



Swords to Plowshares Training Service, Support, and Assistance Animals May 13, 2015

Presented by the
San Francisco Mayor's Office on **Disability**



Today's Learning Objectives:

- Become informed about specific laws and rules that apply to service, support, and assistance animals.
- Learn to evaluate a request for an assistance animal in housing.
- Discuss appropriate behavioral standards for assistance animals.

Service and Support Animals Under Federal Disability Rights Laws

Disability Rights Laws	Service Animals	Support Animals	Assistance Animals
Section 504 of the Rehabilitation Act	Term is not used	Term is not used	Is an animal that performs tasks for the benefit of a person with a disability, or provides emotional support to alleviate disability symptoms.
Americans with Disabilities Act	As defined under Title II and III of the ADA. <ul style="list-style-type: none"> • A dog (or miniature horse) ONLY • Individually trained to do work or perform tasks for a person with a disability. 	Are NOT covered under Title II and III of the ADA.	Term is not used
Fair Housing Amendments Act	Term is not used	Term is not used	Is an animal that performs tasks for the benefit of a person with a disability, or provides emotional support to alleviate disability symptoms.

Which Law Applies?



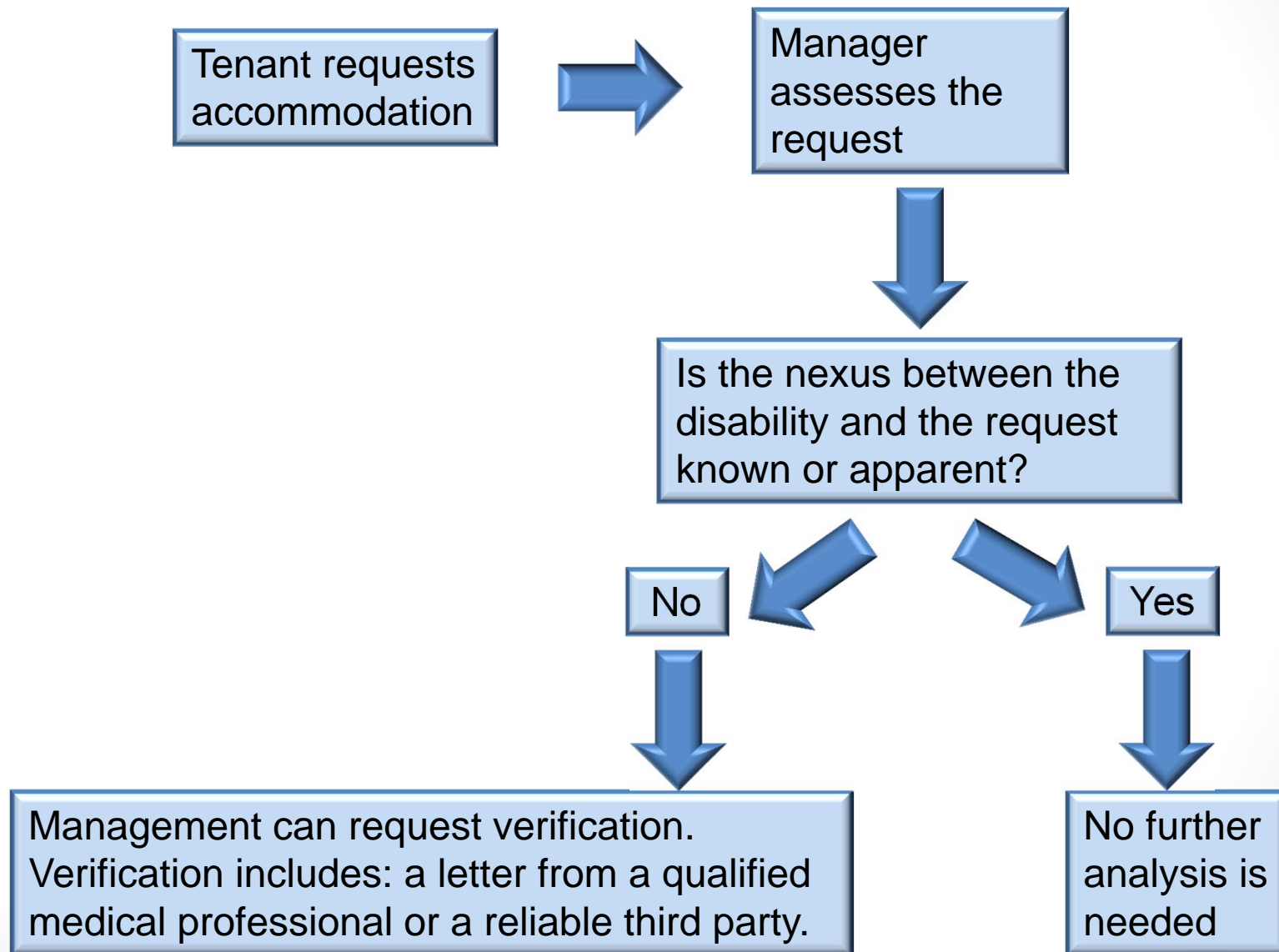
- It can get confusing to determine whether a specific animal is a service, support or assistance.
- It is also challenging to determine which law applies in every specific scenario you encounter.
- STP receives funding through the federal Department of Veteran Affairs & CCSF support.
- In general, section 504 of the Rehabilitation Act and the Fair Housing Amendments Act apply for most programs.
- Therefore, rules pertaining to assistance animals should be applied.

