THE VIRGINIA FAIR HOUSING LAW
The Virginia Fair Housing Law prohibits housing discrimination – in public and private housing – on the basis of race, color, religion, national origin, sex, elderliness, familial status, disability, source of funds, sexual orientation, gender identity and veteran status.

DEFINITION OF DISABILITY
The legal definition of handicap (disability) means 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 impairment.

EXAMPLES OF MAJOR LIFE ACTIVITIES
Walking, talking, seeing, hearing, breathing, performing manual tasks, caring for one’s self, learning, and working.

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ASSISTANCE ANIMALS

Under the Fair Housing Law, a housing provider with a no-pet policy must allow a resident with disabilities to keep assistance animal as a reasonable accommodation. While the standard for service animals under the Americans with Disabilities Act is that the animal must be individually trained, assistance animals under FHA do not require training or certification, but must work for the benefit of the person with disabilities.

Examples include:
- Certified service animal
- Certified service dog
- Certified service bird
- Certified service monkey


Certified service bird Sadie, an African Grey parrot

Assistance animals:
- Can be any breed, any size, any weight
- Do not need certification
- Do not need to wear a vest or any such identifying item
- Should not cost the resident any pet deposit or fees
- Must follow the rules for pets such as leash laws, vaccination and license requirements, and waste disposal

Residents must exercise control of the assistance animal, including noise control. Residents are responsible for any damages to the dwelling unit that may be caused by the assistance animal.

WHO PAYS?

Reasonable accommodations are generally paid by the housing provider.

WHAT IS CONSIDERED “REASONABLE”?

A request that does not impose an undue financial or administrative burden to the property or the community.

Vietification

Verification may be necessary if the disability is not visible, or if the need for accommodation is not apparent. A medical professional, social worker or caseworker can make verification.

WHO PAYS?

Reasonable modifications are generally paid by the resident making the request. The U.S. Department of Housing and Community Development (HUD) offers loan programs to help with financing.

The housing provider may require the resident establish an escrow fund to pay to restore the unit to its original condition when the tenant moves out.

If the property receives federal funds, or if the modification is to a public or common-use area, the housing provider may be responsible for the cost.

WHAT IS CONSIDERED “REASONABLE”?

A request that does not impose an undue financial and administrative burden to the property or the community.

WHO PAYS?

Although a request for reasonable modification may be made verbally, it is most helpful – for both the resident and the housing provider – to put the request in writing.

VERIFICATION

Verification may be necessary if the disability is not visible, or if the need for accommodation is not apparent. A medical professional, social worker or caseworker can make verification.

HIRING A CONTRACTOR

Not only can the housing provider require the modification be done in a professional manner, persons with disabilities should protect themselves and their monetary investment by hiring only licensed contractors. Check the contractor’s license status at www.dpor.virginia.gov or call (804) 367-8511 before choosing a contractor to make the modification.