

Frequently Asked Questions

Service animals are an essential feature of American society. They assist a great number of people with disabilities. However, as service animals become more and more prominent in the modern world, there is growing confusion that surrounds them. Questions regarding where service animals are permitted, what tasks they can perform, and what a service animal even is remain as common as ever before.

As many people seek answers from their local government, the Governor's Commission on Disability has created this page as a resource offering information about service animals. If you do not see your question answered here, you can contact the GCD at 603 271-2773 or by email at Disability@gcd.nh.gov.

1. What is a Service Animal?

In accordance with the Americans with Disabilities Act (ADA), a Service Animal is typically a guide dog or signal dog that has been individually trained to provide assistance to an individual living with a disability. If an animal has been trained and fits this definition, the animal is referred to as a Service Animal under the ADA.

Service Animals specialize in providing some of the work and tasks that an individual with a disability cannot perform on their own. Guide dogs are a type of Service Animal, used by some individuals who are blind or have poor vision. However, Service Animals assist with a wide range of disabilities. Some examples include:

- Alerting persons with hearing impairments to sounds.
- Pulling a wheelchair or picking up things for persons with mobility impairments.
- Assisting someone with mobility impairments with their balance.

It is important to understand that a Service Animal is *not* a pet. The International Association of Assistance Dog Partners has made a list of tasks a Service Dog could be trained to perform to be legally promoted from pet to Service Animal status.

- Service Dog Tasks for Psychiatric Disabilities

2. How can I register my dog as a Service Animal?

There are no standards or procedures in place for certifying Service Animals under U.S. federal law. However, the person using the animal must meet the legal definition of "disability." Furthermore, the dog must be individually trained to perform tasks that mitigate the owner's disability. The Service Dog must also have the sufficient training to behave in public. This means no unwelcome sounds or contact with others, or disrupting of a business. Service Animals that pose a direct threat to others by growling or lunging can be banned from public access.

There are several resources that offer fake certifications in order to make a profit. Real Service Animals do not require certification. These fake certifications or registrations are obvious because they will sell their products to anyone for a fee without ever actually training or evaluating the dog themselves. They are used by pet owners that want an easy way to get their pet into motels, on planes, or to gain access to public facilities. Unfortunately, these businesses do a disservice to real Service Dogs. In addition to taking money from people with disabilities, false Service Dog registrations or certifications can diminish the reputation of real Service Dog by behaving like a regular pet, rather than providing the highly trained services that helps with a person's disability.

3. Do I qualify for a Service Animal?

The ADA defines an individual with a disability as "a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment."

Though this may seem like a broad definition, it does not limit the type of disability for which a Service Dog can be used. In addition, there is great flexibility with respect to the nature and severity of a person's physical or mental "disability." The idea behind the law is that if you have any condition that makes it difficult to perform or limits an important life activity, you do qualify. The life activity might only be a problem during certain times, like dizziness, leading to balance problems, low blood sugar or seizures, to name a few examples.

4. Where is a Service Dog allowed to go?

Under the Americans with Disabilities Act (ADA), businesses and organizations that serve the public must allow people with disabilities to bring their Service Animals into all areas of the facility where customers are normally allowed to go. This federal law applies to all businesses open to the public, including restaurants, hotels, taxis and shuttles, grocery and department stores, hospitals and medical offices, theaters, health clubs, parks, and zoos.

5. Where is a Service Dog not permitted?

Generally, Service Dogs are permitted to accompany their owner anywhere that members of the public are allowed; however, there are a few exceptions. For example, a person with a disability would be permitted in the dining area of a restaurant, but not in the kitchen. And so, a Service Dog would be permitted to accompany their handler in the dining area of a restaurant, but not into the kitchen where food is prepared and sanitation procedures are required.

It is also important to note that it is the owner who has access rights and not the dog. A Service Dog without its handler has no particular access rights of its own. The ADA states:

"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."

Though Service Animals of all kinds can legally accompany their handler almost anywhere the handler goes, they can be excluded from areas where their presence would constitute a fundamental alteration of goods and services, an undue burden, or a direct threat to safety.

6. Although my dog is not a trained service animal, my doctor says that it helps me manage my PTSD. How can I make my dog a legally recognized service animal?

It is important to understand that, while the presence of a dog may help people overcome certain challenges; this alone does not make a dog a service animal. Dogs cannot become service animals without first undergoing extensive training, and even with this training, not all dogs are capable of becoming service animals.

