act states that a housing provider must make all efforts to accommodate an emotional support animal, but the law also acknowledges that in some cases, it may not be possible. This means that in certain situations, a landlord can deny your emotional support animal.

A housing provider can legitimately refuse your ESA request in any of the following scenarios:

- The property owner can prove that allowing the ESA would subject them to **undue financial or administrative stress**.
- Your ESA may be rejected if it is **too large for the property**. One example might be an ESA request for a horse to be accommodated in a small apartment.
- If your ESA has **caused damage to the property or presented a threat to another tenant**, your landlord can rescind ESA accommodation.
- If the property is **owner-occupied and has four or fewer units**, an ESA may be denied.
- If the housing is **managed by a religious organization or is a members-only club**, the FHA regulations do not apply and an ESA can be refused access.
- If the property is **for rent or sale by owner only**, it does not qualify for FHA protections.

It's important to understand that while a housing provider must attempt to make reasonable accommodation according to the FHA, ESA owners also have certain responsibilities including obtaining the proper documentation, clearly communicating the ESA request in a timely manner, and ensuring appropriate conduct by their animal.

## What Documents Can a Landlord Require for an ESA?

Whether you're an ESA owner searching for housing or are interested in bringing an ESA into the property where you currently live, you will need to secure the required documentation in order to properly submit an ESA request. Your landlord can require you to provide **a doctor-issued ESA letter**, which is a professional statement that includes specific information outlining your need for an ESA.

- Some ESA letters also include specific information about your ESA, such as the breed and size, which can be helpful for identification purposes

Once you have your ESA letter, you are ready to submit a request for reasonable accommodation under the Fair Housing Act.

## Emotional Support Animals and Housing: Tips

When you are seeking approval for your emotional support animal, whether, at a current residence or one you are considering, there are a few simple tips that can help increase your chances of achieving a positive, hassle-free outcome:

### **Communicate clearly, honestly, and professionally with the housing provider**

Hiding your ESA is never a good idea, and does not set you up for a positive interaction with your landlord. Instead, keep the lines of communication open. While you aren't legally obligated to inform the housing provider of your ESA before signing the lease, it can be a proactive way to ensure that reasonable accommodation is possible at the property in question. Additionally, many landlords are open to accommodating your need as long as they are made aware, and communicating positively from the beginning can set a positive tone right away.

If you are planning to bring an ESA into a current residence, be sure to inform your property owner and provide the appropriate documentation when requested. In the event that you encounter conflict with the housing provider, make every attempt to maintain a neutral and respectful tone to avoid escalation.

### **Ensure that your ESA behaves appropriately**

While there are no specific training requirements for an emotional support animal, basic behavior training is important. Your ESA must be able to behave properly in a variety of settings and situations, including at home. If your ESA damages property, makes excessive noise or shows aggression towards other people, you are more likely to encounter problems and potentially be denied housing. Even though you do have certain rights, a landlord can lawfully evict you if your ESA becomes a danger to other tenants.

An ESA letter serves as your main form of “proof” and is an extremely important document to have on hand before beginning an ESA-related conversation with your housing provider.

## What Documents Can a Landlord NOT Require for an ESA?

Many property owners are unfamiliar with ESA laws, so it’s not unusual for them to make requests for documents that you are not required to submit. While you will need an ESA letter to prove your qualification under the FHA, there are no additional documents necessary for housing approval.

In fact, a landlord has no legal right to request information such as your medical history or specific diagnosis, as your privacy is protected by law. If your landlord asks for proof of ESA registration, certification, or information about your ESA’s placement in a national registry, you are not obligated to fulfill the request. While you may see online businesses advertising ESA registry placement, there is actually no such thing – neither registration or certification exists for ESAs.

## How to Get an ESA Letter for Housing

Getting an ESA letter for housing is a fairly simple, straightforward process when you choose a professional organization like Support Pets. Although an ESA letter must be issued by a medical practitioner, not all doctors are qualified to provide valid ESA documents. Your ESA letter must be written by a licensed mental health provider, like the ones on staff here at Support Pets.

If you need an ESA letter, you will need to connect with a licensed medical provider. After evaluating you and issuing or confirming a diagnosis, the doctor can then write your ESA letter. An ESA letter is valid for one year from the date of issue, and must include the following components:

- Your name
- The doctor’s statement that you have a diagnosed disability as included in the Diagnostic and Statistical Manual (DSM) of Mental Disorders (or other applicable literature)
- The doctor’s statement that your ESA is a disability-related need and required for your health and well-being
- The doctor’s official letterhead, signature, license number, and location of the practice

## ESA and Housing: FAQs

Here are many of the most commonly-asked questions about housing and emotional support animals, organized in an easy-to-reference list:

### **What qualifies you for an emotional support animal?**

There are a wide range of diagnosed conditions that can qualify you for an emotional support animal (and an ESA letter), including mood disorders, PTSD, anxiety, depression, and many other mental and emotional conditions. A doctor can provide you with specific information regarding your qualification for an ESA.

