

Assistance Animals in Public Places, on Planes and at Home

What Is An Assistance Animal?

Assistance animals provide a service or perform a task for individuals with disabilities.



What Are The Types Of Assistance Animals?

Service Animals are individually trained to do work or perform tasks for the benefit of an individual with a disability. **Psychiatric Service Animals** are trained to do work or perform functions for a person with a psychiatric disability. **Emotional Support Animals (ESAs)** provide comfort to help relieve a symptom or effect of a disability, but they are not trained for a specific task.

Who Can Have An Assistance Animal?

Assistance animals are an accommodation for individuals with disabilities. An accommodation is a change in rules or policies that allows an individual with a disability the same right to access, use, and enjoy places and services. Most disability laws define disability as a physical or mental impairment that substantially limits one or more major life activities. In order to qualify as an assistance animal for a person with a disability, the need for the animal must be related to that person's disability. For example, a guide dog for a person who is blind.

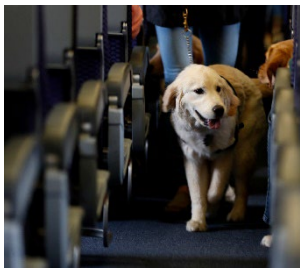
Can I Take My Assistance Animal Everywhere I Go?

Different laws cover different locations and these laws do not have the same definitions or rules for assistance animals. The laws covering the most common areas of concern for people with assistance animals include the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Air Carrier Access Act (ACAA). Here is how each law addresses assistance animals:

ADA: provides protection to individuals with service animals in all public places, but the Act defines the term "service animals" very narrowly to include only dogs (and in some rare circumstances, miniature horses). Additionally, in order to qualify as a service dog under the ADA, the dog must be individually trained to provide a task that benefits the individual with a

disability. The ADA recognizes and protects psychiatric service dogs but does NOT provide protection for ESAs. Therefore, a public place or government building may legally exclude these animals.

FHA: is more inclusive with regards to assistance animals. The FHA allows both service animals and emotional support animals. Having a service dog or ESA in housing is considered a reasonable accommodation for people with disabilities.



ACAA: Under new regulations effective January 11, 2021, air passengers will no longer be allowed to bring their ESAs on planes. The regulations adopt the ADA definition and requirements of service animals. Passengers with a disability traveling with a service animal must submit a form to the airline attesting to the animal's training and good behavior, and certifying the animal's good health. Airlines may require this form to be submitted up to 48 hours before the scheduled flight.

Can My Assistance Animal Be Denied Entry?

The animal may be denied if they do not meet the requirements under the laws explained above (for example, an ESA may be denied entry into a restaurant because that location is covered under the ADA). Even if an animal meets the requirements of the law governing the location, it may be denied if it poses a direct threat to the health or safety of others, is out of the control of its owner, or is not housebroken.



Can Any Animal Be An Assistance Animal?

As explained above, the ADA and the ACAA only recognize dogs and in rare circumstances miniature horses. ESAs are often animals we commonly have as household pets such as dogs and cats. Under the Fair Housing Act and guidance documents from the Department of Housing and Urban Development, ESAs can include dogs, cats, small birds, rabbits, hamsters or other rodents, fish, turtles or other small domesticated animals that are traditionally kept in the home. If the person with a disability has a unique animal not on this list, he or she must demonstrate why he or she needs that specific animal or type of animal.

My Landlord Doesn't Allow Pets But I Need An Assistance Animal.

Under the Fair Housing Act, an assistance animal (whether a service dog or an ESA) is a reasonable accommodation to a rule that denies pets. An assistance animal is NOT a pet; it is an animal that provides a service or performs a function for a person with a disability. Property owners must allow assistance animals as a reasonable accommodation as long as certain requirements are met and the animal does not pose a direct threat to others. In addition, the tenant cannot be charged any fees normally applied to pet owners such as a damage security deposit or monthly pet fee, and the property owner cannot impose restrictions such as breed and size. However, the person with the ESA is responsible for the behavior of the animal, must

follow other tenant rules such as cleaning up after the animal in common areas, and is responsible for any damage the animal causes.

What's The Difference Between A Psychiatric Service Dog And An ESA?

While both of these types of assistance animals provide comfort and companionship, which may alleviate psychiatric and emotional symptoms, they differ in terms of training and the tasks they perform. An ESA is an animal whose mere presence provides comfort that alleviates emotional distress related to a disability. The ESA does not require any specific training and other than its presence, it does not complete any task or service for the individual. Psychiatric service dogs are trained to provide other services or complete tasks for the individual such as reminding the person to take medicine, interrupting acts of self-harm, and keeping disoriented individuals from danger.



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