

# Service Animals and Lodging

Great Plains ADA Center

[www.gpadacenter.org](http://www.gpadacenter.org)

1-800-949-4232

# Definition of a Service Animal Under the ADA

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- Regulations covering service animals are in Title II and III of the ADA.
  - Title II-State and Local Governments
  - Title III-Business and Industry

# Definition of a Service Animal Under the ADA

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- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.

# Definition of a Service Animal Under the ADA

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- States and local governments may have their own regulations covering service animals.
- These regulations may expand the definition of a service animal to include animals other than dogs.
- <https://www.animallaw.info/topic/table-state-assistance-animal-laws>

# Definition of a Service Animal Under the ADA

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- The ADA does not cover **emotional support animals**.
- Although emotional support animals alleviate symptoms related to disability, because they do not perform a “task” they are not covered by the ADA.

# Definition of a Service Animal Under the ADA

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- **Emotional Support Animals** are covered by the Fair Housing Act—
- People with disabilities have the right to have emotional support animals in their apartments/homes.

# Definition of a Service Animal Under the ADA

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- Inns and hotels are not considered “housing” and not covered by the Fair Housing Act.

# Examples of Tasks

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Guiding people who are blind is commonly associated with service dogs.



# Examples of Tasks

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Service dogs perform a number of tasks beside guiding—like this dog!

# Examples of Tasks

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And this dog.



# Examples of Tasks

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This dog not only alerts his owner to seizures, he also makes sure his owner does not injure himself during a seizure.

# Examples of Tasks

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- Many people with disabilities who use service dogs will not have a disability that is “readily apparent”

**Alert to  
Seizures  
Blood Sugar Changes**

**Assist with  
balance, mobility,  
retrieving,**

**Alert to anxiety  
attacks,  
Calm PTSD**

# Where Service Animals Should be Allowed

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Wherever the public is normally allowed to go in your facility.

- Lounge
- Restaurant
- Buffet
- Gym
- Elevator
- Stairs



# Where Service Animals are Allowed

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“No Dogs Allowed” restrictions do not apply to service dogs because they are not considered pets.

# Where Service Animals are Allowed

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Service Dogs **Can** be Excluded When They Would:

- Be a Threat to Health and Safety
- Change the Fundamental Nature of the Business.

**Must be based on facts—not speculation or assumptions.**

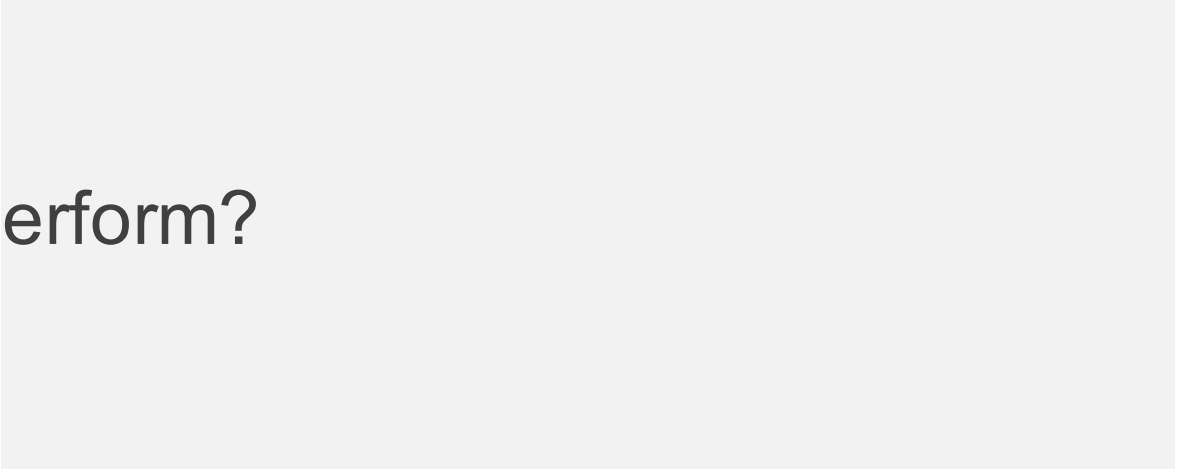
# Inquiries

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Do you need to ask when it is obvious the individual with a disability is using a service dog? Probably not!

