It’s a ZOO Out There!

Section 504, ADA, and FHA

Service Animals, Assistance Animals, Emotional Support Animals, Therapy Animals and Pets

Joni E. Baker, Ph.D.
Director, Equal Opportunity & Diversity
The Texas A&M University System
Agenda

- Introduction
- The Laws
- Definitions
- What is a service animal?
- What is an emotional Support Animal (ESA)?
- What is an assistance animal?
- What is a therapy animal?
- What can you ask? Not ask?
- What can you require? Not require?
- What is valid and reliable documentation?
- What about service animals in training?
- What can you do about cheaters?
- Scenarios
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Americans with Disabilities Act, as amended

- Prohibits discrimination and ensures equal opportunity for persons with disabilities
- Applies to employment, state and local government services, public accommodations, commercial facilities, and transportation
- Requires modification of policies, practices or procedures to permit the use of a service animal by an individual with a disability (IWD)
Definitions

Disability – a physical or mental impairment that substantially limits one or more major life activity;

Individual with a Disability (IWD) – a person with a disability, or who has a record of a disability, or who is regarded as having a disability.
Section 504 of the Rehabilitation Act

- No otherwise qualified individual with a disability in the United States…shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency….

- Includes federal, state, and local governments; schools, private sector entities that receive federal funds
Fair Housing Act (Title VIII of the Civil Rights Act of 1968)

Prohibits:

- The refusal to sell or rent a dwelling to any person because of race, color, religion, sex, familial status, disability, or national origin. Includes the buyer or renter, a person residing in or intending to reside in the dwelling after it is sold, rented, or available, any person associated with the buyer or renter.
- The refusal to permit reasonable modifications of the premises by an IWD.
- The refusal to make reasonable accommodations in rules, policies, practices or services to allow IWDs to use and enjoy dwelling.
Texas Fair Housing Act –

- No IWD may be denied admittance to any public facility because of a disability.
- No IWD may be denied the use of…”assistance animal…."
- No IWD who “has or obtains a service animal” may be denied full and equal access to housing.
- A service animal in training shall not be denied admittance to any public facility when accompanied by an approved trainer.
A dog or miniature horse that has been individually trained to do work or perform tasks for an IWD. Must take specific action when needed to assist the IWD. Do not have to be professionally trained. The IWD can train it. Can include psychiatric conditions, such as alerting the IWD of an imminent anxiety attack. Must be allowed in most facilities. Can be more than one per IWD; e.g., one for visual impairment and one for seizure disorder. Issue is access, not accommodation.
Emotional Support/Comfort Animals (ESA)

- Can be any kind of animal
- Provide comfort just by being with an IWD
- Not trained to perform a specific job or task
- May alleviate one or more symptoms or effects of a disability
- Is an accommodation, so must have legitimate documentation from a qualified professional
Assistance Animals

- Can be any type of animal
- Is not a service animal
- Frequently interchanged with ESA
**Therapy Animals**

- Most commonly a dog, but can be other species
- Obedience trained and screened for ability to interact favorably with humans and other animals.
- Primary purpose is to provide affection and comfort to people in stressful situations, such as hospitals, nursing homes, schools, disaster areas, airports
- Typically are privately owned
- Not regulated by federal law; some states do
Service Animals in Training

- Only dogs or miniature horses.
- Are not service animals; must be trained before taken into public areas.
- Can be under training by IWD or a third party.
- Some states do require public access.
What can you ask? Not ask?

- Service animals (when it is not readily apparent that the animal is a service animal):
  - Is the animal required because of a disability?
  - What work or task has the animal been trained to perform?
  - Is it current on vaccinations and registration laws?

- You cannot ask:
  - What is the disability?
  - For documentation of the disability
  - For a demonstration of the work or task
  - For evidence of training, license certification
ESAs

- If disability and need for accommodation are obvious, cannot require verification of disability or necessity.

- If disability obvious but need is not, can require student to submit documentation from a reliable medical provider attesting that the ESA is necessary to provide an equal opportunity to enjoy school’s housing.

- If disability and need are not obvious, can require student to submit documentation from a reliable medical provider attesting that the student has a disability and the ESA is necessary to provide equal opportunity to enjoy school’s housing.
What can you do? Not do?