Assistance Animals Under the Fair Housing Amendments Act and Section 504

- Includes both animals that are trained to perform a specific task for a person with a disability **AND** animals that provide emotional support or are therapy animals.
- The species of the animal is not limited to dogs.



Analyzing Reasonable Accommodations



Assistance Animals Exclusions

- The assistance animal **CAN be excluded when:**
 - it poses a **direct threat** to the health and safety of others
 - it would **result in substantial physical damage** to property
 - there is an **Undue Financial and Administrative Burden**
 - it would result in a **Fundamental Alteration**

Examples:

- The dog is aggressive and has lunged at other tenants.
- The dog is not housebroken and is defecating all over the housing complex.
- The rental insurance costs would substantially increase based on the breed of the animal and there are no other insurance options.

Service and Support (Assistance) Animals in CCSF

- Individuals with disabilities that use assistance animals have equal access to all City sponsored programs, facilities, services, and activities.
- Service and Support Animals must adhere to behavioral guidelines.
- Cannot be more restrictive than what is outlined under State and Federal law but can provide greater access.



The sign is a blue rectangular poster with white text and icons. At the top left is a white silhouette of a dog sitting. To its right is the text "Service and Support Animals Welcome" in white. To the right of the text is a white wheelchair icon. Below the text, the heading "Your Animal Must:" is followed by five bullet points, each with a corresponding icon: a person walking a dog on a leash, a dog on a leash with a red prohibition sign, a dog with a red prohibition sign, a dog on a chair with a red prohibition sign, and a dog with a bowl and water with a red prohibition sign. At the bottom of the sign, the text "You Are Responsible for Your Animal's Behavior!" is written in white.

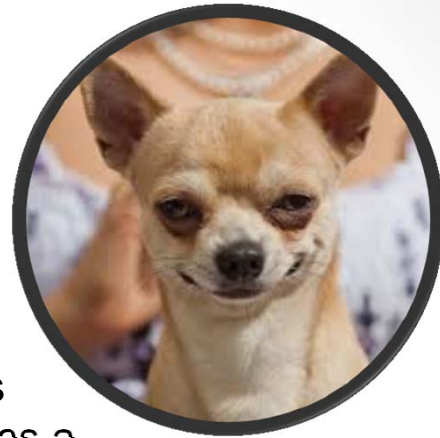
**Service and Support
Animals Welcome**

Your Animal Must:

- BE under your control AND on a short leash or in a carrier
- BE house-trained
- NOT be disruptive or aggressive
- NOT be on furniture
- NOT be fed or watered indoors

You Are Responsible for Your Animal's Behavior!

The Case of Chi-Chi the Mischievous Chihuahua



Martha Jones comes into your office to apply for a supportive housing program. You have a strict no pets policy in your building but you notice that Ms. Jones has a small Chihuahua named Chi-Chi accompanying her. Ms. Jones doesn't look like she has a disability and needs the dog either.

Ms. Jones has a carrier with her but she decides to let the Chihuahua off leash in your office. The Chihuahua sniffs around the office and knocks over a small trash can. The dog then approaches your co-worker Cindy who is allergic to dogs. You see that Cindy looks unhappy about the dog's presence.

- How would you respond?
- What would be your next steps?
- What type of documentation can you ask for Ms. Jones to provide to verify her need for the animal?
- Can you ask for the animal to be removed if a staff member has allergies?

What's wrong with Casper the Cockatoo ?

Steve Cruz, a veteran with a mobility disability was referred to your housing program. At a case management appointment Steve brings his Cockatoo that he has trained to be on a leash. Since it is a no pets building, Lisa, Steve's case manager warns Steve that he is not allowed to have the bird in the building and that it could be considered a lease violation. Steve tells Lisa that Casper is his Service Animal and that he has trained it to fetch items for him. Lisa has never heard of a Service Cockatoo before and tells Steve that he can only have a dog.



- How would you have handled this issue?
- Should Steve be permitted to have a Cockatoo as a Service Animal?

What about Bruno, the Pit-bull?



You have a “no pets” policy at one of your permanent supportive housing programs. You learn through a program participant that their neighbor, Lupe Gonzales has been keeping a Pit Bull Terrier in her unit. The neighbor reports when Ms. Gonzales leaves, the dog barks all day until she comes home. The neighbor also says that Ms. Gonzales takes the dog off leash late at night to run up and down the hallway. He explained that he is also concerned that the animal is vicious.

After an impromptu visit you find out about the dog and issue a lease violation notice. Ms. Gonzales responds that her dog named Bruno is a service animal needed for her disability. You do not believe her because she has never claimed that she has a disability before.

- How would you respond?
- What would be your next steps?
- Can you deny the accommodation based on reports that the dog is vicious?
- Can you deny the accommodation because the animal is left unattended in the unit?

The Case of Spike the Emotional Support Iguana

Mike Rivers is a veteran who has post-traumatic stress disorder. He currently is seeking mental health counseling at a transitional housing program. He arrives to his counseling appointment with his Iguana named Spike. He tells staff that Spike is his comfort animal. You notice that Spike is on a leash but even so several staff members have voiced concerns that the Iguana is intimidating to other program participants.

- How would you respond?
- Can you exclude the animal based on its species?
- Can you exclude the animal because it offers emotional support and not a specific service?
- What other options do you have?



In summary...

- Ask for appropriate documentation that demonstrates the relationship between the disability and the need for a support/service animal.
- Focus on the animal's behavior. It is acceptable to set reasonable limits about the animal.
- The person with the disability has civil rights, the animal does not!
- The animal can be excluded from a program due to behavior problems, but the individual must be allowed to remain.

Thank You!

For more questions & information contact:

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