



Service Animals and Emotional Support Animals

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Service Animals & Emotional Support Animals: Let's Compare.

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Quick Comparison

Covered by Law

Applies to:

Documentation

Service animals are covered by title II and III of the ADA.

Public places covered by title II & III of the ADA.

No documentation is required. Service animal can go wherever handler goes.

Emotional support animals are covered by the Fair Housing Act.

Housing covered by the Fair Housing Act.

Documentation can be requested. Assistance animal is an accommodation made by housing provider.

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Quick Comparison

Type of Animal

Individually trained... task

Individual with a Disability

Service Animal: Only a dog, with the exception of a miniature horse. (yes, really.)

Service Animal: Doesn't matter who trains the service dog.

An individual with a physical or mental impairment that substantially limits one or more major life activities.

Emotional support animals could be any animal- I have chickens.

Emotional support animals do not perform tasks. They provide comfort/support just by their presence.

Same for both service animals and emotional support animals.

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Service Animals & the ADA

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ADA Definition of a Service Animal



A dog that has been individually trained to do work or perform tasks for an individual with a disability that is directly related to their disability.

Note! Any breed of dog can be a service dog and there should be no breed, weight, or size restrictions

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Quick Notes

Title I

Title I of the ADA covers employment, which is handled much on a case-by-case basis. We will talk a little about title I regulations at the end.

State & Local Laws

The ADA sets minimum requirements for service animals. State and local laws may expand the definition of service animal and provide greater access.

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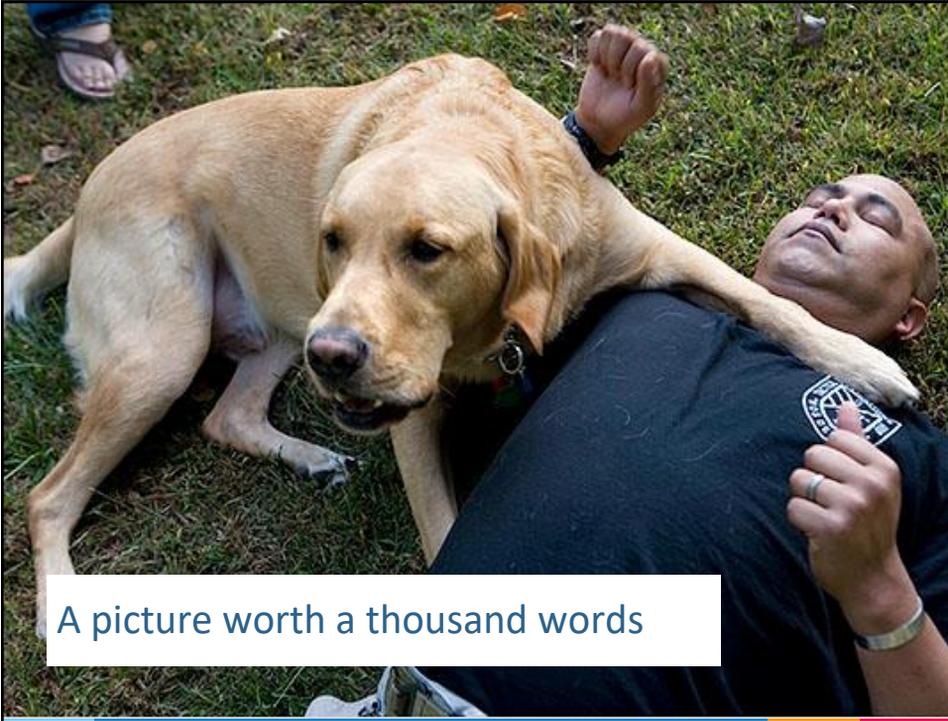
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Examples of Tasks



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A picture worth a thousand words

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Emotional Support Animals



- Although emotional support animals alleviate symptoms related to disability, because they do not perform a “task” they are not covered by the ADA.

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Emotional Support Animals



- Emotional support animals are covered by the Fair Housing Act (will be discussed in later slides)

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PTSD Service Dog vs. Emotional Support Dog for PTSD

- ▷ This dog has been trained to pick up on signs of PTSD and will start performing specific tasks to help her owner.



- ▷ This dog is very in tuned to his owners emotions. He “watches his six” and gives lots of love and comfort.



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▷ But how can you really know?!

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Inquiries. What you can and cannot ask, and why...

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What You Can Ask.

Is this a service dog?

What task(s) is it trained to perform?

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What you cannot ask...

- ▷ About the person's disability
- ▷ To see a demonstration of tasks
- ▷ For medical documentation
- ▷ For registry information on the dog

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Why Can't You Ask for Identification?

Service dogs are not required to have a special license, documentation, or training from a certified/recognized group.

There is no national registry of service dogs or ID cards recognized by the federal government.

Service dogs are also not required to wear a vest to show they are working.

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Rights and Responsibilities

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Rights for Service Animal and Handler

- Dog can go anywhere the public can go.
- Normal pet restrictions and leash laws do not apply.
- No surcharge or fee may be applied to service animals.

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Where service dogs are allowed.

Dogs can go to all public areas. Basically anywhere the general public is allowed to go a service dog can go.

Movie Theaters

Restaurants

Grocery Stores

Hospitals/ Clinics

- Exception- Burn units or areas where a sterile environment is maintained.

