



ADA and Service Animals



Overview

Americans with Disabilities (ADA)

ADA Statistics

Service Animals

Emotional Support Animals

Q & A

Resources





Americans with Disabilities (ADA)

The Americans with Disabilities Act (ADA) was signed into law by President Bush on July 26, 1990.

Its overall purpose is to make American society more accessible to people with disabilities.





Americans with Disabilities (ADA)

Definition of a Disability

- ☐ Someone who has a physical or mental impairment that substantially limits one or more major life activities.

The ADA is divided into Five Titles.

- ☐ Title I Employment
- ☐ Title II State and Local Government
- ☐ **Title III Public Accommodations**
- ☐ Title IV Telecommunications
- ☐ Title V Miscellaneous Provisions



Americans with Disabilities (ADA)

Title III Public Accommodations

- ❑ Prohibits private places of public accommodation from discriminating against individuals with disabilities
- ❑ A place of public accommodation is a facility whose operations affect commerce
- ❑ There are 12 categories
 - Lodging**, food services, entertainment, public gatherings, retail stores, service establishments, public transportation, public displays (museums), places of education, social service establishments, exercise or recreation

Places of lodging (inns, hotels, motels) exemption owner-occupied renting fewer than six rooms

Hotel-like Accommodations timeshare, condominium hotel, or other mixed-use corporate hotel facility intended to be used as a public accommodation



ADA Statistics

61 million in the U.S., that's about 26% of the population (1 in 4)

- ☐ 27 million people have travel-limiting disabilities
- ☐ 20 million families have a member with a disability
- ☐ 30% of your potential customers will be using your business WITH someone who has a disability
- ☐ Have \$220 billion discretionary spending power
- ☐ In 2018-2019 spent \$58.7 billion on 81 million trips
- ☐ More than 50% in the U.S regularly stay in hotels, motels, places of lodging
- ☐ 71% eat in restaurants at least once per week





Service Animals

Under the ADA, a service animal is defined as a dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities.

- ☐ Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.
- ☐ Individual person with a disability may have more than one service animal to perform different tasks.



Service Animals

What about miniature horses?

- ☐ Must be individually trained to do work or perform tasks for people with disabilities.
- ☐ Miniature horses range in size, 24 to 34 inches when measured to shoulders and weigh between 70 – 100 pounds.
- ☐ Businesses must modify their policies to permit miniature horses where reasonable.

bit.ly/ljs-ada-1



Service Animals

What does “do work or perform tasks” mean?

☐ The dog must be trained to take a specific action when needed to assist the person with a disability.

☐ For example:

Guides visual and or hearing impaired

Alerts for allergies and medications

Retrieves objects

Assists during seizure

Support or assistance with balance

PTSD



Service Animals

What questions can a covered entity's employees ask to determine if a dog is a service animal?

☐ If it isn't obvious that the dog is a service animal, you may ask two specific questions:

Is the dog a service animal required because of a disability?

What work or task has the dog been trained to perform?

Service Animals

Inquiries, Charges, and Other Specific Rules bit.ly/ljs-ada-2

- ☐ Must be harnessed, leashed, or tethered, can be in a stroller, unless the individual's disability prevents using these devices or the devices interfere with the service animal's task
- ☐ Allergies or fear of dogs are not valid reasons for denying access or refusing service
- ☐ Both parties should be accommodated by assigning them to different locations within the room or different rooms in the facility
- ☐ Establishments that sell or prepare food must allow service animals
- ☐ Restaurants can ask the handler to remove service animal from the seat of a table
- ☐ Can not charge fees that are not charged to other patrons without animals
- ☐ Property damages by the individual with the disability or the service animal can be charged
- ☐ Pet deposit or fee, MUST waive the charge for service animals
- ☐ Service animals are allowed on the pool deck area ONLY. ADA does NOT override public health rules. Animals are prohibited in swimming pools.
- ☐ Can not be isolated from other patrons, treated less favorably than other patrons

Service Animals

Walt Disney World Resort Policy

- ☐ At Walt Disney World Resort, a service animal is a dog or miniature horse that is trained to do work or perform tasks for, and to assist, an individual with a disability. Cast Members are not able to take control of service animals.
- ☐ **Service animals are not allowed in the water—including water features and fountains—or closer than 4 feet to the water on wet decks.**
- ☐ For more information, please contact Disability Services at (407) 560-2547 or email disability.services@disney parks.com.



