

# More Than a Companion: Supporting Survivors With Service and Emotional Support Animals

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# Today's Agenda

- Learn the difference between service animals, assistance animals, and emotional support animals.
- Learn what questions we can and cannot ask.
- Learn where to start the conversation.
- Learn how survivors with disabilities are impacted by service provider knowledge of service animals.
- Recognize the importance of animal assistance to those who rely on them.

# Service Animal vs. Assistance Animal: Where to Find Terms

- Service Animals: rules come from the Americans with Disabilities Act (ADA). They apply to animals in any public space.
- Assistance Animals: rules come from the Fair Housing Amendments Act (FHAA). They apply to housing.
- Emotional Support Animals: rules come from the Air Carrier Access Act (ACAA). They apply to airlines.

# Service Animals



**Service  
animals  
can only  
be...**

**Dogs (and sometimes  
miniature horses)**

**ADA (DOJ) rules  
understand that service  
animals are only the two  
types of animals above.**

# What is a service animal?

- “A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.”
- Service animals are used by people with various types of disabilities.
- When thinking about service animals think:
  - dog
  - trained
  - person with a disability

# What is not a service animal?

- “Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.”
- Pets are not service animals.
- Check your **state law** as well.
  - For example: South Dakota law suggests the same definition of service animal as is used in the ADA.

# Psychiatric Service Animal?

- Yes, a “psychiatric service animal” is a dog that is specifically trained to respond in a consistent manner to the status of their owner.

# Where can service animals go?

→ “Generally Title II (state and local government) and Title III (public accommodations) entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.” (DOJ)

# Service Animal Training

- Animals can be trained by the person with a disability.
- Animals are not required to be trained formally.
- Animals are not required to carry any identification.

# Verifying Service Animals

- When it is not obvious what service an animal provides, staff can only ask limited questions.
- Staff may ask two questions:
  1. Is the dog a service animal required because of a disability?
  2. What work or task has the dog been trained to perform (for you)?

# **Staff Cannot Ask...**

- About the person's disability
- For medical documentation
- For a special identification card or training documentation for the dog
- That the dog demonstrate its ability to perform the work or task

# An Example of State Law

- South Dakota law says little on the topic of service animals.
- There are rules stating:
  1. You may not charge surcharges for participation in services.
  2. It is a misdemeanor to interfere with someone using a “service animal”.

# What if...

- In general, reactions of others are not a reason to limit the presence of a service animal.
- For example:
  - Someone who has allergies to dogs or a fear of dogs.
  - Concerns about costs that will result from allowing a dog into a facility.
- Service animals can be excluded only in limited situations, such as areas where their presence would present a danger to others.
  - For example, sterile areas.

# Reasons to Exclude a Service Animal

- The dog is disruptive, growls, bites, or snaps.
- The dog is not under the handler's control.
- The dog is filthy, diseased, etc.

# Excluding a Service Animal

- When a service animal is asked to leave, the person with the disability must be given the option to stay.
- Unless there is significant reason for doing so, a service animal should not be excluded permanently.
- Allergies or fear of dogs cannot be used as a reason to exclude a service animal in a public place.

# Other Considerations

- Food service businesses must allow service animals in public areas.
- Customers with service animals cannot be isolated or treated differently than other customers; no surcharges allowed.
- Others are not required to provide care to a service animal. The handler must clean up after the dog.
- In some states (i.e. Florida Statute §413.08(9)) it is a misdemeanor crime to misrepresent that your animal is a service animal. Check your state law.

# Remember!

- In most states, a service animal “in training” is not (yet) a service animal and not protected by ADA law

# Assistance Animals



# What is an assistance animal? (1)

- A definition used by the Fair Housing Amendment Act (FHAA)
- An assistance animal is an animal that:
  - Works, provides assistance, or performs tasks for the benefit of a person with disabilities
  - Or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability.

