



## **SERVICE AND SUPPORT ANIMAL POLICY**

### **I. INTRODUCTION:**

Individuals with disabilities may use service animals for a variety of reasons. Under the Americans with Disabilities Act (ADA), State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed. Under the California Fair Employment & Housing Act (FEHA), State and local government, businesses and nonprofit organizations that serve the public and/or employ individuals with disabilities are required to provide reasonable accommodations in public facilities, housing and the workplace.

### **II. POLICY:**

The City is committed to providing reasonable accommodations to persons with disabilities and fulfilling obligations under State and Federal law. This Policy governs the use of service and support animals at City facilities and access to programs by persons with disabilities.

### **III DEFINITIONS**

Service Animals - 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. Examples of tasks performed include, pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, assistance with balance and stability, pressing an elevator button, providing non-violent protection or rescue work, helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Miniature Horses – are considered service animals if they have been trained to work or perform tasks for people with disabilities. A Miniature horse is generally 24 to 34 inches measured to the shoulders and weighs between 70 and 100 pounds.

Emotional Support Animals - animals used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform

## City of Twentynine Palms

tasks that assist people with disabilities. A support animal (sometimes called a “comfort animal”) is one that provides emotional, cognitive, or other similar support to a person with a disability, including, but not limited to, a traumatic brain injury, or a mental disability such as major depression.

Individual with a Disability - A person who: (1) has a physical or mental impairment or medical condition that limits one or more major life activities; or (2) has a record of such an impairment or limitation; or (3) is regarded as or perceived as having an impairment or limitation in performing one or more major life activities.

Handler - Individual with a disability who utilizes a service or support animal as an accommodation.

Reasonable Accommodation - Reasonable accommodations are changes in rules, policies, practices, or services that are necessary for a person with a disability to have an equal opportunity to use and enjoy a public facility, public accommodation, residential dwelling, or equal employment opportunity. Allowing individuals with disabilities to have their service animals accompany them into public facilities, workplaces and/or their homes is a reasonable accommodation.

NOTE: In some situations, a person with a disability may require more than one service animal, where each animal provides a different type of assistance. For example, an individual may need both a hearing dog and a seizure alert animal.

### IV. PUBLIC FACILITIES AND ACCOMMODATIONS

#### A. Service Animals

The City shall make reasonable accommodations for service animals in all public facilities. When a person with a service animal enters a public facility, staff cannot ask the person about the nature or extent of his/her disability. Only two questions may be asked:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

If the individual's disability is obvious or otherwise known to the City, and if the need for the service animal is also apparent: do not request any additional information about the disability or the need for the accommodation. For example, a blind person with a guide dog does not need to verify his disability or need for the dog.

If the disability is known, but the needed accommodation is not apparent: request only information necessary to evaluate the disability-related need for the accommodation.

Staff cannot ask for documentation or proof that the animal has been certified, trained, or licensed as a service animal.

B. Miniature Horses

The City shall assess whether miniature horses can be accommodated in their facility based on the following factors : (1) whether the miniature horse is housebroken and appropriate hygiene , including being free from objective odors ; (2) whether the miniature horse is under the Handler ' s control ; (3) whether the facility can accommodate the miniature horse ' s type, size, and weight ; and (4) whether the miniature horse ' s presence will (or will not ) compromise legitimate safety requirements necessary for safe operation of the facility

a. Emotional Support Animals

Emotional support animals may be permitted on City facilities or participate in programs. Before bringing a support animal onto a facility, the Handler must submit a request and appropriate supporting documentation. Under the standards established under the Federal ADA, requests for a support animal will be evaluated on a case by case basis as follows:

- i. . A letter explaining the need for the animal, the type of animal, a description of the animal, the animal ' s name, whether the animal is housebroken, the date[s] of the medical diagnosis and prescription for such an animal, the date when the animal was acquired.
- ii. Medical documentation from a qualified medical professional, including:
  - A. The nature of the applicant's disability;
  - B. how the animal is necessary to provide the person with a disability access to the City's facilities and/or programs; and
  - C. how the animal is necessary to provide the person with a disability access to the City's facilities and/or programs; and
  - D. the relationship between the disability and the assistance that the animal provides.

C. REMOVAL OF SERVICE ANIMAL

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal' s work or the individual' s disability prevents using these devices. The Handler must maintain control of the animal through voice, signal, or other effective controls.

The Handler is responsible for the care and supervision of his or her service animal. Reasonable behavior is expected from service animals while on public property. The Handler of disruptive and aggressive service animals may be asked to remove them from City facilities. If the improper behavior occurs repeatedly, the Handler may be asked not to bring the service animal into any facility until the Handler takes significant steps to mitigate the behavior.

## City of Twentynine Palms

If a service animal behaves in a disruptive or offensive manner and the Handler does not control the animal, the City is not required to allow the animal onto its premises. Uncontrolled barking, jumping on other people, or running away from the Handler are examples of unacceptable behavior for a service animal. The City shall deny access to an animal that disrupts operation. For example, a service dog that barks repeatedly and disrupts workflow or the public's enjoyment of reading may be asked to leave the library. The City may prohibit a service animal when the animal's behavior poses an imminent and direct threat to the health or safety of others.

Staff must evaluate whether other alternatives exist that can alleviate the health or safety concerns, while still allowing the animal to accompany its handler. Staff shall consider alternatives before excluding the animal from its facility or program.

Staff shall also consider alternatives to provide access to a facility or program by an individual with a disability without the animal's presence.

If the Emotional Support Animal is disruptive, aggressive or presents a health and safety risk to staff or members of the public, staff shall request the Handler remove the animal from City facilities. Emotional Support Animals are not service animals and the City is not required to seek alternative accommodations.

### D. STAFF AWARENESS

Staff shall adhere to the following:

- a) Do not separate or attempt to separate the Handler from the service animal.
- b) Do not pet or talk to a service animal when it is working – this distracts the animal from its tasks.

## City of Twentynine Palms

- c) Do not feed a service animal, which may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.
- d) Do not deliberately startle a service animal or distract it by making noises, such as barking, whistling, etc.
- e) Be aware that many people with disabilities do not care to share personal details. Do not attempt to engage in “small talk” about the animal or its training or how the animal assists the individual with a disability.
- f) If others complain that they are not allowed pets and want to know why an exception was made, state that your City complies with State and Federal laws. You can also refer your residents to the City accommodation policy.
- g) Cleanliness of the service animal is mandatory. Consideration of others must be taken into account when providing maintenance and hygiene of service animals. The Handler is expected to clean and dispose of all animal waste.