

Animals and Disability Law

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Disability Laws Governing Animals

Many people with disabilities rely on animals in many settings protected by law:

- At work
- At home
- In public accommodations
- In public services and public buildings
- On airplanes

Common Questions

- What's the governing law?
- What's the individual need?
- What questions can be asked, and what documentation is required?
- What species of animal are covered?
- What disabilities are affected?
- How does this affect other people?
- What might be an objection?

Animals

- Most commonly, people with disabilities work with dogs.
- Some people rely on miniature horses, cats, and rabbits.
- Other animals are uncommon and exotic.
- Don't rely on the nightly news to formulate your ideas on animals and disability!

Terminology

- A service animal is an animal that has been trained to do work or a task for a person with a disability.
- An emotional support animal is an animal that calms, soothes, or reduces psychological stress in a person through its presence, not through performing a task.
- A therapy animal is an animal that offers episodic assistance to multiple people (who may or may not have a disability) and works with a handler. Not protected by federal law.

Public Accommodation/Public Entity

- Title II and Title III of the Americans with Disabilities Act
- A service animal is carefully defined: an animal (either a dog or a miniature horse) who is trained to do a specific task or work for a person with a disability.
- No other species can be Title II/III service animals; no emotional support animals.

Animals in Public Accommodations

- No documentation required. Can only ask:
 - Is this animal required for a disability?
 - What task or work does it do?
- Does not require special certification, a special vest, or any special recognition.
- Not limited to people who are blind or who use wheelchairs; people with PTSD, autism, diabetes, and many other disabilities use service animals.

Animals in Public Accommodations-2

- A business can exclude a service animal if
 - The animal is actively aggressive (barking, snarling, lunging, biting)
 - The animal is not housetrained.
- A business cannot exclude a service animal because
 - The animal is a breed that they think is generally dangerous

Animals and Health Care/Sanitary Settings

- Service animals are allowed in restaurants, grocery stores, medical offices, and hospitals.
- Service animals aren't meaningfully less sanitary than the humans at a business.
- Service animals can only be excluded from the same places that also have controlled access for people: operating rooms, burn units, and other similarly sterile settings.

Disability and Animals at Work-1

- Title I of the Americans with Disabilities Act protects workers with disabilities.
- An employer must allow employees reasonable accommodations, which may include bringing an animal to work.
- An employee should specifically request to bring an animal to work

Disability and Animals at Work-2

- An employee should specifically request an animal as a reasonable accommodation.
- Documentation: letter from a health care provider explaining disability-related need.
- No breed, species, or other restrictions in statute.
- Employer needs to show an undue hardship to object.

Common Concerns-Animals at Work

- “I have allergies”
- “I’m afraid of dogs or other animals”
- “Animals are unsanitary”

These kinds of concerns usually do not show an undue hardship for an employer, especially an employer who is also a public accommodation.

Animals in Housing

The Fair Housing Act protects people with disabilities from discrimination, which includes relaxing apartment rules, condo standards, HOA rules, and zoning laws to allow [disability related animals](#).

- A service animal or emotional support animal can be a reasonable accommodation/ reasonable modification under the FHA.

Animals in Housing-2

How does this affect landlords?

- Must relax “no pets” policy for service animals and emotional support animals
- Must waive special fees and deposits for animals
- Must waive breed/size/weight restrictions

What documentation is required?

- Statement from healthcare provider that animal is necessary for disability related assistance

Animals in Housing-3

- A landlord can only exclude an animal on the grounds of “undue financial & administrative burden or would fundamentally alter the nature of the housing provider's services.”
- HOAs and Condo Associations are also governed by the FHA’s nondiscrimination law.
- Local zoning laws that limit animals in certain residential areas may also be affected.

Disability and Animals in Air Travel

The law governing airplanes is the [Air Carrier Access Act \(ACAA\)](#).

- Airlines must permit both [service animals and emotional support animals](#) on board aircraft.
- Airlines must allow most species of animals, though not reptiles, spiders, amphibians, or rodents.
- Airlines can exclude animals that are too large to fit safely on the airplane.

Documentation for Animals on Aircraft

- For service animals relating to physical disabilities, the airline may ask if the animal is necessary for a disability and what task or work it performs.
- For psychiatric service animals and emotional support animals, the airline may require recent documentation of the diagnosis and the need for the animal.

Exclusion of Animals on Aircraft

- An animal can be excluded if it presents a “direct threat to the health or safety” of passengers or crew, or poses a “significant threat of disruption to the airline service in the cabin.”

State Law

- Oregon Nondiscrimination Law covers housing, employment, and public accommodations, mostly emulating federal law.
- Oregon employment law covers smaller employers (6+ employees) than the ADA (15+ employees).
- Oregon also guarantees access to public accommodations for trainee service dogs and their handlers.