

## **Assistance Animals: Service Animals**

People with disabilities may use **assistance animals** for help. Assistance animals support the disability-related needs of their owners. Public places, the government, and housing providers may be required to make reasonable accommodations to their rules and policies to allow people with assistance animals to access their goods and services.

This fact sheet provides information about when reasonable accommodations must be provided to **service animals**. You can read about **emotional support animals** [here](#).

### **What is a service animal?**

A service animal is a dog (or a miniature horse, in limited circumstances) that has been individually trained to perform tasks for the benefit of a person with a disability. The tasks it performs must be directly related to the person's disability.

### **What are the laws about service animal access?**

Multiple laws address service animals. Federal laws about service animals include the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA). Some states, including Indiana, also have their own laws about service animals.

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### **Equity Through Advocacy**

The Protection and Advocacy System for the State of Indiana

The ADA does not specifically mention service animals. However, U.S. Department of Justice regulations implementing **Titles II and III of the ADA** require places of public accommodation and public entities to modify their rules and policies to allow people with disabilities to use service animals, unless doing so would cause an undue hardship or require a fundamental alteration.

Places of public accommodation are businesses open to the public, including hotels, restaurants, theaters, stores, legal and medical offices, public transit stations, museums, schools, social service centers, and recreational facilities. Churches and private clubs are not places of public accommodation.

Public entities include state and local governments, as well as their agencies. Places of public accommodation and public entities must allow the service animal and its handler to be in or travel through any place that is accessible to others.

Importantly, neither **Title I of the ADA**, which covers employment, nor the regulations implementing it, mention service animals. However, the law requires employers with 15 or more employees to grant applicants and employees with disabilities reasonable accommodations that do not cause an undue burden or require a fundamental alteration. Therefore, an applicant or employee with a disability may ask for the reasonable accommodation of using their service animal in the workplace.

Similarly, under **the FHA**, people with disabilities can request that a housing provider make reasonable accommodations to its rules and policies. The FHA requires housing providers to allow service

animals on their property that are necessary for a resident with disabilities to use and enjoy their housing.

**Indiana law** generally echoes ADA and FHA requirements about service animals. The main difference is that Indiana extends public access rights not only to service animals but also to service animals in training.

### **Who is responsible for the care of service animals?**

The person with a disability is responsible for the care, feeding, and maintenance of their service animal. If the person with a disability cannot physically complete these duties, they must delegate them to an assistant.

In some circumstances, such as in a hospital, if the person with a disability cannot care for their service animal and has not arranged for an assistant to care for it, the place of public accommodation can take the service animal to a boarding facility. The person with a disability is responsible for paying for the boarding facility's services.

### **What if a service animal is misbehaving in public?**

Only legitimate service animals must be granted access to places of public accommodation and public entities. A legitimate service animal is always under the control of its handler. Typically, this means that the service animal must be tethered by a leash to its handler, unless it would prevent the animal from completing its tasks. A service animal must be responsive to its handler's commands. Moreover, a service animal may not be disruptive or

destructive and certainly must be housebroken. If an animal does not meet these requirements, it can lawfully be denied access.

### **Can a place of public accommodation or public entity ask for proof that a service animal is legitimate?**

Places of public accommodation and public entities may ask a service animal's handler just two questions to determine if the service animal is legitimate:

1. Is the animal required because of a disability?
2. What work or tasks is the animal trained to perform?

The handler may not be asked about their disability. Nor may the handler be required to provide documentation, such as a certification, proof of training, or doctor's note. However, if required by state or local law, a place of public accommodation or public entity may require proof of the animal's vaccinations.

### **Can a business charge extra fees for a service animal?**

Places of public accommodation and public entities cannot charge additional fees for service animals, even if they charge pet fees. **A service animal is not a pet.** However, people with disabilities may be charged for damage caused by their service animals.

### **Do housing providers have to grant access to service animals?**

The FHA requires housing providers to reasonably accommodate people with disabilities who need a service animal to use and enjoy their housing. A person with a disability usually must request a reasonable accommodation from their housing provider. If a person's need for a service animal is obvious, such as a guide dog

being used by a resident who is blind, the housing provider should generally grant the service animal access immediately. A person does not need to use specific words when asking for a reasonable accommodation. However, IDR recommends requesting reasonable accommodations in writing, such as email, to create a record of the request. [Download IDR's Housing Reasonable Accommodation Template](#) for a sample request.

Unless the person's need for a service animal is obvious, the housing provider may request verification that the person has a disability, as defined by the FHA, and needs the service animal due to their disability. This verification should generally come from a medical professional that has recently seen or treated the person.

### **Can a housing provider make a resident with a service animal follow extra rules?**

Housing providers can require people with disabilities to prove that their service animal has been vaccinated, if required by state or local law. Housing providers can also generally require that service animals be leashed in common areas and that their handler clean up after them. If needed and reasonable, additional accommodations can be requested regarding these responsibilities. For example, if a service animal checks all locations for a person with post-traumatic stress disorder to ensure they are not crowded and are calm, the person may request the reasonable accommodation of removing their service animal's leash when it is entering and checking new rooms. In this example, the service animal cannot complete his task while leashed.

Allowing the person to remove the leash – even when checking common areas – is both necessary and reasonable.

Otherwise, housing providers generally cannot impose pet-related rules on service animal handlers. For example, limits on animal size and breed do not apply to service animals. A deposit, increased rent, or related fees cannot be charged to service dog handlers.

### **What happens after a reasonable accommodation is requested?**

Neither the ADA nor the FHA give a specific time limit for responding to a reasonable accommodation request. A place of public accommodation, public entity, or housing provider must simply respond within a reasonable amount of time. Not responding within a reasonable period may be considered a denial of the requested accommodation.

If a place of public accommodation, public entity, or housing provider believes the requested accommodation is unreasonable, it should talk to the person with a disability about whether an alternative option could meet the person's needs. If there is a reasonable and effective alternative, it must generally be granted. This collaborative discussion about accommodations is sometimes called "the interactive process."

### **What if a service animal is denied access?**

If your service animal is denied access by a place of public accommodation, public entity, or housing provider, you may call IDR at 317-722-5555 or 800-622-4845. You may also contact us

at: <https://in.accessgov.com/idr/Forms/Page/idr/for-help-fill-this-out/0>.

### **More Resources**

- [United States Department of Justice, \*ADA Requirements: Service Animals\*](#)
- [Joint Statement of the Department of Housing and Urban Development and the Department of Justice, \*Reasonable Accommodations Under the Fair Housing Act\*](#)
- [Department of Housing and Urban Development, \*Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act\*](#)
- [ADA National Network, \*Service Animals\*](#)
- [Fair Housing Center of Central Indiana, \*Guide to Requests for Reasonable Accommodations Related to Animals Needed for Those with Disabilities\*](#)

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