



*Photo by Peter Markham, retrieved from Wikipedia Commons*

This service animal, Emmet, was trained to open a power-assisted door by pushing the wall switch with his nose or his paws. The photo shows him with his handler, practicing this at a door at the mall.

## **Service Animals and the Law**

Animals have a long history of helping people with disabilities. Today, animals that have been trained to help people with disabilities with activities are called by many different names, including assistance animals, support animals and therapy animals. Working with an animal that is trained to help them deal with disability-related tasks at home, in school or in community settings make it possible for many children and adults with disabilities to participate equally in community life. These trained service animals help people with many different disabilities, and use of a service animal is a right protected under the Americans with Disability Act (ADA).

A school in New Jersey recently refused to let a child with autism and other disabilities bring his dog to school, even though the dog had been trained to help the child be more successful and independent. The family made a formal complaint to the federal government, which found in favor of the boy. The school

was required to let the boy bring his service dog to school and to change its policies and practices so that similar discrimination did not happen again.

## Not All Animals Are Considered Service Animals Under the Law

Though many animals provide support and help to individuals with disabilities, only some animals have been formally trained and certified as being able to provide specific help to individuals who are blind, to those who are Deaf, and to people with physical disabilities, seizures, traumatic brain injury, intellectual disabilities or mental health conditions. In 2010, the Americans with Disabilities Act was changed to clarify which animals are recognized as service animals and allowed to provide services to individuals with disabilities in schools, workplaces and public buildings. The ADA recognizes dogs as service animals if they have been trained to help individuals with specific disabilities with disability-related activities or tasks. It also allows for the use of miniature horses in some circumstances. Miniature horses are very smart, and work well for certain individuals with disabilities. The ADA definition of service animals does not include animals that provide emotional support or comfort but that have not been trained to carry out other disability-related tasks.

## Housing Rights Are Broader

The ADA does allow people with disabilities to have other assistance animals in their homes if the animal is necessary to help give the individual with a disability equal opportunity to use and enjoy a dwelling. This is an important protection for individuals with disabilities who live in rental housing and need the help of a service dog or other support animal. The Fair Housing Law allows individuals with disabilities to have animals that provide emotional support as well as other services. Like the ADA, Fair Housing law requires that these animals are not a direct threat to others and that they are managed by their owner.

## So, What is Reasonable?

The ADA protects the right of qualified individuals with disabilities to use service animals. It provides guidance to allow for reasonable use. For example, a service dog is generally allowed in the public areas of the hospital but may not be allowed in other areas if it is not considered safe. A child who uses a service dog is protected under the law but a child who is allergic to dogs is also protected. To accommodate both students, the school could schedule them for different classrooms. An organization is allowed to assess whether there is room for a miniature horse in its program or building and organization. These are examples

of reasonable accommodations intended to protect the rights of the person who uses a service animal while also considering other people's needs.

Other laws address the role of assistance animals. The Fair Housing Law, Section 504 of the Rehabilitation Act and the Air Carriers Access Act all use a broader definition than the ADA's definition of service animals, allowing animals that provide emotional support as well as disability-specific assistance to be considered. However, they all require that assistance animals are not a threat to others and can be managed by the person with a disability.

## Questions for Discussion

What is a service animal as described in the Americans with Disabilities Act (ADA)?

How is the Fair Housing Law different than the ADA's definition of service animals?

Do you agree that it makes sense for the law to allow a broader definition for assistance animals helping people in their homes than it does for service animals that work in other locations? Why or why not?

What is a reasonable accommodation and why is this idea important?

## References

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