- Cannot exclude certain breeds or size of animals.
- Cannot require a pet deposit or pet fee.
- Cannot exclude animals because of the allergies or religious beliefs of others, including employees and other students, but may consider these issues in how access is provided.
- Cannot “steer” or segregate animals in particular residential facilities.
Do’s and don’ts

- Entity is not responsible for care or supervision of the animal. If the individual cannot clean up after the animal, they are required to make arrangements for someone to do so.
- Do not require the animal to wear a vest or other identification.
- Do not disclose information about the presence of an animal except to those impacted (Residence Life, roommates, neighbors), without written consent.
What can you require?

- Entity can inspect for fleas, ticks, etc., and fumigate at owner’s expense if required beyond the standard treatment.
- Animals may not be left overnight in entity’s housing to be cared for by anyone other than owner.
- Entity personnel are not required to remove an animal during emergencies.
When can you exclude an animal?

- When the animal is out of control and the handler does not take effective action to control it
- The animal is not housebroken
- It poses a direct threat to others or causes significant property damage
- Its presence results in fundamental alteration of an educational program
- Owner doesn’t comply with stated responsibilities
- Animal or its presence creates unmanageable disturbance or interference with university community
- Must allow the owner to return to premises without the animal
What about health care facilities?

- No evidence exists that animals pose a more significant risk of transmitting infection than people.
- A service animal should not be excluded unless a particular situation or an animal poses a greater risk than can be mitigated through reasonable measures.
- Where health care personnel, visitors, and patients can enter care areas without taking additional precautions to prevent transmission of infection, service animals must also be allowed access.
Ms. Alejandro – diagnosed with PTSD and other disabilities.

Trained her dog as a psychiatric service animal, to establish eye contact, nip her fingers, or snort when he perceived an imminent panic attack.

Based on inadequate documentation from Alejandro, the school refused to allow her to bring her dog to class.

Administrators had security guards escort Alejandro from class and filed disciplinary charges.

Contended there was no such thing as a psychiatric service dog, only ones for the blind.

She failed her classes, and sued under the ADA.
The dog was a service animal. Accepted psychologist’s statement that the dog “makes a clinical difference for Ms. Alejandro, and has proved to be a crucial accommodation, enabling her to study and learn without experiencing debilitating anxiety.”

College can't require a person to provide proof of any training a service dog received or require the person to provide medical reports confirming a disability. College was ordered to pay plaintiff and counsel $100,000.

843 F. Supp. 2d 1263, 1269–71 (S.D. Fla. 2011)
What about research facilities?

- Requires an individualized assessment of nature, duration, and severity of the risk and availability of modifications to minimize the risk
- Cannot establish a blanket prohibition of certain areas (e.g., labs, food service areas)
Where can ESAs go on campus?

- Any “common area” inside or outside a residential facility. Cannot restrict it to the owner’s room and a designated outside “potty” area.
- Includes common kitchens, study rooms, laundry facilities, courtyards.
- Does NOT include classrooms, libraries, sports facilities (although service animals can).
So Why Is It a Zoo Out There?
Pricing Plans

Compassion Plan
- No Expiration ESA Housing Letter!
- Also Includes the Travel Letter!
- Members Do NOT Need To Redo the Entire Approval Process!
- Discounted Annual Fee to Update Letter
- MOST POPULAR PLAN!

$199

Care Plan
- 1 Year ESA Housing Letter ONLY
- MUST Be Re-Evaluated Every 12 Months
- MUST Pay Full Price Every 12 Months
- Does NOT Include ESA Travel Letter

$159

Travel Plan
- 1 Year ESA Travel Letter ONLY
- MUST Be Re-Evaluated Every 12 Months
- MUST Pay Full Price Every 12 Months.
- Does NOT Include ESA Housing Letter

$149
ESA Travel & Housing Letters From Licensed Therapist
(No Expiration) – $98

ESA means "Emotional Support Animal", and almost anyone can have an ESA, which works similarly to support dogs. Any animal species can be an ESA (rabbits, cats, birds, dogs, etc.). In order for an emotional support animal to be legally recognized, a letter from a qualified and licensed physician or psychotherapist is required. Don’t be fooled by companies that claim service tags and vests are enough, THEY ARE NOT! In addition, the letter MUST be signed by a physician or psychotherapist to be VALID! Without these letters your service documents and registrations are meaningless in the eyes of the law, landlords, and airlines. Otherwise, your ESA will not be legally recognized for travel, housing, and other advantages to having a support animal.

