THE VIRGINIA FAIR HOUSING LAW and ASSISTANCE ANIMALS*

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, and disability, source of funds, sexual orientation, gender identity and veteran status.

Definition of Disability

Legally handicapped (disabled) is defined as a person who:

- 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?

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. 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.