Assistance Dogs Emotional Support Animals Access Laws

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Paws With A Cause

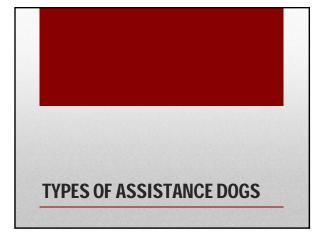


Service Animal (Dog)

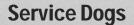
- Guaranteed access to public spaces under the Americans with Disabilities Act
- The ADA only recognizes dogs as Service Animals
- Dog has been individually trained to perform tasks for a person with a disability

Emotional Support Animals

- Provides emotional support, not physical tasks
- · No trained tasks
- · NO public access rights under the ADA



Retrieve dropped objects
Retrieve the telephone
Open doors
Help pull wheelchairs
Brace to regain upright position
Remove articles of clothing



- Alert to sounds we hear every day
 Doorbell
 Smoke alarm
 Telephone
 Baby crying
 Calling client's name
 Sirens
 Oven timer

 Hearing Dogs
- Retrieve telephone
 Retrieve medication
 Lie with and comfort client during and after seizure
 Brace to get up off of the floor
 Transfer to a chair
 Get Help

 Seizure Response Dogs

- Develop close relationship with the child
- Increase verbal communication in child
- Increase social skills



Service Dogs for Children with Autism

Emotional Support Animals

- An Emotional Support Animal is an animal that provides comfort just by being with a person;
- Because they have not been trained to perform a specific job or tasks, they do not quality as Service Animals under the ADA.
- However, under the Fair Housing Act, persons with disabilities may request a reasonable accommodation for any assistance animal, including an Emotional Support Animal (ESA)
- The FHAct does not require an assistance animal to be individually trained or certified.

Emotional Support Animals

Reasonable accommodations for Assistance Animals

- After receiving a request for reasonable accommodation to possess an Assistance Dog, the housing provider must consider the following:
 - •Does the person seeking to use and live with the animal have a disability?
 - •(a physical or mental impairment that limits one or more major life activities?)
 - Does the person making the request have a disabilityrelated need for an assistance animal?
 - •(does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability?)

Reasonable accommodations

- •The request may be denied IF:
- The answer to either question is 'no'
- The animal in question poses a direct threat to the health of safety of others
- The animal in question would cause substantial physical damage to the property of others

Reasonable accommodations

- Breed, size, and weight limitations may NOT be applied to an Assistance Animal
- Where housing providers may require applicants or residents to pay a pet deposit, they may not require applicants and residents to pay a deposit for an Assistance Animal.
- **** NOTE: A housing provider may require a tenant to cover the costs of repairs for damage the animal causes to the tenant's dwelling unit or the common areas

Reasonable accommodations

- A housing provider may not deny a reasonable accommodation request because they are uncertain whether the person has a need.
- Housing providers may ask individuals who have disabilities that are not *readily apparent* (blindness, wheelchair use, etc.) to submit reliable documentation of a disability and their disability-related need for an Assistance Animal.

Reasonable accommodations

 Example: the housing provider may ask persons who are seeking a reasonable accommodation for an Assistance Animal that provides emotional support to provide documentation from a physician, psychiatrist, social works, or other mental health professional that the animal provides emotional support that alleviates one or more of the symptoms of effects of an existing disability.

Reasonable accommodations

Service Dogs

- Trained to perform individual tasks for person with a disability
- Public access rights under the ADA
- Breed, size and weight limitations may not be applied

Emotional Support Animals

- No public access
- Allowed under FH Act, under certain restrictions
- Under FHA, does not need to be trained individually; can provide comfort

Summary

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Thank you!