

U.S. Celebrates 50 Years of Fair Housing Law

President Lyndon Johnson signed the Civil Rights Act of 1968 nearly 50 years ago, and fair housing became law.

“Now, with this bill, the voice of justice speaks again. It proclaims that fair housing for all, all human beings who live in this country, is now part of the American way of life,” the president said.



April is Fair Housing Month and Wednesday, April 11, the U.S. Department of Housing and Urban Development will mark the law’s 50th anniversary in a ceremony in Washington, DC. HUD Secretary Ben Carson said the Fair Housing Act remains a centerpiece of the work HUD is doing to ensure fair, inclusive housing, free from discrimination for all Americans.

“It was a seminal moment in our country’s history when the ideals of equality and fairness were embodied in a law that continues to shape our communities and our neighborhoods 50 years later,” Mr. Carson stated in a release. “But the promises of the Fair Housing Act require our constant vigilance to confront housing discrimination in all its forms and to advance fairness on behalf of those seeking their American dream.”

Co-sponsored by senators Edward Brooke and Walter Mondale, the Fair Housing Act sought to end residential segregation and ensure all Americans had access to safe and decent housing. The act originally prohibited discrimination in the sale, rental and financing of housing based on color, race, national origin and religion. Later, the act was amended to prohibit discrimination based on sex, disability and familial status.

According to federal officials, the government remains active in enforcing the law as last year alone HUD and its partner agencies received more than 8,000 complaints alleging discrimination based on one or more of the Fair Housing Act’s seven protected classes.

In Wichita, the AAGW and IREM organizations will celebrate the anniversary by offering a Fair Housing class at Abode Venue on April 26th. Those looking to register for this very important industry training can do so at www.myaagw.com.

States Lead Efforts to Curtain Rampant Abuse of Emotional Support Animal Requests

A lack of clarity in the federal law governing reasonable accommodation requests for assistance animals (covering both service animals and emotional support animals) creates a loophole for bad actors to abuse the system. The most common cases of misuse involve requests for an emotional support animal, where the resident obtains documentation on demand from online providers. These providers often do not have a bona fide professional relationship with the individual.

According to the New Yorker, no government agency keeps track of the number of reasonable accommodation requests for animals. The National Service Animal Registry (NSAR), a private commercial enterprise that sells certificates, vests and badges for helper animals, signed up 2,400 animals in 2011. In 2013, it registered 11,000. As of March 20, 2018, NSAR has registered 182,030 service and emotional support animals. To put this figure into perspective, NAA is aware of more than 20 websites or online providers, including NSAR, that offer documentation to their customers in exchange for a fee.



Some residents use the law to avoid paying pet rent or fees, or to circumvent breed restrictions or no-pet policies, and with the required documentation so readily available on the internet, owners and operators are seeing a significant increase in requests. These practices undermine the intent of the Fair Housing Act to help disabled persons who truly need an emotional support animal, and it also imposes an unfair burden on property owners and managers.

While policymakers continue to work on a federal solution, owners and operators are beginning to see action at the state level.

On March 9, South Dakota Governor Dennis Daugaard signed Senate Bill 119 into law. Where current federal law allows for an apartment owner to request supporting documentation, South Dakota's law requires that the verification "originate from a licensed health care provider who does not operate in this state solely to provide certification for service or assistance animals." The law also allows an apartment owner to evict a resident if the person is found to have knowingly made a false claim of having a disability that requires the use of a service animal or assistance animal or of knowingly providing fraudulent supporting documentation in connection with such a claim.

Emotional Support Animals (Cont'd)

South Dakota is now one of 21 states that have laws on the books making it unlawful to misrepresent an animal as a service animal or fraudulently represent oneself as having a right to be accompanied by a service animal (The others are California, Colorado, Florida, Idaho, **Kansas**, Maine, Michigan, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Texas, Utah, Virginia, and Washington). Some of these laws are applicable to the broader category of assistance animals, which would include emotional support animals (Colorado, Idaho, **Kansas**, Maine, North Dakota, South Dakota, Virginia).

In addition to the above, at least 14 states are in various stages of drafting legislation on this issue in 2018 (Alabama, Arkansas, Connecticut, Hawaii, Illinois, Indiana, Iowa, Kentucky, Michigan, Oklahoma, Pennsylvania, South Carolina, Washington and Wisconsin). An additional five states considered legislation in 2017.

For affiliates interested in pursuing legislation, two states' perspectives are worth noting.

In March, Indiana Senate Bill 240 was approved by both houses of the General Assembly and is currently awaiting the governor's signature. Similar to North and South Dakota, SB 240 places limitations on the types of providers allowed to provide documentation for a resident. SB 240 states that the verification must come from "health service providers" who are licensed in the state. The term includes a psychiatrist, physician, psychologist or advanced practice nurse, or individuals licensed by the Behavioral Health and Human Services Licensing Board, such as a therapist, mental health counselor or social worker.



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According to the Fair Housing Amendment Act, landlords/property managers are required to allow emotional support animals in housing even if they normally do not allow pets, provided that a health care professional states in a letter that the tenant needs an emotional support animal as part of his or her treatment.

(This is a real advertisement)

Emotional Support Animals (Cont'd)

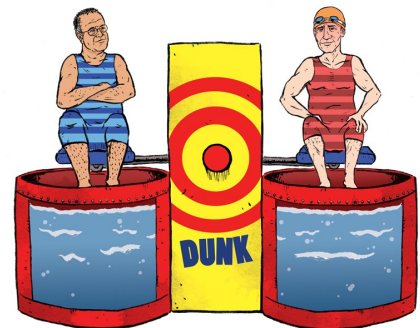
The list of allowable providers excludes “providers whose sole service to the individual is to provide a verification letter for a fee.” The legislation also addresses the requirements for a resident who moves from another state (to address when proof from an out-of-state provider is allowable). In addition to these provisions, the legislation also prescribes criminal penalties for individuals who misrepresent a need for an animal or for health service providers who verify the need for an animal under false pretenses.

NAA affiliates also should consider Virginia’s comprehensive approach. Virginia’s law clarifies the resident’s rights and owner’s rights regarding reasonable accommodation requests for assistance animals (mirroring requirements of the federal Fair Housing Act). Most important, the law requires that the person who provides third-party verification for the resident’s reasonable accommodation request must have a therapeutic relationship with that individual, placing the responsibility on the resident to provide more reliable documentation for the animal.



Who Do You Want to Dunk???

This Summer the AAGW will have a fundraiser to benefit the NAAPAC after the July monthly membership meeting. We are now taking nominations for who you would like to see perched above the water. [Submit your nominations here](#) or at www.myaagw.com under the NAAPAC tab!



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