If your untrained dog helps you overcome an issue such as PTSD, then it may be more practical for you to attempt to have your dog recognized as an emotional support animal, which is often considered a form of reasonable accommodation in areas of life such as housing. A letter of explanation from your doctor may be beneficial when attempting to achieve this.

7. What kinds of service dogs are there?

Service dogs are generally separated into three categories: guide dogs, hearing dogs, and service dogs (which are for disabilities other than blindness or deafness). There are many kinds of Service Dogs, almost as many as there are kinds of disabilities.

Some Service Dogs assist with mobility. For a physically disabled person, a Service Dog may pick up dropped items, open and close doors, and turn on lights, for example. Other Service Dogs assist with medical-related disabilities, such as neurological, developmental, psychiatric, and diabetic disabilities.

Service Dogs vary in breed and in which tasks they are trained to provide. Larger dogs are used to pull wheel chairs, while smaller dogs might be more convenient for medical alert purposes. While there are several types of disability, a service animal is more likely to be mitigated by a properly trained Service Dog.

8. How can I get a Service Dog?

Discuss this first with your medical provider. Do they agree that you legally have a disability (under the ADA) and that you need a Service Dog? You will most likely need their support to get the medical documentation, as well as a training program. Other important considerations include, but are not limited to:

- Are you financially able to care of a service animal?
- Do you have the room in your home to house a service animal?
- Are you independently capable of caring for the service animal?

It is recommended to make a list of things you cannot do for yourself and to write a short paragraph describing your daily routine. Doing so before approaching an agency that provides service animals will prepare you to answer their questions and to ask some of your own. Consider what you want the service animal to do in order to mitigate your disability. To be a service animal, the dog must be “individually trained” to “perform one or more tasks” that help a person with a disability to function in one or more major life activities. The following do not count as trained tasks:

- Protection
- Emotional support
- Companionship

9. How do I find a Service Dog program or trainer?

There are several lists of Service Dog providers on the internet. That's a good place to start, but remember that just because they appear on one of these lists doesn't mean they are qualified or even legitimate. It is still up to you, as the consumer, to do your research and make sure they are what they appear to be. In the Northeast, there are numerous programs to choose from:

- America's Vet dogs
- Canine Companions for Independence
- Guide Dog Foundation
- Service Dog Project, Inc.
- National Education for Assistance Dog Services

10. What if I owner-train my own dog as a Service Animal?

Owner training is a different way of acquiring a trained Service Dog. Any type of Service Dog can be owner trained. With owner training, the person with the disability is highly involved in all aspects of training.

The International Association of Assistance Dog Partners (IAADP) has published Minimal Training Standards for public access in an effort to promote the responsible use of access rights in the disability community.

- IAADP Minimal Training Standards for Public Access

No certification or proof of authenticity is required for a service dog, regardless of where or by whom it was trained. However, documentation from a licensed health professional stating the owner's need for the service

dog may be required in certain situations. People considering training a service dog themselves should be advised that training is a very intensive process, very rarely taking less than one year to complete, and that most pet owners are incapable of training a service dog themselves. In addition, not all dogs, even with this training, can become service animals.

- What an Owner-Trainer Should Know Before Starting Out
- Owner-Training Tips

11. I own a dog trained to assist a person with disabilities, but I do not have a disability myself. Is the dog still considered a service animal?

If the dog is not currently in the service of a person with a disability, then it would not be considered a service dog at this time, nor is it entitled to access to locations barred to pets.

12. Can I be required to provide proof that my dog is a service animal?

Yes. According to the ADA "When it is not obvious what service an animal provides, only limited inquiries are allowed, staff may ask two questions:

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

If these questions are not appropriately answered, the business may exclude the animal, but not the person.

There could, however, be a situation where extensive proof may be needed. For example if you file a complaint about discrimination, proof of disability and proof of training will be required. If you appear in court and you claim to have a disability and claim your dog is a Service Dog as part of the case you are involved in, then you will have to provide proof that your claims are true. A court will not simply take your word for it.

This proof may include: medical records from your medical provider, Social Security Disability Insurance determination, Independent evaluation of your dog's training by a qualified trainer, a video demonstration of the dog's training or an in-person demonstration of the dog's training.

13. What is the difference between a Service Animal and Emotional Support Animal?

A **Service Animal** is typically a dog, though miniature horses have been documented. These Service Dogs are individually trained to perform specific tasks that help its owner with the life activities they would otherwise be unable to perform. Training typically takes 18-24 months. Because of this advanced training, a Service Dog is considered medical equipment, not a pet, and is permitted to accompany its owner to many places where pets are not allowed.

