



Service Animals



The purpose of this Information Bulletin is to help businesses and service dogs' owners understand their collective rights and responsibilities relating to service animals. The applicable law regarding service animals in public accommodations within the City of Berkeley is the federal American with Disabilities Act (ADA), Title II (State and local government services) and Title III (Public accommodations and commercial entities), enforced by the US department of Justice (DOJ). Laws applicable to private workplace or housing units, or air travel are addressed by other federal or state regulations. For more information visit: www.ADA.gov

http://www.ada.gov/service_animals_2010.htm and
http://www.ada.gov/regs2010/service_animal_qa.html
or call 800-514-0301 (Voice) and 800-514-0383 (TTY)

What is a “Service Animal”

Beginning on March 15, 2011, the US DOJ amended regulations such that only dogs and miniature horses are recognized as service animals under Titles II and III of the Americans with Disabilities Act (ADA). Service animals are defined as dogs and miniature horses that are individually trained to do work or perform tasks for people with disabilities. 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, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Where are Service Animals Allowed

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

Service Animals Must Be Under Control

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or

other effective controls

Other Important Rules for Businesses Regarding Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Representatives of a business may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his/her service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a business such as a hotel normally charges guests for damage that they cause, that business may also charge a customer with a disability for damage caused by their service animal.
- Businesses are not required to provide care or food for a service animal.

For More Information

The U.S. Department of Justice (DOJ) enforces the Americans with Disabilities Act. Visit www.ADA.gov or call 800-514-0301 (Voice) and 800-514-0383 (TTY) for additional information. The DOJ publication is available at http://www.ada.gov/service_animals_2010.htm
311 from any landline in Berkeley, or (510) 981-2489 from a mobile phone
TTY: (510) 981-6347

The information contained in this bulletin is from a U.S. Department of Justice (DOJ) publication.