

AMERICANS WITH DISABILITIES ACT

DEFINITION OF A SERVICE ANIMAL

ADA Subpart A 36.104 Definitions - Final Rule Title III

Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

The work or tasks performed by a service animal must be directly related to the handler's disability. A public accommodation may ask an individual with a disability to remove a service animal from the premises if the animal is out of control and the animal's handler does not take effective action to control it or if the animal is not housebroken. A service animal shall be under the control of its handler. A service animal shall have a harness, leash or other tether.

Individuals with disabilities who have the legal right under the Fair Housing Act (FHAct) to use certain animals in their homes as a reasonable accommodation to their disabilities should **not** assume that their animals also qualify under the ADA.

DEFINITIONS OF DOGS TRAINED TO HELP PEOPLE

Service Dogs are legally defined (Americans With Disabilities Act, 1990) and are trained to meet the disability-related needs of their handlers who have disabilities. Federal laws protect the rights of individuals with disabilities to be accompanied by their service dogs in public places. Service dogs are not considered 'pets'. These dogs are individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service dog must be directly related to the handler's disability. The crime deterrent effects of a dog's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Examples of work or tasks include, but are not limited to, assisting individuals who are blind with navigation and other tasks, alerting individuals who are deaf to the presence of people or sounds, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Therapy Dogs are not legally defined by federal laws. They provide people with contact to dogs, but are not limited to working with people who have disabilities. They are usually the personal pets of their handlers, and work with their handlers to provide services to others. Federal laws have no provisions for people to be accompanied by therapy animals in places of public accommodation that have "no pets" policies. Therapy dogs are given basic obedience training and then tested for both obedience and temperament. Once they pass a therapy dog test with their partner, they can be registered with a therapy dog organization.

Emotional Support Dogs provide therapeutic support to disabled or elderly owners through companionship, non-judgmental positive regard, affection, and a focus in life. Emotional support dogs are allowed in public housing but do not have public access rights as guaranteed by the Americans With Disabilities Act (ADA). They are not necessarily task trained like service dogs and are generally required to be reasonably well behaved by pet standards. This means that the dog is fully toilet trained and has no

bad habits that would disturb neighbors such as frequent or lengthy episodes of barking. The dog must not pose a danger to other tenants or to workmen.

Facility Dogs are assigned to professionals who use the dog in the work place to accomplish client related goals. These dogs generally live with their handler who is also the professional. Public access for these dogs is only in the work environment when accompanied by the professional handler.

Companion Dogs are not legally defined, but generally considered pet dogs.

'Social/Therapy' Dogs have no legal definition. They often are dogs who did not complete service dog training due to health, disposition, trainability, or other factors, and are sometimes made available as pets for people who have disabilities. While they often provide valuable assistance in the home environment, these dogs are not covered under the Americans With Disabilities Act (ADA) for public access rights.

PUBLIC ACCESS IS BOTH A RIGHT AND A RESPONSIBILITY

A public accommodation may ask an individual with a disability to remove a service dog from the premises if the dog is out of control and the dog's handler does not take effective action to control it or if the dog is not housebroken. The dog must be under the control of its handler at all times and does not vocalize unnecessarily nor show aggression towards people or other animals.

MINIMUM STANDARDS FOR ASSISTANCE DOGS IN PUBLIC

Service Dogs are allowed Public Access when accompanied by their disabled partner. However, this is a privilege and includes a great deal of responsibility from the human partner. Before you consider whether your Service Dog should accompany you in places where pet dogs are not allowed, make sure you can meet all the requirements listed below.

1. Public appropriateness

- ★ Dog is clean, well-groomed and does not have an offensive odor.
- ★ Dog does not urinate or defecate in inappropriate locations.

2. Behavior

- ★ Dog does not solicit attention, visit or annoy any member of the general public.
- ★ Dog does not disrupt the normal course of business.
- ★ Dog does not vocalize unnecessarily, i.e. barking, growling or whining.
- ★ Dog shows no aggression towards people or other animals.
- ★ Dog does not solicit or steal food or other items from the general public.

3. Training

- ★ Dog is specifically trained to perform 3 or more tasks to mitigate aspects of the partner's disability.
- ★ Dog obeys the commands of the partner, except in cases of intelligent disobedience.
- ★ Dog works calmly and quietly on harness, leash or other tether.
- ★ Dog is able to perform its tasks in public.
- ★ Dog must be able to lie quietly beside the handler without blocking aisles, doorways, etc.
- ★ Dog is trained to urinate and defecate on command.
- ★ Dog stays within 24" of its handler at all times unless the nature of a trained task requires it to be working at a greater distance.