



## **The Community Partnership** **Service Animals: Questions and Answers**

### **Does my program have to allow service animals?**

Yes. While the laws differ depending on the type of program, DHS and TCP are committed to ensuring that we meet both the letter and spirit of the laws and allow all types of assistive animals in all shelters, transitional, rapid and permanent supportive housing programs.

### **Service animals are allowed in all shelters.**

Service animals provide support to a person with a disability by assisting with at least one symptom or effect of that person's condition.

Service animals are dogs that are individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the handler's disability.

Under ADA law, a service animal is a dog. Examples of work assistance or support provided by service animals include, but are not limited to:

- Guide dogs that aid people who are blind by assisting with navigation and alerting an individual to changes in their surroundings;
- Dogs that assist people with Post-Traumatic Stress Disorder by creating personal space and fetching medicine;
- Dogs that assist someone who is Deaf by alerting them to auditory cues;

### **Why do we have to allow assistive animals in our shelters?**

Under both the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA), places of public accommodation must provide reasonable accommodations to people with disabilities who utilize service animals to afford people with disabilities equal access. Reasonable modifications and accommodations are changes in rules or policies that allow a person with a disability to utilize the program. To refuse a reasonable accommodation is illegal.

### **What kind of documentation can I request about a service animal?**

If it is unclear whether or not an animal is a service animal, you may ask the following:

- **Do you have a disability?** The client only needs to answer yes or no. If the client answers no, then consult your Program Manager or ADA liaison for guidance. If the client answers yes, do not ask the nature of the disability. They cannot be required to disclose this information.
- **How does the animal assist you?** The animal must perform some task that assists a symptom of the person's disability. If it does not, consult your Program Manager or ADA liaison for guidance.
- If these questions are not enough to determine the need for the service animal, you can ask that the client complete the Reasonable Accommodation Verification Form (*as shown below*) to verify 1) that the client has a disability and 2) that the animal assists some symptom of the disability. The form must be verified and signed by a doctor, medical professional, peer support group, non-medical service agency, or other reliable third party. Medical records and other detailed information about the disability do not need to be provided at this time.
- You may NOT ask for certification that the service animal has received any specific training.
- You may NOT ask for the animal to demonstrate what it can do.

### **What if a service animal is causing harm to others or damage to the shelter?**

If an animal is posing a direct threat to the health or safety of others, it may be excluded. Speculation that an animal MAY pose harm is NOT a legitimate reason to exclude a service animal. Examples of situations posing a direct threat to the safety of others:

- An service animal has attacked or bitten before;
- A staff member or other client who has a potentially life-threatening allergy.

Fear of animals and minor allergies do not constitute a direct threat and a service animal may not be excluded on those grounds. Moreover, breed, size and weight limitations may not be applied to a service animal.

### **Who is responsible for control of the service animal?**

The handler is responsible for the behavior of the service animal.

A person with a disability can be asked to remove a service animal from the premises if, the animal is out of control and the client does not take effective action to control it (for example, a dog that barks repeatedly through a group therapy session). In these cases, the shelter program should give the person with the disability the option to control the animal or reschedule their appointment once the dog calms down. If at all possible, a handler and a service animal should not be separated.

### **Who is responsible for the care of the service animal and any of its material needs?**

The handler is fully responsible for care of the animal. If shelter staff have the resources to provide additional assistance to a service animal to meet the needs of the client, that assistance may be provided. However, the law does not require shelter staff to provide such assistance.

### **Is a service animal allowed in all parts of the shelter?**

A service animal is allowed in all parts of the shelter where clients are allowed. Even shelter spaces including food prep must allow service animals if clients are permitted in that area.

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