**Transcript**

**Webinar JUNE 13, 2013**

**SERVICE ANIMALS: BEYOND THE TRADITIONAL GUIDE DOG**

**Slide #1**

>> NANCY HORTON: Thank you. And welcome, everyone, good afternoon or good morning, depending on where you are we certainly apologize for the delay. We are having some technical difficulties as you can probably tell so we are trying to get under way as quickly as possible. Welcome to the second session in our series on “Unlocking the Mystery of ADA Accessibility: Lodging Information Made Accessible.” Today our session is on service animals, "Service Animals: Beyond the Traditional Guide Dog". My name is Nancy Horton I'm an information specialist with the Mid-Atlantic ADA Center. I'll be serving as the moderator for our session today.

Our speaker will be Marian Vessels and I'll introduce her in just a moment. But we do want to give you just a few -- a little bit information about how to use the system before we get started. Please make sure your speakers are turned on and headphones are plugged in if you're accessing the session online if you have sound quality problems please go through the audio wizard which you can access by choosing the microphone icon on your audio video panel.

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**Slide #3**

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**Slide #4**

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So without further ado, I would like to introduce Marian our speaker for today. Marian is the Director of our center, the Mid-Atlantic ADA Center. She's held that position for the past 16 years. And for the past six of those years she has led the ADA National Network's Hospitality Initiative. She works with stakeholders across the country, including leaders in the American Hotel and Lodging Association and the Asian-American Hotel Owners Association.

Prior to taking the reigns at the center Marian served as the Executive Director of the Maryland Governor's Committee on the Employment of People with Disabilities. She's been working in the disability field for more than 25 years serving on numerous boards, committees and task forces on state and national levels in addition to her full - time work. Towson University recognized her professional and personal accomplishments in the field of disability rights by awarding an honorary doctorate degree. She is an expert in state accessibility laws and accessibility standards. Additionally, she's a seasoned traveler. She travels extensively both personally and professionally across the country and around the world. As a wheelchair user who travels sometimes independently and often with family members, colleagues, and groups, she has a broad range of experience and a valuable perspective to share with us. So I would like to turn the program over now to Marian..

>> MARIAN VESSELS: Thank you, Nancy and we appreciate you all staying with us and joining us today.

We're going to be talking about service animals. And it's an area that many hotels are very concerned about. And we get lots of questions about what a service animal is, what can I do and not do when talking to the handler of a service animal. And we hope today we'll clarify some of these issues for you.

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The first slide talks about reasonable modifications. This quote: “Generally a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability.” It's part of the Department of Justice regulations for Title III in the public accommodations portion of the Americans with Disabilities Act. A public accommodation, according to the ADA regulations are hotels, restaurants, gift shops, gas stations, doctors offices, fitness centers, essentially anywhere that the public would go to purchase a goods or service. It's considered a place of public accommodation within the ADA regulations.

So clearly hotels are part of that grouping.

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The ADA was designed to level the playing field for people with disabilities. It was designed to provide an equal opportunity for all individuals to be able to participate in the same activities and purchasing and other experiences that anyone else would. So clearly in a hotel, there are lots of new regulations that talk about the ways that people make reservations both online and through calling in, reserving the use of fitness areas, the pools. A variety of things were designed to level the playing field to allow people with disabilities to be a guest in your hotel and to be able to participate in all of the different services and activities you have to offer.

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One of the tenets of the ADA is to talk about full integration. That means that we don't isolate people with disabilities, putting them in a special area or only on the first floor of the hotel or there's a special accessible section in the restaurant. The idea of the ADA is to provide full integration, so that people with disabilities and their service animals are allowed to go anywhere in the hotel that any other guest would be able to use.

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Surcharges: we get lots and lots of questions about surcharges. You are not allowed to charge an extra fee for an individual who has a service animal, even if you do so for pets. You may have a specific policy that ‘yes, we'll accept your pet. And we will charge you $25 as a deposit. And upon checkout, if there was no damage done by the pet, we will return your $25.’That's a totally acceptable procedure to use for pets. But service animals, as we'll be discussing today, are not pets. And so you are not allowed to charge that surcharge, that you do for pets, for service animals. They are not a pet. They are a working animal. They are there because they are assisting your guest who has a disability.

Now, if you normally charge guests for damages that are done by a pet, you can do so for damages that are done by a service animal. But only do you apply that charge for -- if you apply a charge to a pet, can you do so for a service animal.

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Okay. We're using the term service animal. What does that term really mean?