Service Animals

A guest has their dog in the pool. What do you do?

Identify yourself. Be direct but compassionate and kind.

Employee: “Hello my name is Dolly. I’m sorry, but we have a strict no-pets policy and don’t allow animals in the pool. Only service animals are allowed on pool decks, and we ask they remain 4 feet away from the wet deck.”

Guest: “My dog is a service animal, and you are discriminating against me. That is illegal.”

Employee: “I understand, however the ADA doesn’t override the public health rules. My apologies for any inconvenience but we will have to ask you to remove your service animal from the water. Your service animal may remain on the pool deck area.”



Emotional Support Animals (ESAs)

Emotional support, therapy, comfort, or companion animals are **NOT** considered service animals.

- ☐ Any domesticated animal; Dog, cat, rabbit, mice, rats, ferrets, birds, hedgehogs, etc.
- ☐ They provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias.
- ☐ Therapy animals provide people with therapeutic contact, usually in a clinical setting, to improve their physical, social, emotional, and/or cognitive functioning.
- ☐ Not required to have any specific training
- ☐ No public access rights, however:
 - Some State or local governments have laws that allow people to take emotional support animals into public places.
 - Check with your State and local government agencies.
- ☐ Protected under the Fair Housing Act (FHA), waive pet fees/deposits

bit.ly/ljs-ada-3



Emotional Support Animals

Inquiries, Charges, and Other Specific Rules

- ❑ Required letter from a mental health professional prescribing an ESA
- ❑ HUD (FHEO-2020-01) discusses what is and isn't considered reliable documentation
- ❑ Check your State laws:
 - Florida law requires signed and dated on licensed healthcare official letterhead
 - A crime to misrepresent an ESA and considered a crime if the healthcare provider who provided the letter does not have personal knowledge of the individual disability
 - Jail time of up to 60 days and fine of \$500
- ❑ Dept of Transportation (DOT) in 2020 ruled ESAs are no longer allowed to fly

Q. If someone's dog calms them when having an anxiety attack, does this qualify it as a service animal?

A. It depends. The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.

Emotional Support Animals

☐ **ALLOWED** to ask the person with an ESA to remove IF

- The animal is out of control, creates a disturbance and the handler doesn't take effective action
- The animal is not housebroken
- Landlord is allowed to charge a property damage fee

☐ **NOT ALLOWED**

- Landlord is not allowed to contact the tenant's therapist directly

☐ **NOT REQUIRED** to provide care for or supervision of a service animal

Emotional Support Animals

A guest has their ESA in the pool. What do you do?

Employee: “Hello my name is Dolly. I’m sorry, but we have a strict no-pets policy and don’t allow animals in the pool. Only service animals are allowed on pool decks, and we ask they remain 4 feet away from the wet deck.”

Guest: “My dog is an emotional support dog. They are covered under the ADA. You are discriminating against me. That is illegal.”

Employee: “I understand, however the ADA doesn’t recognize emotional support animals as a service animal. My apologies for any inconvenience but we will have to ask you to remove your emotional support animal from the water and take her/him back to your room.” **OR** “I understand, however the ADA doesn’t override the public health rules.”



Resources



ADA National Network

1-800-949-4232 | www.ADA.gov
adata.org/find-your-region

U.S. Department of Justice Service Animals FAQ
archive.ada.gov/regs2010/service_animal_qa.pdf

HUD Notice FHEO-2020-1 (ESA's)
hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf