



SERVICE AND ESA ANIMAL REGULATIONS FOR QUEENS COLLEGE CAMPUS

Federal and State Regulations

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Mirian Detreshickey
Mirian.Detreshickey@qc.cuny.edu

Campus accessibility for Service Animals:

Dear Dog owner:

Before you apply for accessibility on campus approval for your dog, please read the American Disability Act Regulation pertaining to Service Animal below. Do not fill out the form if your dog is not a service animal but instead a ESA, comfort/therapeutic animal.

“The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Overview

This publication provides guidance on the term “service animal” and the service animal provisions in the Department’s new regulations.

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- 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.

How “Service Animal” Is Defined

Service animals are defined as dogs 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.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the State attorney generals office.

Differences between a Service Dog and a Therapy/Comfort Dog

The differences between Service Dogs and Therapy Dogs are very noticeable from the perspectives of services provided and legal perspectives. The terms, 'Service Dog,' and, 'Therapy Dog,' are not meant to be used as equivalents and should not be used to mean the same thing; they are not. **A Therapy / Comfort / ESA Dog** is one that is a pet that provides comfort and affection to people in long-term care, hospitals, retirement homes, schools, mental health institutions, and other stressful situations to include disaster areas. Therapy Dogs provide people with animal contact; people who may or may not have a form of disability. Therapy Dogs work in animal-assisted activities and animal-assisted therapy. The dog is commonly owned by the person handling it, who considers the dog to be a personal pet. **Can a Therapy dog go anywhere?**

No. You would have no rights to public access under the ADA or under most state laws, or under the laws of any other country. Access laws pertaining to service animals belong to the handler, not the dog. As such, they apply only to people with disabilities.

Some states permit public access for trainers of service dogs, but most of these require that the trainer be certified themselves or at least from a recognized service dog program.

ESA: Emotional Support Animal Regulations and Rules

Battling mental illness is a massive feat. There are so many different ways in which individuals can undergo treatment. An emerging area of therapy is through the [support of emotional support animals \(ESAs\)](#). ESAs can become a companion in the uphill battle against psychological disabilities. The following is meant as a general guide on emotional support animal rules and regulations.

What is an Emotional Support Animal?

An ESA, unlike service animals, provides emotional support for individuals who have been diagnosed with a psychological disability or condition. Although ESAs are used as part of a medical treatment plan, they are not considered service animals under [Title II](#) and [Title III](#) of the Americans with Disabilities Act (ADA). ESAs are distinguished by their close, emotional, and supportive bond with their owner to treat problems of anxiety, depression, or other psychological disabilities.

How do you get an Emotional Support Animal?

[How do you get an emotional support animal?](#) Those who wish to have an ESA must obtain a letter verifying that the emotional relationship with the animal supports their mental health and well-being. The letter must be provided by a licensed mental health professional stating that the owner has a mental health-related disability and that the animal is necessary for the owner's mental health and treatment.

Rules and Regulations Surrounding Emotional Support Animals

Now that you have an ESA, what are the rules and regulations governing this? It is important for owners to be aware of the laws surrounding ESAs under the

Americans with Disabilities Act (ADA), Air Carrier Access Act (ACAA), and Fair Housing Act. Although support animals provide companionship, they are not given basic legal protections like service animals (SA) or Psychiatric Service Dogs (PSD) under ADA. Because of this, the regulations around ESAs become tricky.

ESA are required to behave well in public, listen to their handlers, and not cause a disturbance. For support training your dog, you can train your dog at home. This will save you hundreds to thousands of dollars on professional training.

Housing for Emotional Support Animals

Finding an apartment that allows for pets can be difficult, but ESAs and their owners are entitled to reasonable accommodation and housing. Under Title II of ADA, people with ESA's are provided reasonable accommodation for animal as assistive aids. For example, just as property owners are required to make buildings wheelchair accessible, accommodations are also made to make buildings animal accessible. Additionally, ESA owners cannot be denied housing. Further to this point, property owners are not allowed to exclude breeds, charge fees and deposits such as pet deposits.

Additionally, the Fair Housing Act (FHA) protects renters from landlord discrimination. As long as the ESA owner can show documentation verifying a disability, the law will mostly protect them from discrimination by property owners. For example, property owners cannot restrict the breed, size, or species of the ESA and they are required to make reasonable accommodations for people with verified diagnosis.

Where Service Animals Are 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. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal

from operating rooms or burn units where the animal's presence may compromise a sterile environment.

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.

Reference:

1. ADA National Network (2015) Service Animal Update
2. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (Section 504) and the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601–3631))

Queens College Office of Special Services

Date _____

Owner: _____ Disability _____

Registered in OSS on: _____ OSS Counselor _____

Address: _____

Type of Animal: _____ Name of animal: _____

Please check:

ESA (Emotional Support Animal, Therapeutic, Comfort) _____, or Service Animal _____

Type of Service Dog Provides owner: _____

Dog License number as per New York State Requirement: _____

Year Licensed: _____

Trained to provide the following service: _____

Student ID # _____ Student other Identification _____

Student Printed Name

Student Signature

Date

Name of Queens College Representative Office of: _____