### **Are landlords required to accept emotional support animals?**

Landlords must make reasonable accommodations for ESAs under the FHA, regardless of “no pets” policies or property restrictions. However, there are certain situations in which a landlord is not required to allow your ESA.

### **Can a landlord refuse an emotional support animal?**

In certain cases, a landlord can legally refuse an ESA:

- Owner-occupied properties with four or fewer units
- Religious housing
- Members-only private clubs
- Property for sale or rent by owner
- If the ESA would place undue financial or administrative stress on the housing provider
- If the ESA is too large to reasonably accommodate at the property
- If the ESA has caused excessive damage to the property or threatens the safety or well-being of other tenants

### **Can my landlord ask for ESA registration?**

## Educate yourself about your legal rights

Understanding your ESA rights is an important part of being an ESA owner, especially because it can prepare you to defend yourself from unlawful discrimination. Many property owners are simply unaware of ESA laws and may attempt to refuse your emotional support animal because they do not realize the nature of your request. However, being able to clearly communicate the facts about ESA laws and the FHA can help you not only secure housing, but also educate your housing provider and potentially benefit future ESA owners.

## What to Do if Your Landlord Denies Your ESA

If you've provided your landlord with your ESA letter but they refuse to make reasonable accommodation, there are steps you can take to resolve the issue. While the denial may be valid in certain limited situations, in many cases, you may have to pursue specific action to protect your right to housing.

First, request a formal letter explaining the ESA rejection. Then, reply to the letter (via email or written letter) stating that although you have provided all legally-required documents (your ESA letter), the housing provider is refusing your reasonable accommodation request. Include a clear statement that explains you will be contacting the HUD to submit an official discrimination complaint. Throughout the letter, do your best to maintain a calm, neutral tone.

After receiving your letter, the housing provider may take the time to research the FHA and realize their error, which can result in a reconsideration of your request. However, if they continue to refuse your ESA, you can file an HUD complaint either online or by printing and mailing the appropriate forms to the address below.

Office of Fair Housing and Equal Opportunity

U.S. Department of Housing and Urban Development

451 7th Street, S.W., Room 5242

Washington, D.C. 20410

No. There is no such thing as ESA registration, certification, or an ESA registry.

### **Can a landlord reject my ESA because of its breed or age?**

No. Breed and age restrictions do not apply to ESAs.

### **Can my landlord charge pet rent or a pet deposit for my ESA?**

No. ESAs are not considered “pets” according to federal law, and therefore are not permitted to incur fees such as pet rent or pet deposits. You cannot be evicted or denied housing for refusing to pay pet rent or deposit fees.

### **Does my college dorm have to allow my ESA?**

Amendments made to the Fair Housing Act state that college dorms and on-campus housing must attempt to make reasonable accommodations for qualified emotional support animals.

### **What happens if my ESA damages property or harms another tenant?**

Regardless of ESA laws, you are liable for damages or personal harm caused by your ESA.

## **Get an ESA Letter to Protect Your ESA Housing Rights**

Getting a doctor-provided ESA letter is an important step in guaranteeing your ESA rights, but going through the approval process doesn't have to be stressful. Support Pets connects **qualifying applicants** with licensed medical professionals, providing a 99 percent approval rate within 24 to 48 hours. With a professional ESA letter from Support Pets, you'll be able to seek reasonable accommodation for your ESA and protect your housing rights under the FHA – regardless of any “no pets” policies.

Using the Support Pets online system, you can complete the ESA letter process in minutes. After completing a short quiz and doctor-provided questionnaire, your information will be securely sent to one of our licensed medical professionals. After reviewing your case, a Support Pets doctor will issue your ESA letter if you qualify.

For more information about how to get an ESA letter for your housing needs, **contact Support Pets** today.

