

‘Survivors With Disabilities: Best Practices On Service Animals in Shelter’

Many shelters across Tennessee have had questions and concerns regarding their legal obligations, and trauma informed care standards, surrounding housing service animals in shelter. Multiple federal laws governing the rights of individuals with disabilities apply to shelter housing services.

- *Title III of the Americans With Disabilities Act*– Applies to all businesses and non-profit service providers (referred to in the law as ‘places of public accommodation’). ([Learn More- http://www.ada.gov/t3highlight.htm](http://www.ada.gov/t3highlight.htm))
- *Section 504 of the Rehabilitation Act*– Applies to all organizations which receive federal financial assistance; this covers all programs who receive state funding through grants or programs such as VOCA, FVPSA, VAWA, and DOH. ([Learn More- http://www.ada.gov/cguide.htm#anchor65610](http://www.ada.gov/cguide.htm#anchor65610))
- *Fair Housing Amendments Act*– Applies to most housing providers including shelter and transitional living programs. ([Learn More- http://www.ada.gov/cguide.htm#anchor63409](http://www.ada.gov/cguide.htm#anchor63409))

Contact the Coalition for additional resources and staff training/education on this topic.

SHELTER OBLIGATIONS:

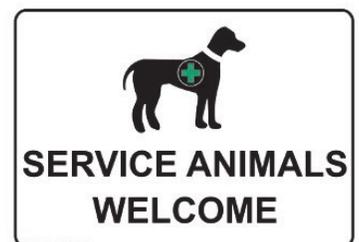
All three laws require shelters to allow service animals.

Shelters must modify any “No Animals” policies and practices as needed to allow equal access to shelter for any person with a disability using a service animal.

Shelters are required to make reasonable physical modifications to the premises to allow persons with disabilities access to their programs and resources.

It is best practice (and conforms to federal and state law) to believe survivors when they tell you that an animal is a service animal. You do not need documentation. In fact, it is against the law to require an individual to present you with documentation as proof of their disability or for their service animal.

You may ask-
‘Is this a service animal?’
‘What tasks is this animal trained to perform?’



FREQUENTLY ASKED QUESTIONS:

Can we keep service animals out of common areas?

No. When service animals are working, they must always accompany their owners. When you limit where the animal can go, you are also limiting where the survivor can go.

Can staff or other residents interact with the service animal (i.e, petting, feeding, talking to)?

No. When the service animal is working, it needs its entire focus to do its job. This means no staff or other residents should ever touch, speak to, feed, or otherwise interact with the animal while it is working. If you are not sure if the animal is working, ask its owner. Always ask the animal's owner before interacting with the animal, even if it is not working.

Is the shelter responsible for providing the animals food or care?

Generally, the animal's owner is responsible for all feeding, care, clean up (unless prohibited by their disability), and associated costs. If the survivor is unable to pay for food and other supplies, the shelter should help when able or assist the survivor in seeking help from community agencies.

What if another resident is allergic to or afraid of the service animal?

Legally, allergies or aversion are not acceptable reasons for limiting shelter access to a survivor with disabilities and their service animal. In severe cases shelters should work to provide reasonable accommodations to all survivors. That may mean advocates working to find accommodations in another shelter program for those survivors.

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REFERENCES:

WSCADV Model Protocol on Service Animals in Domestic Violence Shelters- <http://www.nwfairhouse.org/images/1275601404.pdf>

Federal Anti-Discrimination Laws and Survivors of Domestic Violence Who Have Mental Health Disabilities - http://www.ncdsv.org/images/NCDVTMN_FedAnti-DiscrimLawsDVSurvivorsWhoHaveMHDisabilities_part2_4-2008.pdf

Victims/Survivors Who Use Service Animals: An Updated Background Paper and Sample Policy for Domestic Violence and Sexual Assault Programs- http://www.endabusewi.org/sites/default/files/resources/vs_who_use_service_animals.pdf

Protecting Domestic Violence Victims by Protecting Their Pets - <http://www.ahimsahouse.org/sites/default/files/spring2010feature.pdf>

Americans with Disabilities Act Revisions Regarding Service Animals- http://www.ada.gov/service_animals_2010.htm; http://www.ada.gov/regs2010/service_animal_qa.html

Tennessee Code Annotated - § 39-14-216 ; § 62-7-112 ; § 66-7-104

Fair Housing Info Sheet Regarding Emotional Support Animals- <http://www.bazelon.org/LinkClick.aspx?fileticket=mHq8GV0FI4c%3D&tabid>

