



**Service Animals in Shelter
10-26-17**

The following is guidance from City law and the Americans with Disabilities Act (ADA) concerning service animals in shelters:

The Americans with Disabilities Act (ADA) applies to all programs, services, or activities of public entities including local governments by protecting the rights of people who have a physical or mental impairment that substantially limits their ability to perform one or more major life activities. In this manner, the ADA attempts to provide equal treatment to persons with disabilities so that they will not be treated in a different or inferior manner. Because of the ADA's desire for equal treatment, reasonable modifications may be made to existing services when necessary to accommodate persons with disabilities.

With respect to the use of service animals, the ADA requires that they be under the handler's control at all times by the use of a tether, leash, or harness unless the use of those devices impede the work of the service animal or the individual's disability prevents the "safe and effective performance of work or tasks" when implementing those devices. When those devices are unable to be used, voice, signal, or other effective methods must be used to maintain control of the service animal.

Notwithstanding the permissive use of service animals, they may be excluded from a facility for two reasons. First, the service animal may be excluded if the service animal is "out of control" and the handler is unable to regain control of the service animal. Second, the service animal may be excluded if the service animal is not housebroken. If the service animal is excluded, the individual will still be entitled "to participate in the service, program, or activity without having the service animal on the premises."

OHS may ask two questions of the service animal's handler: whether the service animal is required because of a disability and what work tasks has the service animal been trained to perform. Questions about the extent or nature of the person's disability are not permitted under the ADA guidelines although they may be pertinent and permissible to meet HUD HMIS requirements.