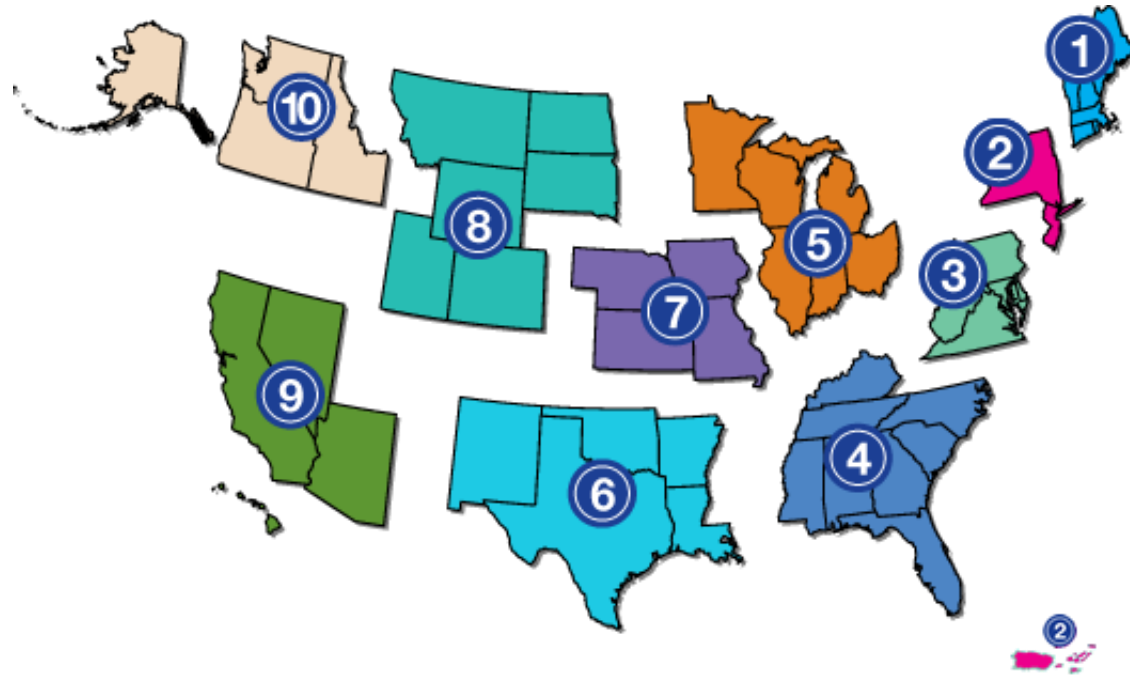


Service & Emotional Support Animals in Emergency Management



ADA National Network



1-800-949-4232 (V/Relay)

www.adata.org

Pacific ADA Center



Toll Free: 1-800-949-4232 (V/Relay)
adatech@adapacific.org
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Presentation Overview

1. How the laws address service animals and emotional support animals generally;
2. What laws and guidance documents help state or local government agencies recover funding expended on animal care from FEMA after a disaster; and
3. Best practices regarding service animals and emotional support animals for emergency managers, handlers with disabilities, and emergency shelter staff.

Overview of the ADA

- ADA is a civil rights law
- It has 5 titles
 - Title I - Employment
 - Title II – State & Local Governments
 - Title III – Public Accommodations & Commercial Facilities
 - Title IV - Telecommunications
 - Title V - Miscellaneous



Service and Emotional Support Animals Basic Knowledge

ADA Requirements

Virtually the same standards apply for Title II and Title III for the use of service animals.



Modification of Policy

- Most state or local government and privately owned facilities have “no pet” policies and do not allow animals inside.
- ADA Titles II and III require government and private facilities that are open to the public to allow service animals as a modification of that “no pet” policy.

Service Animal Access

Individuals with disabilities must be allowed to be accompanied by their service animals in all areas of facilities where members of the public are allowed to go, including goods, services, programs, or activities.

“Service Animal” Definition

- “Service animal means any **dog** that is individually *trained* to do work or perform tasks *for the benefit of* an individual with a disability, including a physical, intellectual, or other mental disabilityCompanionship does not constitute work or tasks.”
- NOTE: This is the U.S. Department of Justice definition.