When it is **not** obvious that the dog is a service dog,

## Staff May Ask 2 Questions.

- Is the dog a service animal?
  - What task(s) is the dog trained to perform?
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# Inquiries

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## Staff may **NOT** ask:

- About the person's disability.
- For medical documentation of a disability.
- For a special training card or documentation.
- For the dog to demonstrate how it performs a task.

# Identification

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**There is no National registry of service dogs or ID cards recognized by the federal government.**

- These are simply ways of providing information.

**Vests are not required.**

They do not indicate that the dog has been “officially certified” as a service dog.

Many service dogs wear vests to indicate that they are working dog to the public.

# Public Requirements

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Service dog should **always** be under the handler's control.

Service dogs are not **required** to wear a leash, if the task would be hampered by a leash.

Business owners are not required to provide food, water, or care for a service dog.

**Example:** Staff would not be required to watch or feed a service dog while the guest is out.

# Fees/Surcharges

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There cannot be an extra charge for service animals.

Business cannot charge “pet deposits” for service animals.

Business **CAN** charge for damages.

# Reasons to Remove a Service Dog

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Even if a dog is a service animal, it can be removed IF:

- The dog is disruptive (won't stop barking, sniffs at guests, etc.)
- The dog is aggressive: growls, bites, or snaps.
- The dog is not under the handler's control.
- The dog is filthy, diseased, has lice or fleas.

# Removing a Service Animal

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When a person with a disability is asked to remove their service dog...

the person with the disability **must** be given the option to stay.

A service animal should not be excluded permanently **unless** there is a significant reason for doing so.

Think continued barking in a theatre vs. biting a patron!

# Miniature Horses

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# Miniature Horse Assessment Factors

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- The type, size, and weight of the horse and whether the facility can accommodate those features.
- Handler has sufficient control of the horse.
- Horse must be housebroken.
- Whether or not the horse's presence in a specific facility compromises legitimate safety requirements.



# Miniature Horses

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- Miniature horses range in weight from 70 to 100 pounds.
- Miniature horses can range in height from 24 to 34 inches.  
The Guide Horse Foundation only uses miniature horses that are less than 26 inches high.
- A small pony is not a miniature horse!

# Application

**Does our hotel have to allow an individual with a disability to take a service animal into the pool?**



## Response

- This issue came up during a webinar on service animals provided by the U.S. Dept. of Justice. The response clarified that **service animals do not have to be allowed into swimming pools** as that would be considered an undue administrative burden, but they still must be admitted into the swimming facility.

**Does our hotel shuttle have to allow people to bring service animals on board?**



## Response

Yes! If you provide shuttle service of any kind, then you must allow service dogs.

Because—you are providing that service to the general public.

**Can I require that all dogs including service dogs be leashed in the outdoor area of the hotel/inn?**



## Response

Some individuals with disabilities cannot handle a leash or the leash would get in the way of the task that the service animal needs to perform. The regulations regarding service animals clearly state that leashes are not required *in these instances*.



**We have guests who have severe allergies to dogs. Can we remove a service dog or turn a guest with a service dog away away due to another guest's allergies?**



- Allergies or fear of dogs cannot be used as a reason to exclude a service animal according to Title III regulations.

Am I required to provide a “green space”  
for service dogs to relieve themselves?

## Response

No. But establishing some type of “green space” whether natural or artificial is a good best practice.

Appreciated by dog and handler!!

Is it ok to offer service dogs  
treats or pet them?



## Response

Service dogs should not be distracted when they are “working”.

Don't:

- Offer treats.
- Whistle or call out to the dog.
- Pet the dog.

But, when the dog is “on a break” ask the handler if it is ok to interact with the dog or provide a treat.

Don't show a dog a treat unless the owner says it is ok!!

## Review: What Your Front Line Staff Should Know

- Not everyone who uses a service dog has a “visible” disability.
- They may only ask two questions to determine if a dog is a service dog.
- Don't need to ask if the reason is obvious or the dog is clearly identified.
- Dogs do not **HAVE** to be on a leash, but **ARE** required to be under a handler's control.

## Review: What Your Front Line Staff Should Know

- Service dogs CAN be removed if they are causing a disturbance, growling, snarling, biting, etc.
- They do not have to feed, hold or have any responsibility for the service animal.
- They should not pet, offer treats, or distract the dog from its task.
- Any local or state laws that differ from the ADA and may affect them.



# Thank You

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