

SERVICE ANIMALS

SUMMARY

The Americans with Disabilities Act (ADA) is a federal law. This law obligates State and local governments to allow people with disabilities to bring their service animals onto public premises in whatever areas the general public is allowed.

PROCEDURE

Service animals are dogs that are individually trained to perform tasks for people with disabilities, including physical, sensory, psychiatric, intellectual, or other mental disabilities. Service animals may perform tasks such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or 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.

Other species of animals besides dogs, whether wild or domestic, trained or untrained, are not considered to be service animals under the ADA. However, a County department or office must make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of such individual. In determining whether reasonable modifications can be made to allow a miniature horse into a specific County facility, the following factors shall be considered:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Service animals are working animals, not pets. County facilities may have "no pets" policies, but service animals are not subject to policies regarding pets.

The County must allow people with disabilities to be accompanied by their service animals in all areas of its facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. The ADA applies to all facilities open to the public. Service animals may not be refused admittance on the basis of local health department regulations or other state or local laws. Allergies and fear of animals are generally not valid reasons for denying access or refusing service to people with service animals.

The County may ask the owner if an animal is required because of a disability and what tasks

the animal has been trained to perform, but cannot ask questions about the nature or extent of the owner's disability. Generally, the County may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). Also, the County cannot require the owner to present any special identification cards or proof that the animal has been certified, trained, or licensed as a service animal. Mandatory registration of service animals is not permissible under the ADA. However, the animal's owner must comply with any applicable Animal Services Department requirements regarding vaccinations and licensing which also apply to animals that are not service animals.

Some people with disabilities may use more than one service animal to perform different tasks. For example, a person who has a visual disability and a seizure disorder may use one service animal to assist with way-finding and another that is trained as a seizure alert dog. Other people may need two service animals for the same task, such as a person who needs two dogs to assist him or her with stability when walking. Staff may ask the two permissible questions about each of the dogs. If both dogs can be accommodated, both should be allowed in.

People with disabilities accompanied by service animals cannot be required to pay a surcharge or extra fee, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. People with disabilities cannot be isolated from other customers or treated less favorably than other customers. The same requirements relating to service animals apply to vehicles such as busses and trains. No extra fee can be charged for the space needed by the service animal. However, if a government entity normally charges customers for damage that they cause, a customer with a disability may be charged for damage caused by his or her service animal.

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means.) Generally, the service animal must stay on the floor, or the person must carry the service animal. For example, if a person with diabetes has a glucose alert dog, he may carry the dog in a chest pack so it can be close to his face to allow the dog to smell his breath to alert him of a change in glucose levels.

A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the animal is out of control and the animal's owner does not take effective action to control it (for example, a dog that barks repeatedly during a public meeting), or (2) the animal is not housebroken. In these cases, the person with the disability should be given the option to obtain services or participate in programs without having the animal on premises.

If County employees find it is necessary to guide an animal through or around a metal detector, gate, or other obstacle, they should not approach or touch the animal without first consulting with the owner. Also, they should not approach or touch the owner of the animal, or any person with a disability, without first consulting him or her.

Except where the County has responsibility for the owner of a service animal, the care or supervision of a service animal is solely the responsibility of his or her owner and the County is not required to provide care, food, or a special location for the animal. However, building managers and security personnel shall be able to direct the owner of a service animal to a nearby place where the animal can relieve itself.

Any trainer of a service animal, while engaged in the training of such an animal, has the same rights and privileges with respect to access to County facilities and the same liability for damage as the owner of a service animal.

Resources:

US Department of Justice Frequently Asked Questions about Service Animals and the ADA:
https://www.ada.gov/regs2010/service_animal_qa.pdf

CONTACT(S):

Department/Division

Internal Services Department/FIMD/ADA Office
Animal Services Department