- Another Article that Again isn't mine but has to do with the laws that protect people with disabilities! Mental health falls under those lines, severe depression and anxiety! Without Charlotte, I do not function as normal! This is the link to the page below.  
<https://www.supportpets.com/fair-housing-act-emotional-support-animals/>



**Health Record  
of**

Cat's Name: \_\_\_\_\_  
 Birthdate: 9-27-19 Sex: Spayed female  
 Breed: Sulpana Color and Markings: White w/ black spots

Allergies: \_\_\_\_\_  
 Spay or Neuter Date: 11-14-19

Owner's Name: Courtney Elliott

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_

**PET PLEX ANIMAL HOSPITAL**  
 4250 WALNUT ROAD  
 BUCKEYE LAKE, OH 43005  
 Telephone (781) 929-2800





STEP 1  
991001003155154

### Save This Life Microchip Registration Form

Please Write LEGIBLY! This is the best way to keep your information accurate and keep your pet safe. Please fill out all fields.

#### STEP 2: WRITE OUT MICROCHIP #:

991001003155154

#### STEP 3: FILL OUT ALL INFORMATION

Pet's Name: \_\_\_\_\_ Species: Cat / Dog / Horse Other Pig

Breed: Juliana Color: black w/ white spots Pet's Birthdate: 9-27-19 Sex: M (F circle one)

Health Concerns (Special Needs, Meds, Allergies): \_\_\_\_\_

Owner's Name: \_\_\_\_\_

\*Cell Phone #: \_\_\_\_\_ \*Email Address: \_\_\_\_\_

\*Call Service Provider (Sprint, AT&T, etc.): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

In Case of Emergency (List as many phone numbers as possible. This gives your pet the best chance of being reunited with you!):

Phone #1: \_\_\_\_\_

Phone #2: \_\_\_\_\_

Phone #3: \_\_\_\_\_

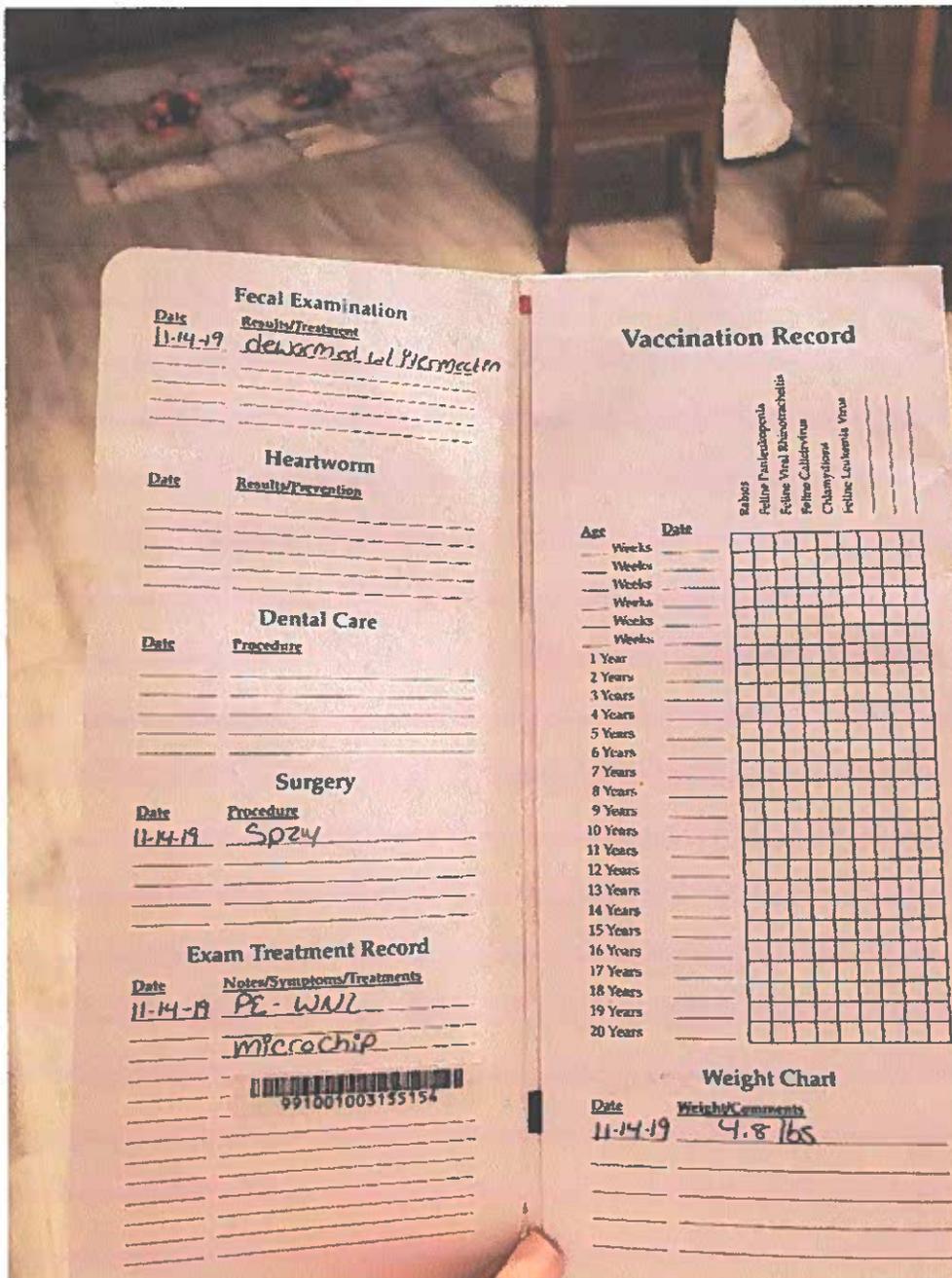
Where was your microchip implanted?

