

# Assistance Dogs Emotional Support Animals Access Laws

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## 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

## TYPES OF ASSISTANCE DOGS

## Service Dogs

- 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

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## Emotional Support Animals

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- 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 qualify 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

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## Reasonable accommodations for Assistance Animals

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- 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 disability-related 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

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

## Reasonable accommodations

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- 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**

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| <p><b>Service Dogs</b></p> <ul style="list-style-type: none"> <li>• Trained to perform individual tasks for person with a disability</li> <li>• Public access rights under the ADA</li> <li>• Breed, size and weight limitations may not be applied</li> </ul> | <p><b>Emotional Support Animals</b></p> <ul style="list-style-type: none"> <li>• No public access</li> <li>• Allowed under FH Act, under certain restrictions</li> <li>• Under FHA, does not need to be trained individually; can provide comfort</li> </ul> |
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**Summary**

Q & A  
www.pawswithacause.org



**Thank you!**