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ADA & LODGING

Service Animals: Beyond the Traditional Guide Dog

Marian Vessels, Director
Mid-Atlantic ADA Center

Reasonable modifications

• Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability

   ~ 36.302(c)(1); ADA Title III regulations
Equal opportunity

• Reasonable policy modifications enable guests with disabilities to have access to the same places, activities, services, and experiences as everyone else

Integration

• People with disabilities who use service animals can’t be isolated, restricted to certain guest rooms, or barred from areas where other guests are allowed to go

Surcharges

• Extra fees may not be imposed on individuals with service animals, even if your facility accepts pets and charges extra fees for them (service animals are not pets!)
  – You may charge individuals with service animals if the animals actually cause any damages, if you normally charge guests for damages they (or their pets) cause
Service animal defined

• 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.

Monkeys and ferrets and snakes, oh my!

• Species other than dogs, wild or domestic, trained or untrained, are not considered service animals under this part of the ADA.
  – Animals such as cats, birds, monkeys, rats, pigs, snakes, or other types of animals do not have to be allowed in hotels and other places of lodging (unless they are generally allowed, for example, as pets).

  However ...

Minature horses

• Reasonable policy modifications must also be made to allow an individual with a disability to use a miniatur horse that has been individually trained to perform work or tasks.
Dogs or miniature horses: What's the difference?

• Service dogs must be allowed in virtually all areas where members of the public are allowed to go
• Miniature horses are subject to a few additional considerations ...

Miniature horses: When and where?

• Consider:
  – The type, size, and weight of the miniature horse and whether the facility can accommodate these features
  – Legitimate safety requirements that are necessary for safe operation

What do service animals do?

• Service dogs or miniature horses must be trained to do tasks or work directly related to a person’s disability, for example ...
Examples of animals’ work

- Providing physical support and help with balance and stability for people with mobility disabilities
- Guiding individuals who are blind or have low vision
- Providing non-violent protection or rescue work
- Pulling wheelchairs

More examples of animals’ work

- Retrieving items
- Alerting individuals who are deaf or hard of hearing to sounds
- Helping people with psychiatric or neurological disabilities by preventing or interrupting impulsive or destructive behaviors
- Alerting individuals to oncoming seizures

Active animals

- Service dogs or miniature horses must be trained to perform specific actions, tasks, or work
  - Many animals, simply by being present, provide comfort, companionship, emotional support, or other benefits, but they are not trained to do anything specific – they are not service animals under the ADA
Example:

**Service dog**
- Marge has a psychiatric disability; her dog Bumper can tell when Marge’s anxiety level rises, and Bumper is trained to respond by moving himself in front of Marge and nudging her away from her current location.

**Pet dog**
- Aaron has a psychiatric disability, too; his dog Floppy is good-natured and sometimes he can even tell that Aaron is becoming anxious, but Floppy isn’t trained to do anything to help Aaron.

What can you ask?

- Two questions can be asked about dogs or miniature horses when the answers are not obvious:
  - Is this animal needed because of a disability?
  - What work or tasks has the animal been trained to do?

Should you ask?

- Remember –
  - You should not ask questions if it is apparent that the animal is working for a person with a disability:
    * For example, a dog pulling a person in a wheelchair.
What can you not ask?

- You can not ask for documents, certificates, proof, or details about …
  - The individual’s disability
  - The animal’s training

Disability revealed?

- Sometimes people will tell you exactly what their disabilities are, but if they don’t, remember you can’t ask for specifics or details
  - “I have a disability and my dog retrieves things for me” is enough
  - A person does not have to say “I have arthritis and my dog retrieves things for me”

What can you expect?

- A service dog or miniature horse must be housebroken
Tethered, controlled

• A service animal must have a harness, leash, or tether unless ...
  – The individual, because of disability, is unable to use a leash
  – A leash would interfere with the animal's work
• If a service animal is not tethered, it must still be under control (for example, by voice commands or hand signals)

Identification

• Many service animals wear harnesses, vests, or other items that identify them as working animals, but this kind of identification is not required
  – Remember, certificates, documents, or proof of the service animal's status or training can not be required

Excluding animals

• You can ask an individual to remove a service dog or miniature horse if
  – The animal is not housebroken
  – The animal is not under control
    • For example: the animal is running around, jumping on people, growling, or snapping, and the individual can't or won't control it
Work it out ...

• Employees’ or other guests’ fear of animals or allergies are *not* valid reasons to exclude service animals

Excluding animals, not people

• When an animal is excluded (for example, if it acts aggressively), the individual with a disability must still have the opportunity to access goods and services and participate in activities without the animal

Care and supervision

• Individuals with disabilities are responsible for the care and supervision of their service animals
  – Hotel staff do not have to feed, water, or walk service animals (unless, of course, your facility accepts pets and you normally provide such services)
Relief

• Although not required, you may wish to provide a “relief” area where individuals can take their service animals
• It is helpful if staff can provide information about any relief areas or nearby public areas (parks, grassy areas) where people can take their service animals

Fundamental alteration

• Hotels and other businesses are not required to make a change to a policy that would result in a fundamental alteration to the nature of the business
  – For example, although service animals are allowed to go almost everywhere members of the public are allowed to go, it may be a fundamental alteration to allow a service dog or miniature horse to enter the water in a swimming pool (the animal would be allowed in the pool area and on the pool deck)

What about state or local laws?

• Businesses must comply with all applicable laws
  – If a state or local law (or part of one) is better for people with disabilities, it will override the ADA (or that part of it)
  – If the ADA (or part of it) is better for people with disabilities, it will override a state or local law (or that part of it)
Agencies, Publications, and More

RESOURCES

CHLA

- California Hotel and Lodging Association
  - *We Welcome Service Animals*
    - Materials and staff training videos (English and Spanish)
DOJ

- Department of Justice
  - www.ada.gov
  - 1-800-514-0301 Voice; 1-800-514-0383 TTY

ADA National Network

1-800-949-4232 Voice/TTY
www.adahospitality.org