



Types of Assistance Animals

Categories of animals protected by federal and state laws

Service Animals are dogs or miniature horses that have been specially trained to perform a task to assist a person with a disability.

Where are service animals allowed to go?

Wherever the public is allowed, including:

- Public, private, and student housing
- Assisted living facilities
- Hotels
- Airports and airlines
- Private businesses (including restaurants)
- Shelters
- Public and private schools
- Public transportation
- Government buildings
- Medical offices

Governed by the Americans with Disabilities Act (ADA) and the Air Carrier Access Act

Emotional Support Animals help alleviate mental health symptoms such as depression, anxiety, and certain phobias, but are not trained to perform tasks that assist with a disability.

Where are Emotional Support Animals allowed to go?

- Public, private, and student housing
- Assisted living facilities
- Hotels
- Homeowners' associations
- Airports and airlines

Governed by the Fair Housing Act (FHA) and the Air Carrier Access Act

Courthouse facility dogs are specially trained to provide support to witnesses testifying in proceedings. They are allowed in the courtroom during the testimony of the witness if their presence will reduce the witness's anxiety and enhance the ability of the court to receive full and accurate testimony without causing a distraction.

Categories of animals not protected by federal and state laws

Therapy animals are owned by professionals and are specially trained to be taken into hospitals, schools, counseling sessions, and other settings to provide therapy to the people there. Their purpose is not to help an owner with a disability, and they do not have the legal rights afforded to people with disabilities who own service animals or emotional support animals.

Pets do not have any of the legal rights afforded to people with disabilities who have service animals or emotional support animals.

Fake assistance animals undermine the rights of people with disabilities

Misrepresenting a pet as an assistance animal is, in essence, stealing another person's benefits and rights. "It's comparable to parking in an accessible parking spot or buying a fake disability placard because it's more convenient for you, when there is someone else who legitimately needs that spot," says Paul O'Brien, Development Director of Colorado Canine Companions for Independence.

It is illegal in Colorado to misrepresent a pet as a service animal or emotional support animal, but a loophole is being used by mental health providers and pet owners to certify untrained pets as emotional support animals.

What documentation is required?

Service animal owners are not required to provide certification papers, vests, or identification cards.

People who own emotional support animals are required to obtain a letter from a licensed provider stating that the individual has a mental health-related disability and explaining that the animal's presence is necessary to the individual's health or treatment.

The need for stronger regulations over online emotional support letters

Mental health professionals should evaluate clients before providing emotional support letters, but there are numerous websites offering to certify pets as emotional support animals without an evaluation for a \$150-\$200 fee.

Colorado Springs Councilwoman Yolanda Avila uses a guide dog to assist her with her vision disability. She said, "I've noticed in the last couple of years it (the abuse of assistance animal rights) has gotten really bad. I just went to a luncheon and somebody had their dog in there and that dog just saw Puma (Avila's guide dog) and starting yapping away and so it disrupted everything."¹

Misrepresentation causes housing providers to become wary of emotional support animals, which creates barriers for people who really need their emotional support animals and are seeking housing. Stronger regulations over online emotional support letters would help curb this problem and increase access for people with disabilities.

¹See News 5 Investigates: Airlines and business see spike in "fake" service animals:
<http://bit.ly/ic-svcanimals>