

# Know Your Rights:

## Service and Assistance Animals

Not all companion animals are the same – there are pets, service animals, and assistance animals. Many people experiencing housing crises have service or assistance animals, not pets. This page is an overview of the rights and protections afforded to service and assistance animals.

For more detailed information, please contact Legal Aid of NC Tenant Rights Clinic:  
[www.legalaidnc.org/get-help/Pages/self-help-clinics/tenant-rights-clinic.aspx](http://www.legalaidnc.org/get-help/Pages/self-help-clinics/tenant-rights-clinic.aspx)

**It is not legal to ask people if they have a disability. Potential landlords are legally only allowed to ask these two questions about service animals:**

- Is that animal required for a disability?
- What task/work has the animal been trained to do?

**For both service and assistance animals:**

- Breed/size restrictions do not apply
- Animal has to be under control of individual, not a risk or challenge to other residents
- Owner responsible for having animal up-to-date on vaccines
- Owner responsible for animal food and cleaning
- Owner cannot be required to pay extra for having animal - pet deposits not applicable

Per the Fair Housing Act, people with disabilities are allowed “reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary” for people with disabilities “to use and enjoy a dwelling unit, including public and common use areas.”

If needed, potential residents or their advocates can request reasonable accommodations for assistance animals. During this process, landlords are allowed to ask for proof of disability (if this is not visible) and why the person needs the animal for that specific disability.

Type	Pets	Service Animal	Assistance Animal
<b>Definition</b>	Companion animals	Animal trained to perform specific tasks, not just a companion	Animal does not require specific training, could be providing comfort/calming
<b>People with these types of animals</b>	Animal lovers	People with a non-temporary disability that substantially limits major life activities (usually not mental health issues)	People with disabilities including mental health issues like PTSD, anxiety, and depression
<b>Governed by</b>	Nothing – landlords and shelters can choose the rules in place for pets	Americans with Disabilities Act – rules for pets do not apply	Fair Housing Act – rules for pets do not apply.
<b>Types of animals</b>	Any	<ul style="list-style-type: none"> <li>• Dog or miniature horse only</li> <li>• Animal does not have to be registered or certified as a service animal</li> <li>• No breed/size restrictions</li> </ul>	<ul style="list-style-type: none"> <li>• Any type of animal</li> <li>• No breed/size restrictions</li> </ul>
<b>Places protections apply</b>	There are no protections	Any building open to the public	Places people live (dwellings) like group homes, shelters, apartments, homes, condos