

# SERVICE AND ASSISTANCE ANIMAL REGULATIONS

## UNDER THE FAIR HOUSING ACT (FHA)

### What qualifies as an assistance/service/support animal?

- An animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability.
- An assistance animal is not considered a pet.
- Animals do not have to be individually trained or certified.

### Where does FHA apply?

- In renting and other housing-related transactions.

### Can housing providers charge "pet rent" or any other such fee?

- No. Assistance animals are considered a reasonable accommodation.
- Any animal that does not qualify as a service animal or other type of assistance animal is a pet for the purposes of the FHA and may be treated as a pet for purposes of the lease and the housing provider's rules and policies.

### What must housing providers consider?

- (1) "Does the person seeking to use and live with the animal have a disability?" (2) "Does the person making the request have a disability-related need for an assistance animal?"

### What can housing providers ask for?

- Providers are allowed to ask individuals who have disabilities that are not readily apparent to submit reliable documentation of a disability and the person's need for an assistance animal.
- Documentation may be provided by a physician, psychiatrist, social worker, or other mental health professional.
- Each accommodation request requires an individual assessment.

### Where are assistance animals allowed to be?

- In all areas of the premises where persons are normally allowed to go.

## CERTIFICATION

There is no official federal registry for service animals, nor is documentation from any organization that professes to be a federal service dog registry accepted as legally valid proof that a dog is indeed a service animal.

## DEFINITIONS

### **Service Animals**

Defined by the ADA as a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability.

### **Assistance/Service/Support Animals**

Defined by the FHA as an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates identified symptom's or effects of an individual's disability.



humanrelations@siouxfalls.org



(605) 367-8745

TRS Relay (7-1-1) & VRS calls accepted

If you think you have been discriminated against because of a disability or failure to accommodate a disability, please contact the Sioux Falls Human Relations Office at (605) 367-8745 or humanrelations@siouxfalls.org.



# SERVICE AND ASSISTANCE ANIMAL REGULATIONS

## UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)

### What qualifies as a service animal?

- Dog that is individually trained to do work or perform tasks for the benefit of a person with a disability. The trained work or task must be directly related to a person's disability.
- Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, or performing other duties.
- Service animals are working animals and are not considered pets.
- Dogs whose sole function is to provide comfort, emotional support, and/or well-being do not qualify as service animals under the ADA.

### Where does ADA apply?

- State and local government programs, services, activities, and facilities; to public accommodations; to public services.

### What questions can an establishment ask?

- (1) "Is this a service animal that is required because of a disability?"
- (2) "What work or tasks has the animal been trained to perform?"

### What questions can an establishment NOT ask?

- (1) Cannot ask the individual about the nature of the disability.
- (2) Request documentation that the individual has a disability.
- (3) Require documentation that the animal has been trained, licensed, or certified.

### When can the animal be denied access to the ADA-covered facility?

- When the animal:
  - (1) is out of control and its handler does not take effective action to control it;
  - (2) is not housebroken; or
  - (3) poses a direct threat to the health or safety of others that cannot be eliminated or remedied.

### Can an establishment refuse to allow service animals access to a facility based on other individuals present having allergies or fear of dogs?

- No. When a person who is allergic to dog dander and a person who uses a service animal must spend time together in the same room or facility, they should both be accommodated by assigning them, if possible, different locations within the room or facility.
- Establishments that sell or prepare food must generally allow service animals in public areas even if state or local health codes do not allow animals on the premises.

### What else can an establishment do and not do?

- Establishments may not charge a fee for the service animal.
- Staff are not required to provide care for or supervision of a service animal.

### Are any other animals besides dogs considered service animals?

- Yes. Miniature horses are the only other animal that is considered a service animal under the ADA.
- Entities covered by the ADA must modify their policies to permit miniature horses where reasonable.