Miniature Horses

- Allowed if
 - Reasonable
 - Individually trained
- Assessment factors
 - Type, size, weight
 - Handler's control
 - Whether housebroken
 - Safety requirements of facility



Work or Task of the Animal

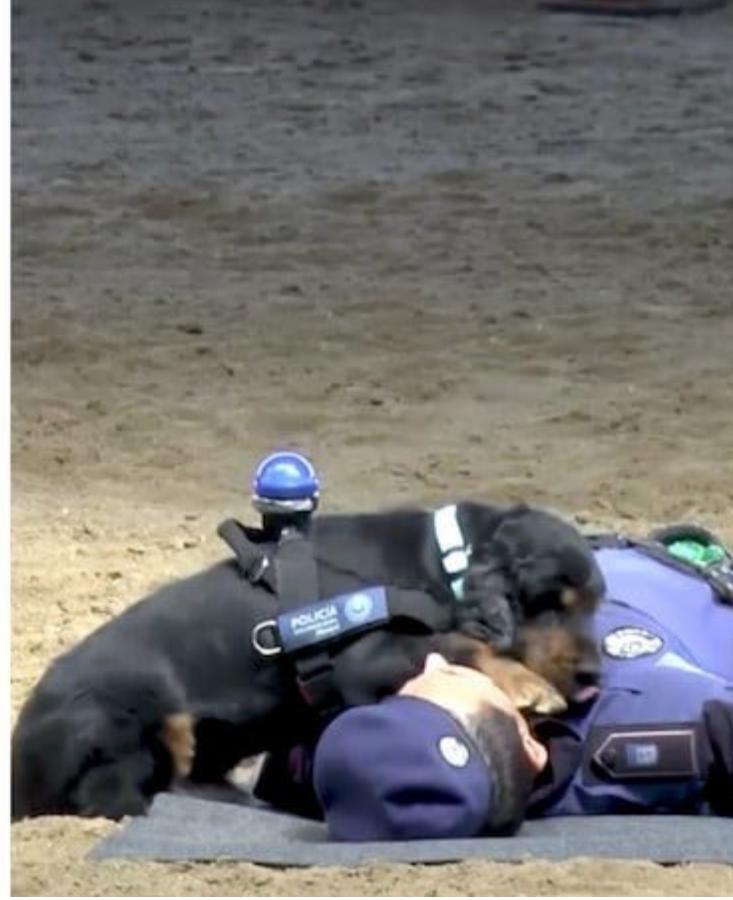
The work must be directly related to the individual's disability.

- “Work” of the animal needs to be physical, but the disability does NOT need to be physical. It may be responding to “brain-based” impairments like psychiatric disabilities; e.g., “discerning distress” in someone who has anxiety.

“Work” or “Tasks”: Physical Disabilities

Examples of “work” or “tasks” for *physical disabilities*:

- Navigation for individuals who are blind or low vision
- Alerting Deaf/Hard of Hearing persons to other people and sounds
- Retrieving items such as medicine or phone
- Providing support and assistance with balance and stability
- Assistance during a seizure



Physical tasks can include chest compressions for CPR.

“Work” or “Tasks”: Psychological / Emotional Disabilities

- Examples of “work” or “tasks” for individuals with *psychological or emotional disabilities*
 - Prevent/interrupt impulsive or destructive behavior.
 - Help individual with dissociative identity disorder to remain grounded.

Emotional Support Animals

- Although they are not covered by the ADA, emotional support animals (ESAs) can provide valuable support for people with certain types of disabilities.
- An ESAs can be **almost** any type of animal (usually excluding exotic animals like large birds or certain reptiles).

Is Comfort or Companionship “Work” or a “Task”?

- The definition of a service animal says, “no.” “The provision of emotional support, well-being, comfort, or companionship ... [without more] does not constitute work or tasks for the purpose of this definition.”
- The ability to “soothe” is not work.



Registration & Vaccinations

- Individuals who have service animals and emotional support animals (ESAs) are not exempt from local animal control or public health requirements.
- In fact, service animals and ESAs are subject to the same licensing and vaccination rules that apply to all animals.



What Proof Is Required for Service Animals?

- A service animal is not required to wear a special collar, harness, or tag.
- A service animal is not required to have papers or a certificate regarding its training.



What Proof Is Required for Emotional Support Animals?

- A letter from a licensed medical or rehabilitation professional is required for emotional support animals in housing and homeless shelters.
- The letter must say what the connection is between the person's disability and the need for the emotional support animal.

Two Questions Can Be Asked

You can ask a **service animal** handler:

- Is this a service animal required because of disability?
- What specific tasks or work has the animal been trained to perform?
 - Cannot inquire about the nature of the handler's disability or ask to see the task performed

Service Animal Control

- A service animal must be under the control of its handler.
- A service animal must have a harness, leash, or other tether, unless
 - the handler is unable because of a disability to hold the harness, leash or tether, or
 - the harness, leash or tether would interfere with the service animal's safe, effective performance of work or tasks,
- If one of the above exceptions applies, the service animal must be otherwise **under the handler's control** (*e.g.*, voice control, signals, or other effective means).