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Responsibilities of Handler

- ▷ Have control of the animal
- ▷ Provide food and water
- ▷ Taking to green space (potty breaks)
- ▷ Having the dog picked up if it is removed

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No Surcharges or Fees

- ▷ Cannot charge a pet fee or a security deposit that doesn't apply to everyone.
- ▷ You can charge for damages

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Excluding and Removing

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Excluding Service Dogs From a Specific Area

- ▷ Direct threat to health and/or safety
- ▷ Changes the fundamental nature of the program
- ▷ Based on actual evidence



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Removing a Service Dog Based on Behavior

- ▷ A dog **can** be removed if it not under the handler's control
- ▷ Roaming, Pestering, Disrupting Others
- ▷ Behaving aggressively
- ▷ Won't stop barking
- ▷ Is not house-trained
- ▷ Filthy, flees, etc.



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Removing a Service Animal

- ▷ You are removing, not banning the animal (unless extreme circumstances)
- ▷ The person must be given the option to stay without their dog

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Miniature Horses

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Miniature horses are not included in the definition of a service animal. They are listed as an exception to a dog in the Title II and III regulations

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Miniature Horses

- ▷ Miniature horses range in weight from 70 to 100 pounds.
- ▷ Miniature horses can range in height from 24 to 34 inches.
- ▷ A small pony is not a miniature horse!

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Miniature Horse Assessment Factors

- The type, size, and weight of the horse and whether the facility can accommodate those features.
- Handler has sufficient control of the horse.
- Horse must be housebroken.
- Whether or not the presence in a specific facility compromises legitimate safety requirements

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Fair Housing Act & Assistance Animals

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Fair Housing Act (FHA)

The Fair Housing Act gives people with disabilities the right to have emotional support and service animals in their homes.

Note: The FHA definition includes animals other than dogs!

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Fair Housing Act Definition of an Assistance Animal

“It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more symptoms or effects of a person’s disability.

Much broader definition than the ADA!

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Fair Housing Act Documentation for Assistance Animal

Individuals with disabilities may have to provide documentation from a medical professional:

- That they have a disability (condition that significantly effects major life functioning).
- That an assistance animal would alleviate the symptoms of a disability.

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Fair Housing Act Documentation for Assistance Animal

Note! There is no registry, special license, or certification that makes an animal an emotional support or service animal.



This type of certification, commonly found online, is not recognized by the federal government and has false information.

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Fair Housing Act Assistance Animal Requirements

Landlords may not charge a pet fee or deposit for assistance animals.

Landlords may charge for damages caused by the animal.

Landlords can require animal to meet city licensing and vaccination requirements.

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Fair Housing Act Assistance Animal Requirements

Landlords can find an animal unreasonable if:

- Threat to health and safety
- Not reasonable because of size or care needs
- Unable to follow rules: gets out, barks all night, fights, etc.
- But,
cannot exclude based only on the breed.

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Employment & Service Animals

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Employment and Service Animals

- Title I has no regulatory language covering service animals or emotional support animals.
- Service animals and emotional support animals should be requested as a "reasonable accommodation" and considered on a case-by-case basis in the same way as any other reasonable accommodation.

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Employment & Emotional Support Animals

- Because Title I regulations do not provide a specific definition for a service animal, requests for accommodations could include animals other than dogs.
- Emotional support animals could also be included in reasonable accommodation requests.

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Post-Secondary Education: Service Animals & Emotional Support Animals

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Service Dogs on Campus



Both public and private post-secondary institutions are required to let people with disabilities use service dogs (or miniature horses) on campus. The guidelines for inquiries, documentation, restriction, and removal are the same for campuses as they are for other public places.

A student does not have to request academic or other modifications to use a service dog on campus.

Does not apply to emotional support animals since they are not included in ADA definition

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Service Animals and Emotional Support Animals in Campus Residences/Dorms

The Fair Housing Act covers dormitories and other student housing facilities.

The broader definition of an assistance animal under the FHA applies. Policies to bring emotional support and service animals to housing facilities should mirror Fair Housing Act Guidelines.

Note: Campuses may require documentation of vaccination or some documentation of good health for animals that are not routinely vaccinated.

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Scenarios: What Would You Do?

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Scenario: Swimming Pool

Our recreation center offers an exercise classes for seniors. One woman brings her service dog that she uses to help with balance. She would like to have the dog beside her in the water.

Are we required to let the dog into the water?

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Scenario: Public Parks and Trails

We require all dogs to be on a leash in our parks and hiking trails. Don't service dogs have to follow this same rule?

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Scenario: Allergies

My clinic has patients with severe allergies to dog dander, may I refuse service dogs based upon the needs of other patients?

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Scenario: Fear of Dogs

I am a college instructor and a student comes to my class with a service dog. Another student has an extreme fear of large dogs and is thinking of dropping the class because of the anxiety she experiences? This is the only time the class is being offered and it will not be offered next semester. What should I do?

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Scenario: Emergency Responders

Does our hospital have to allow service dogs in the ambulance and emergency room?

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Resources

Service Animal Resource Hub <https://adata.org/service-animal-resource-hub>

FAQs on Emotional Support Animals (Animal Legal & Historical Center)

<https://tinyurl.com/y79qbptl>

Taking a Service Animal to School (ADA National Network)

<https://adata.org/service-animal-resource-hub/school>

Service Animals in Health Care Settings (Great Plains ADA Center)

<https://tinyurl.com/y96fbt5l>

Assistance Animals (HUD)

https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals

Table of State Service Animal Laws <https://www.animallaw.info/topic/table-state-assistance-animal-laws>

Traveling with Service Animals & Emotional Support Animals (US Dept. of Transportation)

<https://www.transportation.gov/individuals/aviation-consumer-protection/service-animals-including-emotional-support-animals>

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Questions?

Thanks!

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Additional Sessions are scheduled for the
ADAOnline2020 Program through July 2020

View/register on-line at: www.adaonline2020.org

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