(Name of vet, shelter, rescue): Pet Plex Animal Hospital/Breeder

#### Upgrade your pet's membership to Diamond to receive a:

##### Dedicated Personal Pet Recovery Specialist

- Sends Lost Pet Alerts to shelters & rescues within a 25-mile radius of your pet's last known location
- Coordinates communication with your pet's finder
- Provides a printable Lost Pet Poster PDF
- Monitors social media
- Coordinates communication with your pet's finder





# Julliana Pig Association & Registry



## Application for Registration

This form is to be given to the new owners of registered piglets. It provides the new owners with a convenient way to register their new piglet and confirms the recognition of the litter.

### Litter Information to be filled out by breeder

Breeder: Sierra Johnson  
 Date: 10/12/2019  
 Date of Farrowing: 01/03/2019  
 27

Litter Number: 092719HH  
 Males: 5  
 Females: 2

Sire: Black Diamond Gordy Hambrino Hickory Havens 0630178D001  
 Dam: Muzzing & Dodgers Pappa Pig of Hickory Havens 102215HBF006

### Piglet Information to be filled out by new owner

First Name Choice: HICKORY HAVENS

Second Name Choice: HICKORY HAVENS

Owner's Name(s): C O U N T R Y I D I O T E

Owner Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone Number: ( ) - -

Will this pig be used for breeding? (circle initial on line if not) YES  SS

Coat Color: White  
 Sex: Spayed female

Spot Color: Black  
 ID #: 991001003155154

Additional Markings: \_\_\_\_\_

Please send this completed form, front, right side, and left side pictures of the pig via e-mail if possible (jullianapigregistry@gmail.com); and the registration fee of \$30 (\$15 if a member) to:

Julliana Pig Association & Registry  
2578 E. Sutton Rd  
Metamora, Mich 48455

\*\*Checks are made payable to: Lannette Amon, Registrar\*\*

For additional information, including how to become a member, please visit jullianapig.com or call 660-851-4488

Once the piglet has reached 3 years old and is fully grown he/she is eligible for Permanent Registration

Letter by David Patrick Lynch, DO on 3/20/2020



OHIOHEALTH PRIMARY CARE PHYSICIANS  
7340 E BROAD ST SUITE B  
BLACKLICK OH 43004-9625  
Phone: 614-566-7300  
Fax: 614-533-0293

March 20, 2020

Courtney B Elliott  
392 S Sarwil Drive  
Canal Winchester OH 43110

To Whom It May Concern:

Courtney B Elliott is under my medical care for several problems including anxiety disorder and depression with intolerance to multiple medications for treatment and requires her emotional support animal (ESA) which is her small domesticated Juliana pig. Due to her mental disability this emotional support animal helps her deal with stress and coping more effectively than if she did not have the animal. Her quality of life is improved with this animal and the presence of this animal is medically necessary to help mitigate the symptoms she is currently experiencing.

Thank you for your consideration in this matter .

If you have any questions or concerns, please don't hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Lynch", written over a white background.

David Patrick Lynch, DO

Have you activated your OhioHealth MyChart account? OhioHealth MyChart is our online patient portal where you can securely message your doctor, and access your medical information from home, at work, or on the road. Call our office or visit [mychart.ohiohealth.com](http://mychart.ohiohealth.com) if you're interested in getting connected to your care with OhioHealth MyChart.