Service Animal Conduct

An entity covered by ADA may ask an individual with a disability to remove a service animal from the premises if—

- the animal is out of control and
- the animal’s handler does not take effective action to control it or
- the animal is not housebroken

The handler can return without the animal.



Service Animal Behavior

With legitimate service animals, you should hardly be aware they are present.



Surcharge/Fees

A shelter or other entity covered by the ADA may not charge a deposit, surcharge, an advanced or unequal cleaning fee or any other fee to an individual with a disability as a condition to allowing the service animal to accompany the individual.



Interacting with Service Animals

- Service animals are working.
- Do not pet, feed or speak to a service animal.



Number of Service Animals

- There is technically no limit on the number of service animals a person can use
- It needs to be reasonable
- Each service animal would need to do a task that can be described



Dog Breeds

- Service animals may not be restricted or excluded based on their breed
- The key is the service animal's behavior or conduct



Service Animals In Training



- ADA does not cover service animals in training.
- Look at your state law for coverage.

Other Animals

- Animals other than dogs and miniature horses may be allowed in non-emergency shelters because the Fair Housing Act applies in addition to the ADA.
- Emotional support animals are not allowed in emergency shelters



ADA Defenses Regarding Service Animals

Fundamental Alteration

A service animal could “fundamentally alter” the nature of the services provided (e.g., at a zoo where it disturbs other animals)

Direct Threat

The service animal could pose a “direct threat” to the health or safety of others that cannot be reduced or eliminated by another reasonable modification.



Laws and Guidelines That Apply to Service Animals, Emotional Support Animals and Pets

Establishing FEMA

- The Federal Emergency Management Agency (FEMA) was established in 1979 under President Jimmy Carter.
- In 2003, FEMA became part of the U.S. Department of Homeland Security.

FEMA Service Animal Definition

- Same as U.S. Department of Transportation ADA Definition
- “Any guide dog, signal dog, **or other animal** individually trained to provide assistance to an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.” [emphasis added]

National Response Framework

- A document that establishes a comprehensive, national, all-hazards approach to emergency response.
- Identifies the key response principles, roles and structures that organize a national response.
- Describes how communities, Tribes, States, the Federal Government and private-sector nongovernmental partners apply key response principles for a coordinated and effective nationwide response.

Robert T. Stafford Disaster Relief and Emergency Assistance Act

- Known as the Stafford Act.
- Federal law designed to bring an orderly and systematic means of federal natural disaster assistance for tribal, state and local governments in carrying out their responsibilities to aid citizens.
- Passed in 1988.

Things Changed After Hurricane Katrina

After Hurricane Katrina hit New Orleans and the Gulf Coast in 2005, several significant failures led to changes in:

- unified management of the national response;
- command and control structures within the Federal government;
- knowledge of tribal, state and local preparedness plans; and
- regional planning and coordination

Post-Katrina Emergency

Management Reform Act (PKEMRA)

- Amendment to Stafford Act to designate FEMA as the sole primary federal agency for emergency response.
- Directs FEMA to appoint a Disability Coordinator to ensure that the needs of individuals with disabilities are addressed in emergency preparedness and disaster relief.
- Allows FEMA to ensure and reimburse pet and service animal rescue and shelter expenses with help from other agencies.
- Passed in 2006.

Pets Evacuation and Transportation Standards Act (PETS Act)

- Amends the Stafford Act
- Ensures that state and local emergency preparedness operational plans address the needs of individuals with household pets, service animals, and ESAs following a major disaster or emergency.
- Passed in 2006.

Who Uses the PETS Act?

- Non-profits and private companies – Nongovernmental Organizations (NGOs) who can provide animal rescue, evacuation and shelter and enter into Memoranda of Understanding (MOUs) to provide these services.
- State and local governments who seek reimbursement for providing animal rescue, evacuation and shelter directly or through contracts/MOUs with NGOs.

When the PETS Act Becomes Operational

- The PETS Act becomes operational when a federal disaster declaration is made.
- The Presidential declaration serves as a "trigger" that provides for reimbursement for allowable, documented, services used in the declared disaster event.

How the PETS Act Works

- FEMA developed a Disaster Assistance Policy (DAP) titled "Eligible Costs Related to Pet Evacuations and Sheltering" (DAP 9523.19)
- DAP 9523.19 provides specific guidelines on expenses that are - or are not - reimbursable to states that have costs related to animals in a disaster.