An **Emotional Support Animal** or **ESA** assists in a different way than service dogs do. The person's mental health professional has determined that the presence of the animal is necessary for the person with a disability and their mental health and has written a prescription stating the pet is necessary in the person's home. Little or no training is required. The owner of an emotional support animal has no more right than any other pet owner to take their emotional support animal with them into a public facility. Some exceptions are to keep an ESA at home, even though a no pets rule may be in place, or to fly with one in a cabin where pets are not typically permitted.

14. What is the difference between a Therapy Dog and a Psychiatric Service Dog?

A **Therapy Dog** is a pet that has been trained, tested, registered, and insured to accompany its owner to visit patients and residents of hospitals and nursing homes to cheer up the people living there. A well-behaved pet can typically complete training in about 8 weeks. A therapy dog is legally a pet. It is not permitted to go anywhere that pets aren't without permission from the facility owner. The objective of registration is to show

facility managers that this dog is well behaved, safe around people, and insured against liability. It is not a license to walk into a hospital or nursing home without permission.

The ADA makes a distinction between **Psychiatric Service Dogs** and emotional support dogs. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a Service Animal. However, if the dog's mere presence provides comfort that would not be considered a Service Animal under the ADA. Psychiatric Service Animals, like all other Service Animals, can assist a person with a disability by performing tasks specific to psychiatric, cognitive or mental disabilities.

15. My landlord refuses to accommodate the fact that I have a Service Dog. What can I do?

One plan of action may include contacting an attorney or submitting a complaint with the U.S. Department of Housing and Urban Development. The Fair Housing Act is in place to protect tenants from discrimination. Property owners must make reasonable accommodations so that anyone with a disability may enjoy the equal chance to live comfortably.

Title II of the Americans with Disabilities Act may also protect some people with disabilities from being evicted because of a Service Dog. Not all rental housing is covered by a disability law. A qualified attorney can determine whether you qualify under any of these laws and whether or not your landlord is exempted under them.

For more information about your rights under the Fair Housing act visit the HUD website today.

16. Can I be denied a rental because I need a Service Dog or an Emotional Support Animal?

Under the Fair Housing Amendments Act, a qualified person with a disability may request a reasonable accommodation in the form of a modification of rules against the keeping of pets in order to keep *either* a Service Animal or an emotional support animal.

Contrary to popular belief, some landlords are exempt from the regulations of the Fair Housing Amendments Act. The exceptions include:

- Buildings with four or fewer units where the landlord lives in one of the units
- Private owners who do not own more than three single family houses, do not use real estate brokers or agents, and do not use discriminatory advertisements.
- The FHAA also does not apply to publicly (government) owned housing or to section 8 housing.

If a person has a disability and has an individually trained Service Dog, or an emotional support animal prescribed by a licensed mental health professional, the Fair Housing Amendments Act of 1988 requires the landlord and/or property manager to make a reasonable accommodation to their policies and to allow the tenant to have the Service Animal or Emotional Support Animal. This includes accommodation of species, breed, and weight policies.

That means if they have a "cats only" policy, they must accept your Service Dog. If they have a policy that allows a dog weighing no more than 30 lbs. and your emotional support animal weighs 75 lbs., they must make a change in their rules to accommodate you. Federal law requires a property manager or landlord to make a reasonable accommodation in the rules. If they do not, they are discriminating against a person with a disability and are in violation of federal law.

17. My daughter has an emotional support animal, what do I need to do to prove to the hotel where we will be staying that this is an emotional support animal?

Emotional Support animals are not protected by the ADA. While a public business, including hotels, must grant access to Service Animals, an emotional support animal is not a type of Service Dog. That being said, if you are looking to ask hotel to allow your or your child's emotional support animal, the prescription written by the mental health professional will at least prove that the animal is necessary.

Though a hotel or motel may refuse to grant access to an emotional support animal, there are several pet-friendly accommodations that welcome a wide range of animals into their lodging.

18. I have a doctor's note to show that my dog helps me with depression and mental illness and that he is better than medicine. What do I have to do to register him as a Service Dog?

Mandatory registration of Service Animals is not required under the ADA. However Service Animals are subject to the same licensing and vaccination rules that are applied to all dogs. A dog that has been prescribed by a mental health professional is, by definition, an emotional support animal. This is considered a pet and is not a Service Dog protected by the ADA.