Under the new regulations, a service animal now is a dog -- emphasize on dog -- that is individually trained to perform specific tasks that would benefit a person with a disability. And we have a wide variety of disabilities that now take advantage of the use of a service dog. And those are people with physical disabilities, with mobility disabilities, people who are using walkers or wheelchairs. People that may have a sensory disability such as someone who is blind or low vision, someone who is deaf or has a hearing loss, people with psychiatric disabilities, people with intellectual the disabilities and other types of mental disabilities. All now use service animals.

So we've gone way beyond the traditional sense that most of us grew up with, which is the seeing eye dog for somebody who is blind or has a visual disability. Now there's many more trained uses for a service animal.

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Because of the new regulations, you're not going to be seeing things like monkeys and ferrets and snakes as the title here, “Monkeys, Ferrets and Snakes, oh my!” indicates. We are now looking at only dogs as a service animal.

Any wild domestic trained or untrained animal is not covered under the Americans with Disabilities Act.

In the past there were people who said they had service monkeys. And you know of some folks where they have had monkeys that have assisted them and gotten them drinks out of the refrigerator. They are allowed to have those monkeys and any of these other animals in their own home but they cannot take these animals out in public as -- and into a place of accommodation like your hotel as a service animal.

If you allow these animals and you have a pet policy and they are covered under your pet policy, you can certainly allow them as a pet but you do not have to consider them as a service animal for now on out, the service animal is only a dog. But we do have an exception as with any regulation seems.

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There are miniature horses that are now considered to be, in certain circumstances, a service animal. And so you must allow an individual with a disability to use a miniature horse that has been individually trained to do a specific task to assist a person with a disability. And what do we mean by that? What is -- what is a service horse? What is a service miniature horse?

People say ‘I can't have horses in my hotel. They are way too big.’ Well, first of all, a miniature horse is about the same size as a very large dog. And they weigh about the same size as a large dog.

The benefits to having a miniature horse are several. For one thing, they are very sturdy. Their backs are broad. They are very sturdy solid animals and they are great for many people with mobility disabilities, walking disabilities that can use the horse for stability. And horses have been trained to retrieve things on the floor and other things for individuals with disabilities.

A miniature horse is also hyper allergenic and so there's less concerns for people who have allergies.

Also their life span is usually twice or more of the life span of a working service dog. So there are real benefits for people using miniature horses.

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Service dogs must be allowed in virtually all areas of the hotel where public go. You can look at certain restrictions for miniature horses.

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You need to look at the type and the size and the weight of the miniature horse and whether the facility can really accommodate the structure of this miniature horse. And we do it on a case-by-case basis. And there may be some legitimate safety requirements. One example might be the gift shop in your hotel. It may be - even though it conforms to ADA requirements and the right width of the aisles - it may be that a service miniature horse is just not going to be able to make the turns and be able to safely negotiate the gift shop and there will be situations where you're going to realize maybe a miniature horse is not going to be able to be able to go to every single place that a dog might be able to go to as a service animal and again you'll make those decisions on a case-by-case basis.

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We've talked about service animals now we're going to look at what do they actually do?

Service dogs or miniature horses must be trained to do something very specific for a person with a disability that is related to their disability.

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Some of the examples are as we talked about providing physical support for balance and stability for people who have mobility disabilities. So there's lots of disabilities. There may be somebody with Parkinson's. There may be somebody after having a stroke that has an unsteady walk. There may be people with many other kinds of mobility disabilities that need some additional assistance and able to walk independently and many of them may be able to use a large dog or a service miniature horse to provide that assistance.

We're all very familiar with seeing eye dogs quote-unquote that have been used for many, many years for people who are blind or low vision. And that's traditionally what people think about when they think of service animals. And now we're greatly expanding the use of service animals.

We're going to be looking at for somebody that a service animal may help protect them from large groups where they may need to be isolated and the service animal may get in front of that individual and give them some protection from a large group or crowd.

Many people who use wheelchairs - use manual wheelchairs - will find that they can get a large sturdy dog and the dog will actually pull the wheelchair for them so that they are not having to push for long distances. And those dogs also then provide other services. Some have been trained to open doors and retrieve documents on the floor and the clicker for the television, all kinds of things.

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A service animal also can assist somebody who is deaf or who has hard-of-hearing issues. It will alert them to sounds, ambulances, baby crying, doorbell, all kinds of sounds that this person is not going to be aware of and be able to assist them in being able to assist them to live independently and function within the community.

There are dogs that have been trained to assist people with psychiatric disabilities or neurological disabilities. There may be somebody that experiences severe anxiety when they are out in public and a service animal sometimes is trained when they notice the person starting to exhibit anxiety behaviors will actually get up on that person's lap and apply pressure to their chest to calm them down.

