

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.

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 human.relations@siouxfalls.gov.

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?

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

What questions can an establishment NOT ask?

- Cannot ask the individual about the nature of the disability.
- Request documentation that the individual has a disability.
- 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:
 - is out of control and its handler does not take effective action to control it;
- is not housebroken; or
- 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.