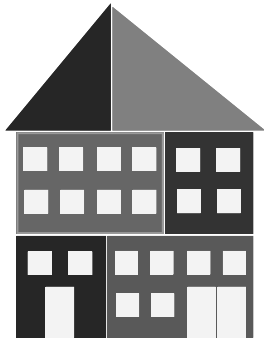


USEFUL TIPS

What you should do if you believe you have experienced housing discrimination:

- Contact the Fair Housing Project and report the discrimination to us.
- Keep a journal of incidents of discrimination.
- Write down what you experienced, including names, dates, addresses, rental terms, and any other details about your interaction.
- Keep any documents related to the discrimination, including all emails and text communications.
- Following the incident, you have one year to file an administrative complaint or two years to file a lawsuit in court.



THE FAIR HOUSING PROJECT

The Fair Housing Project of Legal Aid of North Carolina is available to provide information concerning a person's rights under the federal Fair Housing Act. If you believe you are a victim of housing discrimination, contact us for assistance at **1-855-797-3247**. A project staff person will discuss the situation with you and help you to decide what to do next. Your response to us will be kept confidential.

When necessary, our staff can assist you in filing a complaint with the U.S. Department of Housing and Urban Development (HUD), local human relations commissions, or in court.

Fair Housing Project

LEGAL AID OF NORTH CAROLINA

(855) 797-FAIR

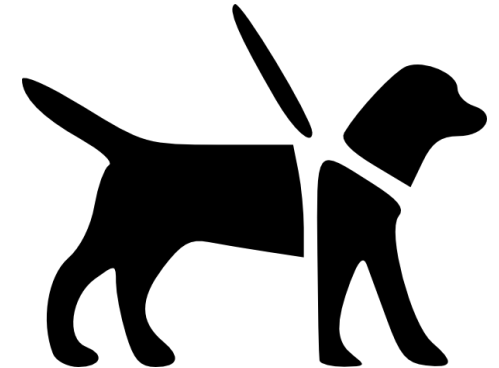
(855) 797-3247

www.fairhousingnc.org

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HOUSING DISCRIMINATION

Assistance Animals under the Fair Housing Act



LEGAL AID
OF NORTH CAROLINA

Fair Housing Project



DISABILITY DISCRIMINATION

The Fair Housing Act (FHA) prohibits discrimination against individuals who have disabilities or who are associated with people with disabilities. A housing provider that refuses to allow a *reasonable accommodation* to rules, policies, and practices to allow a person with a disability to use and enjoy their housing may be violating the FHA.

WHAT IS AN ASSISTANCE ANIMAL?

Under the FHA, an assistance animal (also called an “emotional support animal,” “ESA,” “support animal,” or “therapy animal”) is an animal that works, provides assistance, or performs tasks for a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability. This is broader than “service animals” permitted in places of public accommodation under the Americans with Disabilities Act (ADA).

While landlords may have restrictions on pets in their properties – including prohibiting them completely – those rules may have to be modified if a person needs an assistance animal to accommodate their disability.

WHAT PROPERTIES MUST COMPLY?

All types of dwellings, including private housing, subsidized housing, group homes, assisted living facilities, and most shelters and other transitional housing are covered. It typically does not apply to short-term housing, such as hotels or motels, though under the ADA, those facilities may have to allow “service animals.”

REQUESTING AN ASSISTANCE ANIMAL

A request for an assistance animal is handled like any other *reasonable accommodation* request. A person must show that they have a disability — a physical or mental impairment that substantially limits one or more major life activity — and that there is a disability-related *need* for the animal. A request may be denied if it would cause an undue burden or a fundamental alteration of the provider’s services.

IS VERIFICATION REQUIRED?

If a person’s disability or need for an assistance animal is not obvious or otherwise known, they may be required to provide proof of that disability and need, typically by providing a verification letter.

It is usually best to have a treating healthcare professional — such as a physician, optometrist, psychiatrist, psychologist, physician’s assistant, nurse practitioner, or nurse — provide the verification letter.

In most cases, an individual’s medical records or detailed information about the nature of their disability is *not* necessary for this inquiry.

While there are some online sites that offer to provide such documentation, HUD has stated that such letters by themselves are usually **not sufficient** to show that a person has a disability or needs an assistance animal.

QUICK GUIDE REFERENCE

- If the requested animal is not one commonly kept in households (such as a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal), a person with a disability must provide additional documentation of the need for such a “unique animal.”
- An assistance animal **does not have to be individually trained**. Sometimes, the mere presence of the animal provides the therapeutic benefit.
- There is **no requirement** that it be **certified or registered** with any agency or government.
- **Breed, size, and weight restrictions** may not be applied to assistance animals. But if a particular animal poses a direct threat to health or safety or would cause substantial property damage (based on a history of aggression, e.g.), it may be excluded.
- **Landlords cannot charge** extra rent or require an extra deposit for an assistance animal. However, if an assistance animal causes damage to the unit, the person is still liable for the cost of repair.
- You may take your assistance animal **to all areas of the premises** where persons are normally allowed to go.
- A **tenant must maintain control** of their assistance animal, ensure that the animal does not cause excessive noise or damage to the unit, and walk and clean-up after the animal.