RE: Elliott, Courtney – DOB: 2/7/1990 MR#: 5001773416 03/20/20 8:47 AM Page 1 of 1

Name: Courtney B Elliott | DOB: 2/7/1990 | MRN: 5001773416 | PCP: David Patrick Lynch, DO

## Letter Details



OHIOHEALTH PRIMARY CARE PHYSICIANS  
7340 E BROAD ST SUITE B  
BLACKLICK OH 43004-9625  
Phone: 614-566-7300  
Fax: 614-533-0293

March 31, 2020

Courtney B Elliott  
392 S Sarwil Drive  
Canal Winchester OH 43110

To Whom It May Concern:

Courtney B Elliott is under my medical care for several problems including anxiety disorder and depression with intolerance to multiple medications for treatment and requires her emotional support animal (ESA) which is her small domesticated Juliana pig. Due to her mental disability this emotional support animal helps her deal with stress and coping more effectively than when she not have the animal. This animal is the best ESA fit for Courtney since other animals were tried without benefit. Her quality of life is improved with this animal and the presence of this animal is medically necessary to help mitigate the symptoms she is currently experiencing.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,

David Patrick Lynch, DO

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Have you activated your OhioHealth MyChart account? OhioHealth MyChart is our online patient portal where you can securely message your doctor, and access your medical information from home, at work, or on the road. Call our office or visit [mychart.ohiohealth.com](http://mychart.ohiohealth.com) if you're interested in getting connected to your care with OhioHealth MyChart.

*This letter was initially viewed by Courtney B Elliott at 3/31/2020 2:35 PM.*

MyChart® licensed from Epic Systems Corporation © 1999 - 2019

March 9, 2020

James & Courtney Elliott  
392 Sarwil Drive South  
Canal Winchester, OH 43110

To Whom it May Concern:

This notice is to advise you that your property located at 392 Sarwil Drive South on March 9, 2020 indicates a violation of Section 1181.06(c) of the Codified Ordinances of the City of Canal Winchester, a copy of which is attached hereto, in the following respect:

- ❑ Pigs and other Swine are only permitted to be kept on property zoned Exceptional Use (EU) where Agriculture and Agriculture Farm Animals are permitted.

You are hereby directed to correct the above mentioned violation within thirty (30) days.

When you have corrected the situation, or if you believe that you are not in violation, please contact the undersigned. If we do not hear from you, your property will be re-inspected in approximately thirty (30) days. If the violation has not been corrected at that time, or if you have not made arrangements for correction or an extension, you will receive a formal notice of violation including possible enforcement actions

Sincerely,

Andrew Moore  
Planning and Zoning Administrator

## Chapter 1181.06 Keeping of Agricultural Animals in Non-Agricultural Districts.

(a) Keeping of Horses and Goats. Horses and goats may be kept in single family residential districts provided that:

- (1) Minimum Acres Required. The minimum acreage on which horses or goats may be kept shall be five (5) acres.
- (2) Number Limited Based on Acreage Available. There shall not be more than one (1) horse or four (4) goats per two and one-half (2.5) acres of land.
- (3) Only Mares or Geldings. Only mares or geldings may be kept on lots less than ten (10) acres.
- (4) Prohibited Animals. Nothing in this Section shall be construed or interpreted to permit the keeping of cattle, sheep, swine, or other agricultural animals, except as otherwise done in conformance with the Zoning Code.
- (5) Fencing Required. Such land shall be fenced so as to securely confine said animals. Such fencing shall not be located closer to any public right-of-way or private street than the minimum setback in the district and shall not be located closer than eight (8) feet from any other property line.
- (6) No Storage of Manure. No storage of manure or dust producing substances shall be permitted.
- (7) Control of Odors Required. No odors may be detectable beyond the property on which such use exists.
- (8) Building Setback Requirements. Any building used in connection with the keeping of horses or goats shall be located at least fifty (50) feet from any property line.
- (9) Use Permit Required. A use permit shall be issued by the Planning and Zoning Administrator to any applicant meeting the requirements of this section prior to the commencement of the keeping of horses or goats and shall include the following information:
  - (A.) Address where the horses or goats will be kept;
  - (B.) Name of the owner;
  - (C.) Phone number for the owner;
  - (D.) Email Address for the owner;
  - (E.) A description of the type and number of animals to be kept;
  - (F.) A diagram of the property, drawn to scale, showing the proposed location and configuration of the structures housing the horses or goats as well as the relation of these structures to adjacent properties;
  - (G.) A diagram of the shelter;
  - (H.) A description of the feed storage containers and its location;
  - (I.) Written consent from the applicant, valid for the duration of the permit, for a representative of the City, or of the county health department, to enter the applicant's property for purposes of inspecting the premises for compliance with health, sanitation, and zoning laws and ordinances;

- (J.) Such other information as the Planning and Zoning Administrator determines is necessary to evaluate the suitability of the applicant or property.