



CUSTOMERS WITH DISABILITIES AND THEIR SERVICE ANIMALS - A GUIDE FOR BUSINESSES

HOW DOES THE ADA DEFINE SERVICE ANIMAL FOR PLACES OF PUBLIC ACCOMMODATION AND ACTIVITIES OF THE STATE AND LOCAL GOVERNMENT?

A service animal is any dog that has been individually trained to do work or perform tasks for an individual with a disability. There are no limitations on size, breed or weight of the service dog, even if the breed is illegal in the jurisdiction. The use of a miniature horse may also be recognized as a reasonable modification.

IS A SERVICE ANIMAL A PET?

No. A service animal is a working animal. The work or task a dog has been trained to provide must be directly related to the person's disability.

WHAT ARE SOME EXAMPLES OF THE WORK OR THE TASKS PROVIDED BY SERVICE ANIMALS?

Guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person having a seizure, reminding a person with mental illness to take prescribed medication, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties.

WHO CAN USE A SERVICE ANIMAL?

Anyone with a disability.

CAN A PUBLIC ENTITY OR ACCOMMODATION RESTRICT A SERVICE ANIMAL'S ACCESS TO CERTAIN AREAS?

Individuals accompanied by service animals are allowed in all areas of the facility where the public is allowed to go. A service animal may be excluded from operating rooms or burn units where the animal's presence may compromise a sterile environment.

CAN A PUBLIC ENTITY OR ACCOMMODATION IMPOSE A SPECIAL FEE FOR A SERVICE ANIMAL?

No. Even if the public entity normally charges pet owners extra fees, a service animal is not a pet.

CAN A PUBLIC ENTITY OR ACCOMMODATION EXCLUDE A SERVICE ANIMAL?

Only if the animal is not housebroken, or if the animal is out of control and the owner does not take effective action to control it.

DOES THE SERVICE ANIMAL NEED TO BE CERTIFIED?

No.

CAN THE PUBLIC ENTITY OR ACCOMMODATION ASK FOR DOCUMENTATION OR PROOF THAT THE ANIMAL IS A SERVICE ANIMAL?

No. The public entity or accommodation is only allowed to ask if the animal is required because of a disability, and what task or work the animal has been trained to do.

DOES A SERVICE ANIMAL NEED TO BE PROFESSIONALLY TRAINED?

Under the ADA, a service animal does not need to be trained by a professional trainer or training center (New York Law currently requires a service animal to be trained by a recognized training center or professional trainer, but is superseded by the ADA).

IS A SERVICE ANIMAL REQUIRED TO BE ON A LEASH OR HARNESS?

A leash, harness, or other tether is required, unless the animal is under the control of its handler through other means, such as voice control or signals, or if the use of such interferes with the safe and effective performance of the work or task.

ARE EMOTIONAL SUPPORT ANIMALS AND SERVICE ANIMALS THE SAME UNDER THE ADA?

No. A service animal is trained to do specific work or tasks. If the animal gives emotional support, but also has been trained to “ground” its owner by nudging him/her, or bark before a psychiatric episode, or has been trained to calm its owner during an anxiety attack, it qualifies as a service animal.

UNDER THE FAIR HOUSING ACT, IS PERMITTING A SERVICE ANIMAL A REQUIRED REASONABLE ACCOMMODATION?

Yes. A service dog may be needed in order for an individual to have an opportunity for full use and enjoyment of his/her property.

WHAT ABOUT EMOTIONAL SUPPORT ANIMALS OR THERAPY ANIMALS?

Yes. Under the FHA, a person with a disability is permitted to have an emotional support, or therapy animal (the animal does not have to be a dog), if the animal is necessary to afford the individual an opportunity for full use and enjoyment of his/her property.

CAN A LANDLORD REQUIRE A PET FEE/DEPOSIT FOR A SERVICE ANIMAL OR EMOTIONAL SUPPORT ANIMAL?

No. The landlord can, however, charge the individual for any damage caused by the animal.

CAN THE LANDLORD DEMAND PROOF OR DOCUMENTATION OF AN EMOTIONAL SUPPORT ANIMAL?

The landlord can request documentation of the need for an emotional support animal.

WHERE IS A SERVICE ANIMAL ALLOWED TO BE, UNDER THE FHA?

Service animals are allowed in the home, common areas or any other area in the housing unit or housing complex that the public is allowed.

DOES AN EMPLOYER HAVE ANY OBLIGATION TO AN INDIVIDUAL WITH A DISABILITY WHO USES A SERVICE ANIMAL IN THE WORKPLACE?

Yes. Employers must provide individuals with disabilities who use service animal's reasonable accommodations to enable qualified individuals to perform the functions of their jobs.

DOES A CO-WORKER HAVE THE RIGHT TO KNOW WHY A PERSON HAS A SERVICE ANIMAL?

No.

CAN AN EMPLOYER REFUSE TO HIRE A PERSON BECAUSE HE/SHE HAS A SERVICE ANIMAL, OR DISCHARGE A PERSON BECAUSE HE/SHE GETS A SERVICE ANIMAL?

No.

CAN AN EMPLOYER REFUSE TO ACCOMMODATE AN INDIVIDUAL WITH A SERVICE ANIMAL BECAUSE OF CO-WORKERS FEAR OR ALLERGIES?

No, but in almost all instances employees with animal allergies and employees with service animals can be accommodated in the same workplace.

WHAT ARE SOME EXAMPLES OF ACCOMMODATIONS AN EMPLOYER CAN MAKE FOR AN EMPLOYEE WITH A SERVICE ANIMAL?

Designing bathroom and exercise areas outside for the animal and allowing breaks with opportunities to walk the service animal.

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