



# CITY OF IOWA CITY MEMORANDUM

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Date: April 26, 2017

To: Iowa City Business Owners

From: Kristin Watson, Human Rights Investigator

Re: Service Animals

Under the Americans with Disabilities Act (ADA), privately-owned businesses that serve the public are prohibited from discriminating against individuals with disabilities. The ADA requires businesses to allow people with disabilities to bring their service animals onto the premises in whatever areas in which the public is usually allowed. This memorandum is intended to provide general guidance regarding service animals in public spaces. If you have questions regarding topics addressed in this memorandum or your rights and responsibilities regarding assistance animals in general, please call the office at 319-356-5015 or 319-356-5022.

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

A service animal is not a pet. Therefore, 'no pet' policies do not apply to them. Under the Americans with Disabilities Act (ADA), a service animal may only be a dog or a miniature horse. The ADA narrowly defines a service animal as one that has been trained to do work or perform tasks for the benefit of a person with a disability. A disability is a condition that substantially limits one or more of a person's major life activities. Disabilities may be physical, mental, sensory, or intellectual. Many disabilities are not obvious to a casual observer, for example, a seizure disorder. The ADA includes psychiatric service animals. For example, some veterans with severe PTSD require a service animal to clear buildings for them before they enter, as they did during tours of duty.<sup>1</sup>

## **Does a service animal need to wear a vest, harness, or other identifier?**

No.

## **If a service animal does not need to wear anything to identify it, how can a business determine that an animal is actually a service animal and not a pet?**

It may be obvious that the animal is a service animal, as in the case of a guide dog for the visually impaired. If it is not obvious, employees may ask only two 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? Employees may not ask for documentation, ask to see the dog perform the tasks or work it has been trained to do, or ask about the person's disability.

## **Can a person have more than one service animal?**

Yes. The service animals may perform different tasks. For example, a person may need a guide dog for a visual disability, as well as a glucose-alert dog for diabetes. It is also possible for a person to need two animals for the same disability. A person may need one dog on either side to assist with stability, for example. Staff may ask the same two questions regarding each service animal.

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<sup>1</sup> The ADA does not recognize emotional support/therapy animals, as the Fair Housing Act does. Therefore, a psychiatric service animal under the ADA must be a dog or a miniature horse, while an emotional support animal under the Fair Housing Act may be any kind of animal. Businesses are not required to allow Fair Housing Act emotional support animals (such as cats, rabbits, etc.) on the premises.

**Does a service animal have to be professionally trained?**

No. The owner of a service animal may train it to do the tasks or work needed if the owner is capable of doing so.

**Do employees have to supervise or care for the service animal?**

No. The service animal is entirely the owner's responsibility.

**What if the service animal is causing a disturbance?**

The animal must be under the handler's control<sup>2</sup> at all times. Under control usually means leashed. Under limited circumstances, the animal may need to be off leash to do its job. In that case, control must be maintained by voice commands, hand signals, or other effective means to which the animal has been trained to respond. Under control also means that the animal should be quiet and not disturb other patrons.<sup>3</sup> Barking once in a quiet environment such as a theater or library is not enough to remove the animal, but if its owner/handler cannot promptly restore control, the establishment may ask that the animal be removed.

**Can staff exclude certain dog breeds due to concerns about safety?**

No. A service animal cannot be excluded because of general fears about its breed. A particular service animal may be excluded only if it poses a direct threat to the health or safety of others, based upon its actual behavior or history of behavior. If the threat is alleviated, such as by muzzling a dog known to bite, the service animal must be allowed.

**Can service animals be excluded for any other reason?**

Service animals may be excluded if they would "fundamentally alter" the nature of the goods, services, programs, or activities provided to the public, or if legitimate safety concerns or public health rules prohibit the animal's presence. For example, a service animal must be allowed on the deck of a public pool, but may not enter the water. A service animal may also be excluded if it demonstrates that it is not housebroken. However, the service animal may not be excluded due to fears that it *might* not be housebroken.

**Does a service animal need to follow City codes regarding licensing and vaccinations?**

Yes. Service animals must have any locally-required tags and vaccinations.

**Can a person bring a service animal with them through a salad bar or buffet line?**

Yes. The service animal must be allowed to remain with its owner at all times. However, the service animal must remain on the floor. A business is not required to allow the animal on chairs or tables. Similarly, the ADA does not require any business to allow the service animal to be fed or watered on the premises.

The City of Iowa City Office of Equity and Human Rights has been providing memos to local businesses on areas of discrimination since August of 2016. Please send other topics you would like to receive guidance on in the future, or inquiries regarding discrimination issues, to [humanrights@iowa-city.com](mailto:humanrights@iowa-city.com).

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<sup>2</sup> Usually the handler will be the owner/person with a disability. Sometimes, it may be an aide or companion to that person.

<sup>3</sup> This does not apply if the service animal has been provoked. Service animals should not be approached, teased, touched, or otherwise distracted while working.