

Many people confuse Therapy Dogs with Service Animals or Emotional Support Animals.

**What is a service dog?** Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include 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 illness to take prescribed medications, or performing other duties/ tasks for Post Traumatic Stress Disorder (PTSD) Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act. Some State and local laws also define service animals more broadly than the ADA does. Information about such laws can be obtained from the State attorney general's office.

**A service dog must be Under control.** Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

**What is a service dog in-training?** A service dog in training is a dog that has completed basic obedience and is learning the tasks necessary to help their disabled partner. Service dogs in training with W.D.F.V. Programs have already passed public access testing. This helps to ensure public safety! PACT is the beginning of service dog training, not the end.

What are the A.D.A. Laws? Public access of a service dog is protected under the Federal Law. Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons,

treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.

- If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

Where is a Service dog allowed? **Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.** For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

### **What is a therapy dog?**

Therapy Dogs and their handlers have no Legal rights under the Americans with Disabilities Act of 1990, As Therapy dogs do not provide direct assistance they are not protected. A therapy dog provides affection and comfort to people in hospitals, retirement homes, nursing homes, schools, people with learning difficulties, and stressful situations, such as disaster area's. Institutions may invite, limit or prohibit access to therapy dogs. If allowed, these institutions will have their own requirements for therapy animals. Therapy dogs are not Service Animals.

### What is an E.S.A. or Emotional support animal?

An E.S.A. or Emotional support animal is a companion animal that provides therapeutic benefit, such as alleviating or mitigating some symptoms of the disability, to an individual with a mental or psychiatric disability. Emotional support animals are typically dogs and cats, but may include other animals. Emotional support animals are covered by the F.H.A.A. and the A.C.A.A. The California Fair Employment and Housing Act (F.E.H.A.) and offer equal or greater protection to federal law for people using service or emotional support animals. Housing discrimination against persons with disabilities is prohibited both under federal law in the F.H.A.A. and under comparable California laws – F.E.H.A. and the Unruh Act. Under the F.H.A.A., F.E.H.A., and the Unruh Act, landlords and homeowners' associations must make reasonable accommodations for people with disabilities. Reasonable accommodations are exceptions to rules or policies necessary in order to allow persons with disabilities to have an equal opportunity to use and enjoy a dwelling as compared to persons without disabilities. The obligation to make reasonable accommodations includes a requirement that housing providers make exceptions to a "no-pets" policy to permit persons with disabilities to use and live with either a service or emotional support animal.