The dog may be able to maneuver them to a safe corner. They encourage them to sit down and isolate them.

They may be able to lick that person's face or nudge them to divert their behaviors.

There are also seizure alert dogs, which I find really exciting. So for somebody with epilepsy, there are dogs who have the innate ability to recognize when a seizure is coming on. And then are trained to be able to alert their person by various ways, licking, nudging, doing some sort of behavior to alert them that they are at risk of having a seizure. And that then allows the person to sit down and get themselves in a safe place in order if they do have a seizure they will be safely protected.

Also, diabetes. There are now service dogs that actually smell the beginning of a problem with diabetes. There's certain smells that are put out by an individual called ketones. And the dogs actually recognize that smell far before the person does and will then be trained to give them -- give the handler a signal and this person will know they need to administer candy or some other type of insulin immediately to be able to forestall a diabetic concern.

So as you can see service dogs are no longer just for folks who are blind or those with vision disabilities but with many other types of disabilities.

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Service dogs or miniature horses must be trained to perform a specific task. And we just described some of what those tasks are.

You often find though and I think many of us do who have animals, who have pets, that -- we feel that our pet provides us a tremendous amount of support. They provide us companionship. They keep us calm and relaxed maybe. Lots of different things that a service animal does, but a service animal is then trained to act on that behavior.

If you just have an animal that is there because they are there, and you feel better with it, it is not a service animal because there's no action that they are doing. They must be trained to do an action in order to be considered a service animal.

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For example, Marge has a psychiatric disability and her dog Bumper can tell when she's starting to get very anxious and Bumper will then be -- who is trained to respond to her will move her away from where she is and get her in a more isolated area which will allow her to calm down and not be as anxious. So Bumper has been trained to make sure that Marge is in an isolated area and be able to assist her in relieving her anxiety.

Now, Aaron has a pet dog. He's got a psychiatric disability, as well. His dog Floppy is a really great dog very good natured and sometimes he can even tell when Aaron is going to be having an anxiety concern. But Floppy isn't trained to do anything. Floppy is just there. So Floppy is not a service animal. Floppy is a pet, and as such is not covered under the Americans with Disabilities Act.

And if you have a no pets policy, you would not have to accept Floppy as a service animal in your hotel.

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Now, the question we often get is: How can I tell? What can I ask if this is a service animal?

There are two questions that are authorized by the Department of Justice that you can ask, two formal questions. The first question that I encourage folks to ask when they see an animal at the front desk and it doesn't seem to be a service animal, not obvious, if you have a no pets policy, I would explain to the person: We do not accept pets in this hotel and then the person will then have to say ‘oh well this is my pet’ or ‘no this is my service animal.’ If they tell you it's their service animal then the two questions you're allowed to ask by the Department of Justice is: Is this animal needed because of a disability? And the person can say yes or no. More than likely they will say yes. You stop there. You don't ask what that disability is. If they say yes, that ends that question. The second question is: What work or tasks has the animal been trained to do? And this then gives the opportunity to be able to say to you: The animal provides me stability or he retrieves things for me or she provides me support because of my disability. Any number of things. But they do not have to relate what their disability is to you. Just the specific task that the animal is trained to do.

Now, they may tell you: I have a seizure disorder and Muffy alerts me when I'm about to have a seizure, but they do not have to tell you their disability and nor can you ask.

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f it's an apparent task that the animal is doing such as pulling a wheelchair, then you should not ask. Because it's very obvious for some folks with vision disabilities it can be very obvious that the animal is because of their disability. But many of the disabilities we just talked about are hidden disabilities and those hidden disabilities are ones you would never know, you wouldn’t know about somebody's seizure disorder or anxiety disability or psychiatric disability.

And because of that, you can ask those two specific questions. But then you must stop. You cannot ask any further questions.

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We get a lot of people who want to ask about documentation. Well, let me see your documentation for your training. If this animal has been trained then I want to see proof of that training. Or gosh you know you don't look disabled. I don't think that you have a disability. What kind of proof do you have that you actually have a disability?

You are actually forbidden from asking about that individual's disability or documentation for the animal's training.

Now, some people who have gone through a formalized program may be willing to show you. They may have their documentation. They may be able to say that Fido went through 20 weeks of obedience school and training for service animals. And that's fine if they want to share that with you, they can. But they are not required to show you any documentation at all.

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As I just said, you're allowed to -- they can choose to tell you their disability. But you cannot ask for it.

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Now, what can you expect from a service animal or a miniature horse?

