

Service Animals Overview

Disability Advisory Commission

February 12, 2018



Not All Regulations are the Same

- Department of Justice (ADA Title II & III)
- Department of Transportation (DOT) - Federal Transit Administration (FTA)
- HUD Fair Housing Act (FHA)
- Air Carrier Access Act (ACAA) - Federal Aviation Administration (FAA)
- Equal Employment Opportunity Commission (EEOC)

DOJ Service Animal Definition:

Dogs and miniature horse that has been individually trained to do work or perform tasks for an individual with a disability.

The task(s) performed by the animal must be directly related to the person's disability.

Transportation & Service Animals

- **DOT:** any guide dog, signal dog or other animal trained to work or perform tasks
- **ACAA:** Any animal that is trained to provide assistance to a PWD; or any animal shown by documentation to be necessary for emotional well being



Housing & “Assistance Animals”

- an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability
- Reasonable accommodation
- Rental unit and public/common use areas

Employment & Service Animals

- ADA Title I (EEOC enforced) does not require automatic access for service animals
- Reasonable accommodation
 - must consider allowing unless an undue hardship
- Case-by-Case evaluation

Limited Inquiry



1. Is the service animal required because of a disability?
2. What work or task has the animal been trained to perform?

Examples of Work or Tasks

- 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
- Calming a person with PTSD during an anxiety attack

Specific Rules

Not Required:

- Proof
 - Of disability
 - Of training
 - Of task/work
- Certification or license
- Vest or special designation
- Additional fees/surcharges

Required:

- Under control of handler
- Harnessed, leashed or tethered
 - unless interferes with work or task – then under voice, signal or other control

Task versus Comfort

Psychiatric Service Animal

- Remind to take medication
- reminding to perform daily routines
- Reorient and “ground” the handler to current place and time when struggling with PTSD episodes
- Blocking to create a buffer of personal space/prevent contact
- Sweeping room for danger/unknown elements
- Provide tactile stimulation
- Facilitate social interactions

Emotional Support/Comfort



ACAA & FHA allow

When can you ask that a service dog be removed?

- Out of control of the handler
- Dog is not housebroken
- Direct threat to the health or safety of others

***Person still must have the opportunity to obtain goods or services without the animal's presence*

City of Fresno

Assistance/Guide/Service Dog License

- Dog License required
- Assistance/guide/service dog licensing fee exemption

CA - Service Dogs in Training

CA Civil code 54.2 (b)

- Includes provisions allowing for guide dogs, signal dogs, and services dogs in training
- Must be leashed and tagged with agency issued ID tag
- Handler liable for damages

CA - Service Dog Fraud

CA Penal Code 365.7 – MISDEMEANOR

- knowingly and fraudulently represents himself or herself as owner or trainer of a guide, signal, or service dog
- > 6 months imprisonment and/or \$1,000 fine

ACAA Service Animal Relief Areas



Discussion