Service Animal Basics: Know Your Rights and Responsibilities

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Northwest ADA Center
Learning Goals

• Review: What is a service animal?

• Discuss a few causes for confusion about service animal regulations.

• What can you require of patrons who bring service animals?
Americans with Disabilities Act

• Title I: Employment

• Title II: State & Local Government

• Title III: Places of Public Accommodation

• Title IV: Telecommunications

• Title V: Miscellaneous Provisions
Americans with Disabilities Act

- Civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, gender, national origin, age, and religion.

- Often “individualized” for the person and the context (e.g., jobs).
Congressional Purpose ADA

“The purpose of the ADA ... is to provide a clear and comprehensive national mandate to end discrimination against individuals with disabilities and to bring those individuals into the economic and social mainstream of American life.”

*The ADA is a *Civil Rights Act* meant to ensure *equal access* to programs and services.*
Why the Confusion?

- Americans with Disabilities Act (ADA)
- U.S. Dept of Transportation/Federal Transit Administration (FTA)
- Fair Housing Act (FHA)
- Air Carrier Access Act (ACAA)
- State and Local Laws
What Are Service Animals Under the ADA?

US DOJ’s Definition

- “Service animals are defined as **dogs** that are **individually trained** to do work do perform tasks for people with disabilities.”

- The work or task a dog has been trained to provide must be directly related to the person’s disability.
Service Animals
Fair Housing Act

• Under the FHA, the term is “Assistance Animals.”

• “An assistance animal is not a pet. 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 identified symptoms or effects of a person's disability.”
Fair Housing Act

• For purposes of reasonable accommodation requests under the FHA, assistance animals do not have to be individually trained to do work or perform a task.

• If the person with disability does not have a readily apparent disability, the housing provider may ask for reliable medical documentation.
Air Carrier Access Act

• US airlines are not required to accept unusual or exotic service animals such as miniature horses, pigs or monkeys, if they determine that they are too large or heavy to be safely carried in the cabin, or if they would pose a direct threat to the safety of the other passengers.
Air Carrier Access Act

- US airlines are never required to accept snakes, other reptiles, ferrets, rodents or spiders as service animals.
- Foreign air carriers are only required to accept dogs as service animals, and that only applies to flights to and from the US.
- US air carriers are required to carry an emotional support if the passenger presents the required documentation.
State and Local Laws

• Cities, Counties, and States may make their own service animals laws

• The law offering the broader coverage is the determining law

• Factors such as service-animals-in-training coverage are never determined by ADA
“Service” v “Comfort” v “Companion Animal”

Service Animals. . .
. . . are trained to perform a task or work that relates directly to the individual’s disability.

Comfort Animals. . .
. . . may recognize that the individual is distressed, and will provide comfort and support by their presence. NOT a service animal.

Companion Animals. . .
. . . are helpful through their presence to people who are fearful or anxious. NOT a service animal.
“Emotional” v “Therapy” v “Assistance” Animals

**Emotional Support Animals** . . .

. . . is a term to describe animals prescribed - often by psychiatrists - for individuals who are anxious, depressed, (for mental health reasons). NOT a service animal unless trained to perform a specific task or function.

**Therapy Animals** . . .

. . . visit individuals in hospitals, nursing homes, etc. and provide comfort and engagement. They may be trained and registered but are NOT service animals.

**Assistance Animal** . . .

. . . is a HUD (housing) term and may not be a dog, and may or may not be trained. MIGHT be a service animal.
Service Animals-in-Training

• The ADA does not address service animals-in-training; it allows individual states to decide whether to offer these protections.
• Washington State does not protect untrained service animals.
• Agencies may, of course, allow service animals-in-training in their unique policy.
• Service animals-in-training may be allowed as an employment accommodation, if reasonable.
Identification of a Service Animal?

• Service Animals owners are not required to carry proof of certification or other documentation ... although some do carry papers from the agency that provided the training for their dog.

• Vests and badges identifying the animal as a service animal are optional.

• Many handlers train their own service animal, which is legal.

There is a large market in “Certificates” & “Badges”
Documentation Requirements: Exceptions

While the ADA says that ID, documentation, and certification cannot be required, there are exceptions.

Example: If an employee is requesting that an assistance animal may be admitted as a reasonable accommodation, some documentation may be requested.
Service Animals in the Workplace

• Just like any other Reasonable Accommodation under Title I of the ADA.
• There is no specific definition of “service animal” - the animal does not have to be a trained animal in the workplace.
• Like with other reasonable accommodations, the employer considers undue hardship and direct threat when deciding whether to allow the animal.
How Can You Be Sure?

- OK: “Is the animal required because of a disability?”
- OK: “What work or task has the animal been trained to perform for you?”
- NOT OK: “What is your disability?”
Interacting with Service Animals

- Allow service animals the broadest feasible access to public entities.
- Avoid unnecessarily separating service animals from their owners.
Interacting with a Service Animal

- A service animal is a **working animal**.
- Always ask before approaching or petting a service animal.
Direct Threat

A service animal can be removed from the premises if it:
• Makes a mess on the floor.
• Bites or jumps on another patron.
• Wanders away from its owner.

Handlers must obey leash laws and keep their animals well groomed.
“Non-Violent Protection”

Service animals can provide only non-violent protection:

• Rescue work
  – Nudging the person to prevent self-mutilation
  – Removing Vet with PTSD from anxiety-provoking situation

• Providing safety checks and room searches
  – Alerting the person to the presence of others or to sounds.

• Can service animals be trained to attack, such as when the handler is being harassed? **NO.**

• Are any breeds of dog not eligible? **NO.**
  – Local laws that ban vicious breeds are VERY CONTROVERSIAL.

Northwest ADA Center | 800-949-4232 | www.nwadacenter.org
Where to Go for ADA Information

www.nwadacenter.org

800-949-4232
Resources

• Service Animals (Dept. of Justice):
  https://www.ada.gov/service_animals_2010.htm

• Frequently Asked Questions about Service Animals and the ADA:
  https://www.ada.gov/regs2010/service_animal_qa.html

• Service Animals and Emotional Support Animals:
  https://adata.org/publication/service-animals-booklet
Contact Northwest ADA Center

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Questions?