This purchase entitles you to two ESA letters with your name, address, and full documentation of your ESA by a licensed psychotherapist. One letter will be for travel and the other for housing, and in both instances the psychotherapist will recommend your ESA and generic descriptions will be used regarding the nature of the reason for the ESA need, and reference to applicable federal laws. A quick assessment survey will be sent once you order, and minimal follow-up is required in over 95% of orders. A toll free # will also be provided on the document for landlord or airline inquiries. The phone attendant will clarify that the service animal prescription and we will verify the document. These letters do NOT have an expiration date. Other companies will try to force you to pay annual renewal fees, but our letters are designed to be expiration free. In addition, we process additional IDBAD documents from your landlord for FREE during the first 30 day period after ordering. Other companies charge over $200 for this service alone!

These two letters can be used for:
1) Free airline air travel, and special seating considerations
2) No pet deposit requirements when renting
3) Allowance of your pet in "No Pet" rental properties
4) Access for your pet on cruise lines, taxis, restaurants, stores, etc.

*You will NOT be charged if you do not qualify for an ESA letter from PDSC. All evaluations are free, and orders are not processed until approved by a clinician.
What Guarantees Or Warranties Do You Provide?

If, for any reason, your landlord or airline does not accept your PDSC letter we will offer a FULL refund within the first 30 days from ordering. The refund would be issued for the portion/letter that did not work. For example if it was a housing denial then a refund of $49 would be applied. You must provide proof of the denial, but such occurrences are VERY rare. All of our clinicians are fully licensed, and all ESA letters are signed and official. The one exception is UNIVERSITY housing, as they are NOT required to follow the Fair Housing Act laws. Any orders for University housing will be not be covered by our standard guarantee.

How Long Does It Take For My ESA Letter To Arrive?

Typical turnaround time is under 24hrs. Most orders are processed the same day, and ESA letters are provided by PDF through e-mail, and physical copies are mailed as well through priority mail service (no extra cost). We have several licensed physicians on staff that rotate their hours to help meet daily demand.

Can I Order Only One Type Of ESA Letter, EITHER Housing OR Airline?

You can order renewal letters for $49 each and only order them individually, but only once you are ALREADY A PATIENT. The initial fee of $98 covers both letters, shipping, tax, all extra review/services for additional housing/travel documents, and the doctors review fee. Since it takes the same amount of time to produce both letters, you must order the combo initially.

How Can You Provide ESA Letters If The Doctor Isn't Seeing Me As A Patient In Person?

Our doctors take you on as a patient for the sole purpose of ESA letter consideration. They review your file and responses to determine if an emotional support animal is necessary to improve your quality of life. In some cases patients have local psychotherapists or physicians, but they are unable to properly format and write an ESA letter for airlines or housing. We specialize in only ESA's, so we understand the laws and what it all entails. Finding a local doctor that understands these letter requirements can be challenging, and occasionally very expensive. We help bridge that gap between local doctors and ours.

Does My Letter Expire And How Do Expiration Dates Work?

We provide the current date on the letter when it is generated. We do not build an ‘expiration date’ into the letter like some other suppliers. However, airlines do require all ESA letters to be dated within 1 year of the flight. You will need to renew your letter annually to maintain your ESA letters validity for flying (not with most housing). We offer replacement letters at a 50% discount ($49). Simply contact us for a replacement letter.

How Am I Assessed, And When?

When checking out you list a qualifying condition, and when possible, include comments about your disorder. Over 99% of potential patients qualify, and if you do not qualify through the survey, one of our clinicians will call to speak with you. Your card is never charged until the clinical psychologist approves you as a patient.

What Is An Emotional Support Animal (ESA)?
Does My ESA Need An Emotional Support Animal Vest?