DAP 9523.19 Eligible Costs

- Says that service animals will be sheltered with their owners in congregate shelters.
- Eligible costs include those that state and local governments incur for rescue, sheltering, and evacuation support.
- Provides a process for NGOs who incur the same eligible costs to seek reimbursement from government agencies with whom they have MOUs.

Comprehensive Preparedness Guide 101 Supplement

- FEMA Household Pet and Service Animal Planning (HPSAP) Checklist
- Guide to integration of household pet and service animal issues into a government's existing emergency operations plan.

Sections of the HPSAP Checklist

- Preparedness (including training)
- Evacuation Support (including transportation)
- Animal Shelter Operations
- Registration and Animal Intake
- Animal Care
- Public Information and Outreach (about animal shelters)
- Record Keeping (for cost reimbursement)



Service and Emotional Support Animal Best Practices:

Emergency Managers

Consider Animals at All Stages of a Disaster

- Include service animals, ESAs and pets in evacuation, response, and recovery plans.
- Have agreements in place before disasters with private Nongovernmental Organizations (NGOs) who can provide evacuation and shelter assistance for pets, ESAs and service animals.
- Know what documentation is required to get federal reimbursement under the PETS Act.



Train Staff and Involve Your ADA Coordinator

- Train your staff on the laws that cover service animals, ESAs and pets.
- Ensure emergency shelter staff receive the same training.
- Make a point to involve your ADA Coordinator in your Emergency Operations Plan and Center.



Service and Emotional Support Animal Best Practices:

Handlers with Disabilities

Plan for Emergencies

- Have an evacuation plan for you and your animals.
- Know where you will need to go to seek shelter – your service animal will be able to come with you.
- Identify separate shelters for emotional support animals and pets in advance.

Evacuation Drills

Make sure your service animal or ESA is included in any evacuation drills you participate in, including those in:

- Housing
- Workplaces
- Shelters
- Public buildings

Emergency Kits for Animals

Service and ESA handlers should carry supplies in “go bags” for their animals as well as themselves in an emergency

- Food and water
- Medication the animal takes
- Bowls for water and food
- ID tags and veterinary records
- Pet shampoo, wipes, small bags, and other items used to clean up after the animal
- Blanket for sleeping and favorite toy
- Leash or harness



Service and Emotional Support Animal Best Practices:

Shelters

Excluding an Animal from A Shelter

- Excluding an animal that the handler identifies as their service animal can be complex in an emergency or disaster situation.
- Where can the animal be placed?
- You may want to limit exclusion to times where an animal's behavior poses a direct threat to the health or safety of others.
- This must be based on substantial risk of actual harm and not on potential risk or generalizations.

Train Shelter Staff

Train shelter staff on –

- Basic rules on service animals and emotional support animals.
- Location of animal shelters that can care for emotional support animals and pets if needed.

Create Space for Service Animals



- Within shelters, create space where people who bring their service animals can have the animal next to them.
- If another shelter resident has dog allergies, try to separate them.

Service Animal Relief Areas

Emergency shelters should have grassy areas that can be used for service animals to relieve themselves.



Care and Supervision

- Staff are not responsible for the care and supervision of service animals.
- If a person who uses a service animal cannot care for them independently while in the shelter, staff should try to locate family or friends of the handler or recruit a shelter volunteer if one is consistently available.
- Emergency pet shelters are set-up in a disaster and can care for service and emotional support animals as well as pets.

Resources I

- **Pacific ADA Center Emergency Preparedness**

<https://www.adapacific.org/emergency-preparedness-publications-resources>

- **ADA National Network Service Animals in Emergency Situations**

<https://adata.org/service-animal-resource-hub/emergencies>

Resources II

- **U.S. Department of Justice Service Animal FAQ**

<https://www.adapacific.org/assets/documents/usdoj-service-animal-faq.pdf>

- **Post Katrina Emergency Management Reform Act (PKEMRA) Summary**

https://emilms.fema.gov/is_0822/groups/20.html

- **PETS Act FAQ**

<https://www.avma.org/pets-act-faq>

Resources III

- **FEMA Disaster Assistance Policy 9523.19**

<https://alert.ny.gov/system/files/documents/2018/12/eligible-costs-related-pet-evacuation-femadisaster-policy.pdf>

- **FEMA Comprehensive Preparedness Guide 101 Supplement Household Pets and Service Animal Planning Checklist**

https://www.fema.gov/pdf/about/divisions/npd/CPG_101_Supplement_HPSA.pdf



Thank you!