



California Outdoor
HOSPITALITY ASSOCIATION

ADA Service Animals

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ADA Service Animal Summary



ADA regulations clarify the definitions of service animals vs. emotional support animals and the reasonable accommodations that businesses need to provide. Under these new regulations, a service animal is defined 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler’s disability.

Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have impaired vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to ringing telephones, ringing doorbells, or other sounds, providing non-violent protection or rescue work, pulling a wheelchair, alerting and protecting an individual who is having a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine, television remotes, or telephones, providing physical support with balance and stability to individuals with mobility disabilities, reminding individuals to take their medication, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.”

This means that a service animal is not a pet. A service animal is defined as a **dog** (with very limited exceptions) which has been specifically trained to perform work or tasks and provide assistance to a person with a disability. “No pet” and “breed limitation” policies do not apply to these service animals. Businesses are required to make reasonable accommodations for people who are disabled and for their service animal if they use one.

It is not always obvious when a guest is accompanied by a *service animal* as opposed to simply bringing in a “pet”. How are you to determine if your policies are being disregarded by a pet owner who can be asked to leave? The new ADA regulation does offer some clear guidance.

1. You **cannot** ask for certification or licensing. The ADA does not require certification as part of the service animal definition.
2. You **can** ask, in a non-offensive manner, if the animal is required for a disability and, if so, what tasks is the animal trained to perform. These questions should not be asked, however, if the animal’s service tasks are obvious. A service animal is not a “pet,” so the facility’s “no pet” rules do not apply. The tasks the service animal is trained to perform must directly relate to the handler’s disability and does not include emotional support or comfort animals. Emotional Support Animals are covered under the Fair Housing Act and not the ADA. **Please note:** In California, under the Unruh Act, California Civil Code § 54.1 et seq., the definition of a “service animal” does include an emotional support animal (ESA) which alleviates symptoms of a mental or emotional health condition.
- 2.3. In California, like many other states, service dogs in training (“SDiT”) must also be allowed in your facility as well. A SDiT must be walked on a leash and have identifying tags/vest denoting it as a service animal.

Can a person be required to remove his or her ADA service animal from your premises? Yes, but only in limited circumstances. A handler must have complete control of the service animal on a physical leash, harness, or tether if such would not interfere with the tasks the animal may need to perform. The service animal cannot be vicious to other people and cannot pose a direct threat to the health or safety of others. A service animal must be housebroken. If a service animal’s behavior gets out of control, presents an actual threat to others, or behaves as if not housebroken and the handler cannot regain control, then you can exclude the service animal. However, should there be a legitimate reason to ask that a service animal be removed, the Park must offer the person with the disability the

opportunity to stay without the animal's presence.

Now, what about violations and penalties? If you are notified by the Department of Justice, or other governmental agencies, e.g., U.S. Department of Housing and Urban Development or California Civil Rights Department, for possible violations of ADA regulations, do not ignore it! Enforcement can include a comprehensive compliance plan and ongoing staff training, and it can include compensatory damages and civil penalties.

Included below is a sample set of guidelines that you may choose to share with your guests. As with all rules and regulations, you should share these equally with all guests, not just those who appear to require ADA accessibility tools. Additionally, you can not request a fee from a person with an ADA service animal under any circumstances.

[Insert Your Logo Here]

ADA SERVICE ANIMAL GUIDELINES

Under the Federal Americans with Disabilities Act (ADA), privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, RV Parks, and sports facilities, are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed, and the service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go. The park respects and abides by these requirements.

What is a Service Animal?

Service animals are **not** “pets.” They are animals that work, aid, or perform tasks for the benefit of a person with a disability. If the disability is not apparent, you will be asked two questions: 1) Is the dog a service animal required because of a disability? and (2) What work or task has the dog been trained to perform? Staff **are not** allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of a person’s disability. Under the Unruh Act, an emotional support animal (ESA) which alleviates symptoms of a mental or emotional health condition may also be considered a “service animal.”

Service animals must also comply with the Park’s guidelines respecting conduct, which are allowable under ADA regulations:

- The Park may ask that a tenant remove a service animal, from this facility if:
 - The animal’s behavior poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation. For example, any service animal that is not under control or displays vicious behavior towards other tenants or guests.
 - The animal is causing physical damage to the property of other tenants.
 - The presence of the service animal is posing an undue financial and administrative burden to the Park, or the presence of the service animal becomes a noise nuisance and therefore infringes on other guests’ right to the quiet enjoyment of the park’s amenities.
- Although we may ask that a service animal be removed if its behavior violates the Park guidelines, the Park will attempt to make every reasonable attempt to make a reasonable accommodation for a particular service animal, if possible.
- In the event a service animal must be removed from the Park due to conduct issues, the tenants will have the option of continuing to enjoy the Park’s goods and services without having the service animal in the Park, if he, she or they so choose.
- Finally, if the service animal causes damage to Park Property, then the Park may, in addition to any other remedies available to it, charge the responsible tenant for the cost of repairing the damage to the Park property.

If you have further questions about service animals or other requirements of the ADA, you may call the U.S. Department of Justice’s toll-free ADA Information Line at (800) 514-0301 (voice) or (800) 514-0383 (TDD).

Thank you for your patronage!



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California Outdoor Hospitality Association

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