

# Who Let the Dogs Out?

## Service Animals in Shelter Settings



**will begin at 2 pm ET**

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# About Your Hosts...

## • TransCen, Inc.

- Mission Statement: Improving lives of people with disabilities through meaningful work and community inclusion



## • Mid-Atlantic ADA Center, a project of TransCen, Inc.

- Funded by National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), Administration for Community Living, U.S. Department of Health and Human Services



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- **You will need to listen for the continuing education code which will be announced at the conclusion of this session.**
- Requests for certificate of participation must be received no later than **5 PM ET on Wednesday March 7<sup>th</sup> 2018.**

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# About ODR

The mission of the Office of Disability Rights (ODR) is to ensure that every program, service, benefit, and activity operated or funded by the District of Columbia is fully accessible to, and usable by, people with disabilities.

ODR is responsible for oversight of the District's obligations under the Americans with Disabilities Act (ADA) as amended, as well as other federal and local disability rights laws.

# Why Are We Here?

- To discuss differences between the Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) regarding service/assistance animals
- To learn basic etiquette toward shelter residents with animals
- To explore common scenarios occurring in shelters where animals are allowed
- To answer any questions you may have

# What Does the ADA Say?

- Service animals are allowed anywhere the public can go.
  - ADA Title II: Government Programs and Services (most shelters fall here)
    - E.g. Shelters receiving state/local government funds
  - ADA Title III: Places of Public Accommodation (privately owned accommodations would fall here)
    - E.g. Shelters operated by private non-profits

# What Does the ADA Say?

- Service animals are dogs specifically trained to perform a task or service related to a person's disability.
  - E.g. Guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental health diagnosis to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack

# What Does the ADA Say?

- The ADA does not protect animals not specifically trained to perform a specific service or
  - E.g., Comfort, emotional support or therapy animals.
- If it is not obvious what the dog does, under the ADA, you may ask two questions:
  - Is your dog a service animal?
  - What does it do?
- You **MAY NOT**:
  - Request medical documentation from the dog or handler
  - Request an ID card or license from the handler
  - Ask that the animal demonstrate the task or service it performs

# What Does the FHA Say?

- The Fair Housing Act (FHA) protects individuals with “assistance animals” who need the animal as a reasonable accommodation for use/enjoyment of a dwelling
- Assistance animals can be dogs but do not have to be (e.g., cats, birds, monkeys)
- Assistance animals do not have to be specifically trained or certified

## What Does the FHA Say?

- Assistance animals perform many disability-related functions, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support.
- Housing providers must consider:
  - Whether the person requesting to live with the animal has a disability
  - Whether the animal provides assistance to the individual that is related to the disability

## What Does the FHA Say?

- If it is not obvious how the assistance animal helps with an individual's disability, the housing provider may ask for:
  - Documentation that states that the individual has a disability and that the animal provides support for that person, or alleviates a disability-related symptom or need
    - The documentation can be a letter from a physician explaining how the animal assists the individual
- You may not ask for this documentation under the FHA if it is "obvious or readily apparent" what the animal does for the person
  - E.g. You would not ask a person who is blind or low vision to provide medical documentation on what his guide dog does.

## You May Say....

- This is all great information, but which of these laws apply to shelters?
- The answer is:

BOTH do....and sometimes the Rehabilitation Act applies, too. Consider how the shelter is funded.

HUD and DOJ have stated that if a person in a shelter situation asks to be accompanied by a service or assistance animal, you must first apply the ADA definition of service animal. If the ADA does not protect the animal, you must look to see whether the FHA does.

## No Matter Which Law Applies....

- Service and assistance animals can be any breed of dog, even “restricted breeds.”
  - E.g., pit bull, Rottweiler
- The animal must be under the handler’s control.
- The animal must not be expected to wear a particular type of vest, harness, or identification.
- The housing provider must not charge for a service or assistance animal, even if there is generally a “pet fee”

## No Matter Which Law Applies....

- The handler is responsible for the animal's care (grooming, vet care, feeding, bathroom breaks)
- The handler and the animal should not be separated, even in cases of emergency
- The handler and service animal must not be segregated from the rest of the population due to fears or allergies of other shelter residents
- If an animal is currently exhibiting behavior threatening to the handler or other residents, the animal, not the handler, may be asked to leave

## What If.....

- A person walks into a shelter with two dogs, one a service animal, one an assistance animal..... Should both be let in?
  - Yes, if the animals meet the respective definitions under the ADA and the FHA.
  - Remember to apply the ADA definition first.
  - DOJ and HUD have both stated that it is possible for an individual to have more than one animal for different tasks, functions or needs

## What If....

- A family comes in with one animal, and states that the same animal provides assistance to multiple family members. Is this possible?
  - Yes. Again, remember that assistance animals under the FHA do not have to be specifically trained, so if it is not obvious to you what the animal does, you may ask for documentation in the form of a letter from a physician, social worker, or service provider for each family member the animal serves.

## What If...

- A person or people with severe allergies to animal dander are housed in the same shelter as an individual with a service animal?
  - Generally, allergies of other individuals are not enough to disallow entrance to a service or assistance animal; however, shelters should try to separate individuals with allergies or phobias from individuals with animals, to the extent possible.
  - You must accommodate the disabilities of both individuals.

## What If...

- A person is hospitalized while in the shelter and cannot care for their animal?
- Hospitals must allow the animal to remain with the person, wherever possible.
- If a person cannot care for her animal, the hospital must first allow her to make arrangements for someone else to care for it.
- If the person is unable to make arrangements, the hospital can board the animal at a nearby facility until its handler is well enough to make other arrangements or provide care.

## What If...

- A shelter provider has a practice of asking if animals are vaccinated and licensed (general dog licensing) per state law requirements?
  - This practice is acceptable. All service/assistance animals should follow state/local laws put in place for the maintenance of public health.
  - State/local governments may not issue a “service animal certification or licensure requirement, but may have a licensure requirement for all domesticated animals

## What If....

- There is a state/local emergency and animals and their handlers must be housed in a building not typically used as a shelter?
  - Remember, DOJ states that you should not separate an individual from his or her animal wherever possible.
  - However, if space constraints do not allow for handlers to be with their animals at all times, co-locate the animal and handler wherever possible.

# Questions??



# Go-To Resources

- Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs. Available at:  
[https://www.hud.gov/sites/documents/SERVANIMALS\\_NTCFHEO2013-01.PDF](https://www.hud.gov/sites/documents/SERVANIMALS_NTCFHEO2013-01.PDF)
- Frequently Asked Questions about Service Animals and the ADA. Available at:  
[https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html)

## Go-To Resources

Joint Statement of the Department of Justice and the Department of Housing and Urban Development on Reasonable Accommodations under the Fair Housing Act. Available at:

[https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint\\_statement\\_ra.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf)

# Thank You!

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# Thank You!

## Mid-Atlantic ADA Center

Toll Free: **800-949-4232** (DC, DE, MD, PA, VA, WV)

Telephone: **301-217-0124**

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