



## SCHOOLS OF PERFORMING AND VISUAL ARTS

### **Service Animals - A Broad Definition**

A service animal is a working animal, not a pet. The Americans with Disabilities Act (ADA) defines a service animal as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Dogs that satisfy this definition are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government, or any other entity. Here are some examples of tasks a service animal might perform:

- Assisting with navigation, or stability and balance;
- Alerting to sounds or allergens;
- Pulling wheelchairs, carrying and retrieving items;
- Seizure assistance;
- Interrupting impulsive or destructive behaviors.

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.

### **Service Animals – Where are they 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 units where the service animal may compromise a sterile environment.

#### **Documentation is not required.**

A public accommodation provider cannot ask about the nature or extent of a person's disability and may not demand proof that the animal is certified. However, if it is not readily apparent that a dog is a service animal, they may ask, (1) if the animal is required because of a disability, and (2) what work the animal has been trained to perform. The business must allow the animal regardless of any stated "no

pets” policy: a service animal is not a pet. Although some states have programs to certify service animals, certification is not required for a public accommodation.

## **Service Animals in Housing**

The Fair Housing Act prohibits discrimination in the sale or rental of housing based on an individual’s disability and requires a housing provider to make “reasonable accommodations” that are necessary for an individual with a disability to fully use and enjoy the housing. This may include allowing those with a disability to have a service animal live with them, regardless of a “no pets” policy. Like the ADA, the Fair Housing Act protects persons with physical and mental disabilities, and requires that service animal be allowed in housing. You must alert Chautauqua Institution upon enrollment if you have a service animal. Please contact Sarah Malinoski-Umberger, Manager of CHQ Schools at [smalinoski@chq.org](mailto:smalinoski@chq.org) to request accommodation.

## **Emotional Support Animals - A Broad Definition**

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. Any animal can be an ESA as long as it does not pose a direct threat to the health and safety of others, will not cause substantial physical damage to the property of others, and will not fundamentally affect the operations of the residence hall.

ESA animals are restricted to **housing**. The law governing ESA animals is the Fair Housing Act.

## **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.

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.

## **Emotional Support Animals in Housing**

Under Title II of ADA, people with ESA’s are provided reasonable accommodation for animal as assistive aids. 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.

- The animal need not be specially trained as a service animal if it provides physical or emotional support, lessens the effects of the person’s disability and is necessary for the person to be able to fully enjoy the housing.

- A housing provider may require an individual to provide documentation of their disability and their need for the animal (for example, letters from doctors or therapists describing the disability and explaining how the animal helps the individual). A housing provider may also require vaccination records for the ESA.

- All ESA must be leashed or tethered in common areas (i.e. lounges, hallways, cafeteria)

## REQUEST FOR ACCOMODATION

Date \_\_\_\_\_

Owner: \_\_\_\_\_

Type of Animal: \_\_\_\_\_ Name of animal: \_\_\_\_\_

**Please check:**

ESA (Emotional Support Animal) \_\_\_\_\_ Service Animal \_\_\_\_\_

Please list the accommodation you are requesting:

\_\_\_\_\_

Service Animal

List the type(s) of service this animal has been trained to provide the owner:

\_\_\_\_\_

ESA Animal

Please submit documentation from a licensed doctor and/or therapist supporting your request for this accommodation.

Disability the ESA Animal supports: \_\_\_\_\_

\_\_\_\_\_ Student Printed Name

\_\_\_\_\_ Student Signature      Date: \_\_\_\_\_

References:

[https://ag.ny.gov/sites/default/files/service\\_animals\\_brochure.pdf](https://ag.ny.gov/sites/default/files/service_animals_brochure.pdf)

[https://www1.nyc.gov/assets/cchr/downloads/pdf/materials/EmotionalSupportAnimals\\_Housing\\_FactSheet.pdf](https://www1.nyc.gov/assets/cchr/downloads/pdf/materials/EmotionalSupportAnimals_Housing_FactSheet.pdf)

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))