A person who is assisted by an emotional support animal must have a properly formatted letter from a licensed mental health professional. That’s all. The ESA letter must state that the animal’s handler has an emotional or mental disability identified in the DSM-V, and that the animal helps mitigate specific symptoms of the handler’s disability. The letter is all that is required. To reiterate however, an ESA vest made of a brightly-colored fabric, such as red or orange will help identify your pet as an emotional support animal. It is NOT required.

What Is Service Animal Registration?

In short, it’s a scam perpetrated on the internet. There is no legal “registration database” or official registrar. It is simply someone on the internet printing out fake certificates and accessories. The ADA does not recognize ANY of the online service providers you see advertised. We only provide ESA letters as a part of our clinical practice. ESA letters are what provide real legal protection, allows for free air travel, and housing allowance through HUD laws.

Do You Have Any Testimonials?

Yes, below are YELP reviews from some recent customers. You can also see our Facebook reviews!

**YELP**

**Stuart M.**
Tempe, AZ 1 review

5/7/2017

I found the website and doing a lot of research and found this to be the best value. In less than 24 hours after filling out the on-line forms, I received an email with my approval and letters from the Dr. I immediately renewed the Doctor by name and License number and they are 100% legal. If you need to have an emotional support animal, there is no better place to get letters from true licensed professionals. No hidden fees or surprises. I will recommend this to everyone I know.

**Jazz M.**
Los Angeles, CA 1 review

4/22/2017
1st Service Animal ID Card ($19 Each)
Animals Name (Optional)
Attach 1st Animal Picture
Browse...

2nd Animals ID Card ($19 Each)
2nd Animals Name (Optional)
Attach 2nd Animals Picture
Browse...

3rd Animals ID Card ($19 Each)
3rd Animals Name (Optional)
Attach 3rd Animals Picture
Browse...

Optional Service Dog Vest - All sales are FINAL on vests for hygiene reasons. Please measure carefully!

How Many Service Vests For $39 each?
☐ 0
☐ 1
☐ 2

Service Vest Size
☐ None
☐ Small (19.5" - 23.5")
☐ Medium (23.5" - 28.5")
☐ Large (24.5" - 30")
☐ XL (28" - 35")

After hitting submit below please provide payment information or your order will not be processed. Thank you
Submit

Or Call us now:
FAQ's (Frequently Asked Questions)

What Guarantees Or Warranties Do You Provide?
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Can an animal be more than one kind of animal?

- Service animal and ESA?
- Service animal and therapy animal?
- ESA and therapy animal?
- Service animal in training and ESA?
- Service animal in training and therapy animal
- ESA and pet?
A student is approved for an ESA, which happens to be a 70 lb. Siberian husky. Her documentation of need is reliable.

She is spotted in the library with her dog. The dog is off its leash. This is reported to Residence Life.

Residence Life tells her she has to confine the dog to the common areas in and around her dorm.

She advises that the dog is now a service animal in training. She is training it herself.

Your state requires public schools to allow service animals in training full access to public areas.
A new student at a Texas college submits a request for an ESA.

- The ESA is from a licensed therapist in California.
- The therapist’s website is selling ESA letters for $200 each.
- The student’s permanent residence is in Texas.
- The therapist’s letter states that she has assessed the student, diagnosed anxiety, and he needs the ESA.
- California law permits telemedicine.
Case Study #3

- Residential Life receives a call from a father whose son is thinking about attending in the fall.
- The son has a pit bull ESA.
- What is the process for ESA approval?
- Are pit bulls allowed?
- Where on campus will he live?
- Only one dorm on campus has rooms with direct access to the outdoors. In the others, students have to go through 3 – 4 doors to go outside.
- Many students with animals choose that dorm.
- The call was “fake,” the caller was testing the school and tape recorded the call.
Helpful Resources


3. ADA Requirements, Service Animals, DOJ [https://www.ada.gov/service_animals_2010.htm](https://www.ada.gov/service_animals_2010.htm)


Questions?

Joni E. Baker, Ph.D.
Director, Equal Opportunity & Diversity
The Texas A&M University System
301 Tarrow, Room 405
College Station, Texas 77840
(979) 458–6203
jbaker@tamus.edu

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Bentley

Amani