

## SERVICE ANIMALS: FREQUENTLY ASKED QUESTIONS

### What is a service animal?

No matter whether they are called “Service Animals”, “Assistance Animals”, or by another name, these are animals that have been individually trained to do work or perform tasks for the benefit of an individual with a disability. Under the ADA it is the training that distinguishes a service animal from other animals.

Starting March 15, 2011, only dogs will be considered service animals under the ADA. Businesses and state and local government entities may also allow miniature horses as a reasonable modification, subject to certain limitations.

### What is the difference between a service animal and a comfort / emotional support / therapy animal?



Service animals are individually trained to do work or perform tasks for an individual with a disability who, if asked, must be able to describe the specific tasks performed or work done by the animal.

The work done or tasks performed by a service animal must be directly related to the handler’s disability.

Some service animals may be owned by individuals who have a non-apparent disability, such as a seizure disorder. Their disability may not be visible.

A “comfort”, “emotional support”, or “therapy animal” that provides support simply by being itself does not meet the definition of service animal. If the animal is not individually trained to do work or perform a task, it is a pet under the ADA. Obedience training, by itself, is not a sufficient qualification.

Regardless of the term used to describe the animal, *training* to do work or perform a specific task is what distinguishes it as a service animal.

Thus, someone might mistakenly call their dog a “comfort animal,” but if it actually functions as a service dog, it is protected under the ADA.

### Does the animal need to have any certification or documentation, or wear a vest or tag, to identify it as a service animal?

No, there is no ADA requirement that the owner carry any certification papers showing that the animal is a service animal.

### If the service animal doesn’t require a special tag, certification papers, or other identification, how can we determine if it is a legitimate service animal?

There are two questions that may be asked:

1. Is the animal required because of a disability?
2. What task or service has this animal been trained to do?

One *cannot* ask: What *is* your disability? This is confidential information.

Even if the service animal will not perform its task or service in the store, it is entitled to enter.

### When can a service animal owner be asked to remove their animal from the premises?

A service dog’s professional behavior and good grooming are necessary for it to be protected under the ADA.

An individual may be asked to remove his or her service animal if it:

- Makes a mess on the floor
- Bites or jumps on another patron
- Wanders away from its owner

A service animal may be removed if it continuously disturbs patrons; for example, if it is repeatedly barking. However, it should first be made clear that the service animal is not just doing its job. Barking may be how the dog performs its job. Find out first!

A service animal may also be excluded from certain areas of a building, though access to the building itself should be allowed. Example: A service animal should be allowed access to an upscale restaurant, but shouldn't be allowed into the kitchen.

### **Do service animals have to obey leash laws?**

Yes, service animals must obey local leash laws.

The exceptions are when the service animal cannot perform its task while on leash, or if the handler cannot use a leash, harness, or tether due to disability.

In any case, the service animal must be under control at all times; if not by leash, then by voice control, signals, or other effective means.

### **Are the rules the same in housing? My housing manager says I can't have my service animal in my apartment.**

The ADA does not apply to most housing.

Under the Fair Housing Act (FHA), housing managers or landlords, etc. must allow an individual to have an "assistance animal" if they live in an apartment with four or more units.

Assistance animals under the FHA provide disability-related functions, including emotional support. The definition is thus somewhat more inclusive, requiring only a link between the assistance animal's function and the individual's disability.

Having an assistance animal is a reasonable accommodation, and a landlord may ask an individual for documentation of their disability and/or a letter of support from their treating physician, if it is not readily apparent why the individual needs the animal.

If more than one assistance animal is owned by an individual, each animal must have a different function.

### **Are the rules the same in air transportation?**

#### **Getting my dog on the airplane is difficult.**

The ADA does not apply to air transit. The Department of Transportation, under the Air Carrier Access Act, regulates service animals on US airlines.

Airlines must permit a service animal to accompany a passenger with a disability. If an animal is an emotional support or psychiatric service animal, the airlines may require current medical documentation.

### **Etiquette for Interacting with People Using Service Animals**

Speak to the person, not the animal.

Do not touch the service animal without asking for, and receiving, permission.

Do not offer food to the service animal.

Do not ask questions about the handler's disability, or otherwise intrude on his or her privacy.

Do not be offended if the owner does not wish to chat about the service animal.

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### **About Our Organization**

Northwest ADA Center provides technical assistance, information, and training regarding the Americans with Disabilities Act. Information is provided from the regional office in Washington State and affiliates in Alaska, Idaho, and Oregon. Specialists are available to answer specific questions pertaining to all titles of the ADA and accessibility of the built environment. Training staff offer presentations to businesses, organizations, schools, people with disabilities, and the general public.

#### **Northwest ADA Center**

**800-949-4232** ♦ [www.nwadacenter.org](http://www.nwadacenter.org)

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*For more information about service animals:*

The Delta Society, [www.deltasociety.org](http://www.deltasociety.org)

*For more information about the ADA:*

US Department of Justice, 800-514-0301 (voice),  
800-514-0383 (TTY), [www.ada.gov](http://www.ada.gov)



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