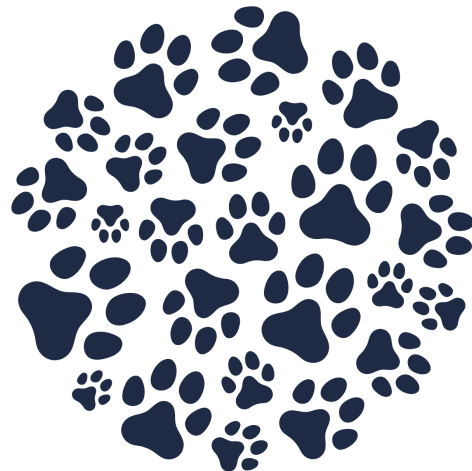




Getting Your Paws Around Issues Related to Assistance Animals

Just about every organization will eventually receive a request related to an assistance animal. As these requests become more common, many businesses and nonprofits are left scratching their heads about whether a particular animal is a service animal and, if it is not, whether the animal is permitted in all the same spaces as humans. To make matters even more confusing, different obligations apply depending on what type of assistance animal is involved and who is requesting the accommodation (customer, student, tenant, employee, etc.).

Below are a few useful pointers to keep in mind the next time you receive an assistance animal-related request.



Understanding the Difference between Service Animals, Support Animals, and Pets

Federal law recognizes two types of assistance animals: service animals and support animals. An animal that is not a service animal or a support animal is a pet and is typically not entitled to any special protections under the law.

Service Animals

The Americans with Disabilities Act (ADA) defines a service animal as any dog that has been individually trained to perform tasks for the benefit of a person with a disability. (A miniature horse can also be considered a service animal).

If the animal is a dog and it is readily apparent that the dog has been trained to perform tasks for the benefit of a person with a disability, you should treat the dog as a service animal and refrain from making any inquiries about the animal's role. For example, if the dog is guiding a person who presents as having low vision or blindness, you should not question whether the dog is a service animal.

If it is **not** readily apparent that the dog has been trained to perform a task, **you may ask the following two questions—and only these two questions:** (1) “Is the animal required because of a disability?” and (2) “What work or task has the service animal been trained to perform?”

You may not ask about the nature of the person's disability or for the person's medical records. Keep in mind that service animals are allowed in public facilities and accommodations, even if the facility otherwise has a “no pets” policy.

Support Animals

Support animals, sometimes referred to as “emotional support animals” or “comfort animals,” can be dogs or other animals that do not qualify as a service animal, but that provide therapeutic emotional support. Housing providers, including colleges and universities that offer on-campus student housing, are required under the Fair Housing Act (FHA) to accommodate support animals.

Under the FHA, support animals are not considered pets, and housing providers are required to make reasonable accommodations for persons with disabilities who need a support animal. Housing providers cannot charge “pet rent” for assistance animals and must allow them to otherwise occupy “pet free” housing.

Because emotional support needs are generally not obvious, a housing provider or employer may request information supporting the disability-related need for a support animal; however, housing providers should not require medical records or specific details of the disability.

Employees also may be entitled to request the presence of a support animal at work under certain circumstances.

Lastly, housing providers and employers should never deny a reasonable accommodation request without first engaging in an “interactive process” with the person requesting the accommodation.

Consult with Counsel

Questions about assistance animals are highly fact specific and can be tricky to resolve. Our [education](#), [employment](#), and [multifamily residential](#) attorneys are available to help you understand your legal obligations.

Steve Metzger

James Bragdon

Sydney Fortmann

Christina Araviakis

Brandon Wharton

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