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Phone: 804-367-8530

TOLL FREE: 888-551-3247

TDD: Call Virginia Relay 711

Fax: 866-480-8333

[FairHousing@dpor.virginia.gov](mailto:FairHousing@dpor.virginia.gov)

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## THE VIRGINIA FAIR HOUSING LAW and ASSISTANCE ANIMALS\*



- **About Fair Housing Law**
- **Rights and responsibilities when it comes to having an assistance animal**
- **Who is allowed to have an assistance animal?**
- **Answers to commonly asked questions about assistance animals**

\***Assistance animals** help individuals with physical, intellectual, or mental disabilities. The term "assistance animal" can be used interchangeably to describe the different roles of *service* animals, *emotional support* animals, *therapy* animals, *companion* animals, or other animals that assist a person with a disability. To avoid confusion with the revised Americans with Disabilities Act (ADA) "service animal" definition, or any other standard, we follow the broader meaning under the Fair Housing Act and use the term "assistance animal."

## THE VIRGINIA FAIR HOUSING LAW

The Virginia Fair Housing Law prohibits housing discrimination – in public and private housing – based on race, color, religion, national origin, sex, elderliness, familial status, disability, source of funds, sexual orientation, gender identity and military status.



Definition of Disability:

- has a physical or mental impairment that substantially limits one or more major life activities;
- has a record of having such an impairment; or
- is regarded as having such an impairment.

Major life activities examples: walking, talking, seeing, hearing, breathing, performing manual tasks, caring for oneself, learning, and working.

## What the Fair Housing Law Says About People with Disabilities. . .

Federal and state laws prohibit intentional housing discrimination for people with disabilities. They require housing and shelter providers avoid policies and practices that might unintentionally discriminate against individuals with disabilities.

The laws also demand that housing and shelter providers make individual exceptions to rules or policies if those rules or policies would otherwise have a discriminatory effect on an individual with a disability.



EXAMPLE: An apartment complex has a strict "No Pets" policy, but a blind resident needs a guide animal. That resident has the right to request and receive an exception to that policy, known as a **REASONABLE ACCOMMODATION**.

## Assistance Animal Q & A

### Q. WHAT IS A REASONABLE ACCOMMODATION?

**A.** A **reasonable accommodation** is a change in rules, policies, practices, or services to allow a person with a disability the equal opportunity to use and enjoy a dwelling unit or common space.

### Q. WHAT IS A SERVICE OR ASSISTANCE ANIMAL?

**A.** A service or assistance animal is not a “pet.” *Service animals* perform tasks for the benefit of a person with a physical or psychiatric disability. *Assistance animals*, including companion and emotional support animals, provide therapeutic benefit to a person with a disability.

### Q. IS AN ASSISTANCE ANIMAL REQUIRED TO HAVE SPECIAL TRAINING OR CERTIFICATION?

**A.** **No specialized training or certificate is required.** Disabled residents only need to verify that the animal provides a “necessary” service related to their disability.

### Q. ARE DOGS THE ONLY KIND OF ASSISTANCE ANIMALS?

**A.** No. According to fair housing law, any animal can be an assistance animal if it has an effect on the ability of the resident to use and enjoy the dwelling, property, and amenities offered to all residents. Miniature horses, capuchin monkeys, ferrets, parrots, snakes, pigs, chickens, goats, cats, hamsters, and rabbits have all been identified as assistance animals.

### Service Animals Welcome



### Q. DOES THE RESIDENT HAVE TO GIVE THE HOUSING PROVIDER SEPECIFIC DETAILS ABOUT THE DISABILITY?

**A.** No. Residents need only to show that the assistance animal is **necessary** for them to have “equal use and enjoyment” of their dwelling and the property.

### Q. IS VERIFICATION NEEDED AND WHO SHOULD PROVIDE IT?

**A.** According to the *HUD/DOJ Joint Statement on Reasonable Accommodations*, housing providers may require a resident to provide verification if the disability is not visible and/or to establish a “nexus” (relationship) between the disability and the need for the animal.



### Q. WHAT ABOUT WEBSITES THAT CLAIM THEIR CERTIFICATES OFFER ENOUGH PROOF OF THE NEED FOR AN ASSISTIVE ANIMAL?

**A.** The resident’s disability is what triggers a reasonable accommodation, NOT the type of animal. Despite advertising as a way to qualify a pet as a service animal, those websites are careful to provide disclaimers about the limits of their certificates and even warn individuals registering an animal that “they may still be required to get a verification letter from an attending physician or psychiatrist.”

### Q. ARE THERE RULES THAT APPLY TO ASSISTANCE ANIMALS?

**A.** Yes.

1. Animals can be any size, breed, or weight.
2. Animal must not be a threat to other residents or property.
3. Residents must follow “pet rules” that may include: **noise control, cleaning up after the animal, leashing, licensing, or vaccination records.**
4. Residents must care properly for and have control of the animal.
5. Residents are responsible for property damages.



### Q. CAN A RESIDENT BE ASKED TO REMOVE THE ANIMAL FROM THE PROPERTY?

**A.** Yes. If the resident does not comply with the rules governing assistance animals, the housing provider may issue a 21-30 notice to the resident. The resident then has 30 days to correct the action or behavior of the animal.