# What is an assistance animal? (2)

- Department of Housing and Urban Development (HUD) Guidelines: refer to assistance animals as “reasonable accommodations”
- HUD specifies they are not pets and don’t have to be individually trained
- FHAA Complaints regarding denial of reasonable accommodations and disability access account for 60% of all FHAA complaints

# What do assistance animals do?

- Assistance animals perform many disability-related functions, including but not limited to:
  - Guiding people who are blind or have low vision
  - Alerting Deaf people or people who are hard of hearing to sounds
  - Providing protection or rescue assistance
  - Pulling a wheelchair
  - Fetching items
  - Alerting people to impending seizures
  - Providing emotional support to people with disabilities who have a disability-related need for the support

A close-up photograph of a cat's face, focusing on its eyes and whiskers. The cat has striking green eyes and long, white whiskers. The fur is a mix of brown, tan, and white. A blue rectangular box is overlaid on the left side of the image, containing the text "Emotional Support Animals" in white.

## Emotional Support Animals

# What is an emotional support animal (ESA)?

- An emotional support animal:
  - Can be any species.
  - Is not trained to provide a specific service or perform tasks.
  - Provides companionship, relieves loneliness, or helps with depression, anxiety, or certain phobias.
- Remember: service animals are ADA, assistance animals are FHAA, emotional support animals are ACAA

# Confused?

- By using the term assistance animals, the FHAA mixes two categories: service animals and emotional support animals (ESAs).
- The FHAA uses one set of rules for assistance animals:
  - Some of these rules apply to service animals and ESAs.
  - Some of these rules apply to service animals and not to ESAs.
  - Some of these rules apply to ESAs and not to service animals.

# The Best Way to Keep it all Straight...

- Define them separately and keep them separate in your discussions with clients.
- Have clearly written policies and procedures and train staff on them.
- Understand the rights of people with service animals under the ADA, the rights of people with assistance animals under FHAA, and consider accommodations and air travel when discussing emotional support animals.

# What if Both Laws Apply? (1)

- In situations where both the ADA and the FHAA applies, begin with the ADA
- Find out if the animal meets the definition of a service animal.
  - If it does, the animal must be permitted to accompany the individual with a disability to all areas of the facility where people are normally allowed to go.



# What If Both Laws Apply? (2)

- **If an animal does not meet the definition of a service animal:**
  - Evaluate the individual's request for a reasonable accommodation to have an assistance animal in a dwelling place.



# Practical Tips



# Making Accommodations

Consider the following:

- First, does the person seeking to use and live with the animal have a disability – i.e., a physical or mental impairment that substantially limits one or more major life activities?
- Second, does the person making the request have a disability-related need for an assistance animal?
  - Does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, or provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability?

# What can we ask?

- Housing providers, including some shelters, may ask individuals who have disabilities that are not readily apparent or known to the provider to submit reliable documentation of a disability and their disability-related need for the assistance animal.
- If the disability is readily apparent or known but the disability-related need for the assistance animal is not, the housing provider may ask the individual to provide documentation of the disability-related need for an assistance animal.

# For Example

- A housing provider may ask people seeking a reasonable accommodation for an assistance animal that provides emotional support to provide documentation from:
  - A physician
  - A psychiatrist
  - A social worker
  - Or another mental health professional
- The documentation should include that the assistance animal alleviates one or more of the identified symptoms or effects of an existing disability
- **INCLUSION—NOT** a burden of paperwork

# Trauma Informed Practices and Recommendations (1)

- Access is about comfort, safety, and inclusivity.
- Have a policy/procedure in place for requesting accommodations/auxiliary aids and services that includes assistance animals.
- Make a survivors feel at ease by letting them know their service animal or assistance animal is welcome.
- Consider creating shelter documents that educate about service animals and assistance animals.

# Trauma Informed Practices and Recommendations (2)

- Build relationships with local animal shelters, Humane Societies, or animal rescue organizations.
- Request donations of basic animal necessities, i.e. animal crates, carriers, bedding, flea shampoo, collars, leashes, and food.

# Critical Steps

- Continuously train staff on:
  - The difference between service animals and assistance animals and emotional support animals.
  - What questions you can and cannot ask
  - Who can you contact with questions...
- Do the best to serve all who come for assistance and support.



# Resources

- [FHEO Notice: FHEO-2013-01 Subject: Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs](#)
- [Service Animals and Emotional Support Animals – ADA National Network 2014](#)
- [Service Animals Fact Sheet – ADA National Network 2014](#)

**Questions?**

