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## What is the Difference Between Service Animals and Emotional Support Animals?



Disclaimer: This document is for informational purposes only and does not constitute legal advice.

## Frequently Asked Questions on Service Animals

### **What is a disability?**

The Americans with Disabilities Act (ADA) defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activities. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability. The ADA also makes it unlawful to discriminate against a person based on that person's association with a person with a disability.

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

Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform a task for an individual with a disability. The task performed by the dog must be directly related to the person's disability.

### **What questions can I ask when inquiring about a service animal?**

In situations where it is not obvious that the dog is a service animal, landlords may ask only two specific 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 require the dog to demonstrate the task or inquire about the nature of the person's disability.

need for an emotional support animal. The tenant does not need to provide the nature of the disability but they will need to provide documentation from a doctor, psychiatrist, social worker, or other mental health care professional stating the need for the animal to ease the symptoms of an existing disability.

### **What areas of the facility are emotional support animals allowed?**

Housing and Urban Development (HUD) state emotional support animals are allowed "in all areas of the premises where persons are normally allowed to go, unless doing so would impose an undue financial and administrative burden or would fundamentally alter the nature of the housing providers services." This would include the tenants unit and all common areas of the building.

### **If there is a city ordinance banning a certain breed of dog, does the ban apply to emotional support animals?**

No, according to HUD, "breed, size and weight limitations may not be applied to an emotional support animal." Under the "direct threat" provision of the ADA, local jurisdictions need to determine, on a case-by-case basis, whether a particular service animal can be excluded based on that particular animals actual behavior or history, but they may not exclude an emotional support animal because of fears or generalizations about how an animal or breed might behave.

## **FAQ on Emotional Support Animals**

### **What is an emotional support animal?**

An emotional support animal is an animal (typically a dog or cat though this can include other species) that provides a therapeutic benefit to its owner through companionship. The animal provides emotional support and comfort to individuals with psychiatric disabilities and other mental impairments.

### **Does an emotional support animal need specialized training?**

No, while training is not required for an assistance animal, it must be directly linked to the tenant's disability and their ability to enjoy the unit.

### **What questions am I allowed to ask when inquiring about an emotional support animal?**

Landlords may ask only two specific questions: (1) does the person seeking the animal have a disability- i.e., a physical or mental impairment that substantially limits one or more major life activities. (2) Is the animal directly linked to the disability? Will this animal perform tasks or provide assistance that will allow the tenant to enjoy their dwelling?

### **What documentation is required when a tenant is requesting an emotional support animal?**

A tenant making a request for an emotional support animal must make a request for a reasonable accommodation to the landlord. If the disability is not readily apparent, the landlord may request documentation of a disability and their disability related

### **What tasks do service animals perform?**

The dog must be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind him to take his medication or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

### **Can a landlord charge a pet deposit for a service animal?**

The service animal is not considered a pet and the tenant does not have to pay a pet deposit for the animal.

### **Can a landlord require additional insurance because of the animal?**

No, a landlord is not allowed to require any additional insurance from a tenant with a service animal that they do not require from every other tenant.

### **Are service animals required to wear a vest or harness to identify them as service animals?**

No, the ADA does not require service animals to wear a vest, ID tag, or specific harness.

### **Can a landlord charge a pet deposit for an emotional support animal?**

The emotional support animal is not considered a pet and the tenant does not have to pay a pet deposit for the animal.

**Can a person bring the service animal into common areas of the rental unit?**

Yes, a service animal is allowed in any area that the tenant may use to enjoy the rental facility including common areas, kitchens and indoor/outdoor recreation areas.

**Does the animal need to be vaccinated and licensed?**

Yes, Individuals who have service animals must comply with local animal control and public health requirements.

**Can service animals be any breed of dog?**

Yes, the ADA does not restrict the type of breed that can be service animals.

**If there is a city ordinance banning a certain dog breed, does the ban apply to service animals?**

No, Municipalities that ban specific breeds of dogs must make an exception for a service animal of prohibited breed, unless the dog poses a direct threat to the health and safety of others. Under the “direct threat” provisions of the ADA, local jurisdictions need to determine, on a case-by-case basis, whether a particular service animal can be excluded based on that particular animal’s actual behavior or history, but they may not exclude a service animal because of fears or generalizations about how an animal or breed might behave.

**Who is responsible for the care of the animal?**

The handler is responsible for all care of the animal including

removal of waste in a timely manner, feeding, grooming and veterinary care.

**What happens if a service animal becomes disruptive?**

A handler must have control of their service animal at all times. If a service animal becomes disruptive, the landlord should document the incident. If the service animal is repeatedly out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises.

**Does the ADA require service animals to be professionally trained?**

No, a person with a disability has the right to train the animal themselves and are not required to utilize a service dog training programs.

**For more information please visit the Americans with Disabilities Act website.**

[www.ADA.gov](http://www.ADA.gov)

[www.ada.gov/regs2010/service\\_animal\\_qa.html](http://www.ada.gov/regs2010/service_animal_qa.html)

<https://www.animallaw.info/article/faqs-emotion-support-animals>