First of all, they must be housebroken. So we get a fear of like ‘wow we're going to have to be cleaning up after a dog.’ And that's really not our job. No. It's not your job.

That service dog if he's a well trained service dog will only relieve themselves on command. And they are not to be running around the hotel and providing problems.

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They also must be tethered or controlled. A service animal must have a harness - you'll see that often with somebody who has a vision disability. A leash or a tether of some sort. Unless because of the disability the person would be unable to use a leash or the leash would interfere with that animal's work. And an example of that might be somebody who is a quadriplegic and doesn't have the hand strength to be able to control a leash that needs that service animal to retrieve things and assist them, then that animal, if it's not tethered is expected to be well controlled by voice commands or hand signals.

So there are certain circumstances where it would be acceptable not to be tethered in some way or have a harness or a leash. But most service animals will be in some way under the physical control of their handlers and/or then by voice or hand signals.

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Now, we know that a lot of service dogs wear very readily seen vests or they will have backpacks or they will have a kerchief that says service animal - something that identifies them as a working animal - and many of them you see say ‘please do not pet me I am working’ to warn people that they are not to be interacting with a service animal. And that's a sense of etiquette that's important to know about is that when a service animal is on property, they are working. And they are not a pet. And so you and your employees should not try and engage that animal in activities, petting, distracting that animal in any way. That animal is working. And as such, the handler is depending on that animal to be their maybe eyes or ears or assist them. And if you're trying to distract them by getting their attention or wanting to pet them, and some of them are very lovely animals who really want to be petted. But they are working animals and we need to ignore them and their overtures for wanting to play with you or be friendly with you unless their handler has identified such.

But as you can see from these pictures, many times you'll see an animal wearing something that identifies them. But it is not required to have any identification on them. Remember, they don't have to have certificates; they don't have to have any documentation. And that documentation goes to the extent of what they wear or how they look.

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If you have an animal that is not housebroken or is not under control, you can ask that individual handler to remove the service dog or the miniature horse from your property. So that means if the animal is running around out of control or growling or barking or snapping at guests or at staff and the handler won't control them or for whatever reason can't control them, you can ask that that animal be excluded.

We had a situation recently where there was a service animal that was going around begging at a restaurant and it was going up to all of the other diners and begging for food. And the owner refused to curb that behavior and was eventually asked to leave the restaurant. Well you can ask that person to leave the restaurant but they can come back in without their service animal. It's the service animal you're excluding and not the individual with a disability.

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One of the things we hear a lot about is well, you know, a lot of people are really frightened of dogs and maybe a service miniature horse. Or they have allergies. And because of that, we're going to eliminate any service animals from our property because we have, let's say an employee that is allergic to dogs. And so we have a no pets policy so they don't have to worry about having dogs come in. You cannot exclude a service animal, even if there is an allergic reaction concern and/or fear of a dog. You need to work it out.

Let's say you have a housekeeper that is allergic to a service dog, a certain type of service dog, definitely dander creates a problem for them. Figure that out. You'll know what room that service animal is in and that area that the service animal will be frequenting. Then accommodate the service animal by changing that housekeeper to a different area or different floor or excluding that room so that the policies or procedures that you have in place don't affect the guest with the service animal that you change your operating procedures to ensure that the service animal and/or handler are able to participate in all of the goods and services that you have to offer. Again we talked about excluding animals, not people.

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The person can participate in all the service and activities even if their animal misbehaves because you exclude the animal. They can give the animal to someone else to take care of and come back in and participate in the conference let's say or can put the dog in a kennel while they are staying in the hotel if the animal is misbehaving but you don't exclude the guest with a disability. Only the animal.

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The care and supervision of the service animal is strictly the responsibility of the guest with the disability. Your hotel staff does not have to feed or water or walk service animals. The only exception would be if you have a very aggressive, pet friendly property and you provide these services and I've seen hotels that have special menus for dogs, they have room service for dogs, they will employ dog walkers. So if you have that type of service, then absolutely that would again apply to people with service animals. But in a standard property where you have none of those services, it is not your responsibility to care for that service animal. It is that handler's responsibility.

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Now, as you know, most service dogs and service miniature horses are going to need to relieve themselves. And although it's not required to have a relief area, clearly the animal is going to find some grassy area.

So as a part of good customer service, it is important for you to be able to have your front desk staff know where there's grassy area on property or where the nearest grassy area is, a local park, a local public area somewhere, where the handler can take their service animal to are relieve themselves.

Again, not required. But certainly good customer service.

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Now, there is a part of the law that talks about fundamental alteration. It says that you don't have to change a policy that would fundamentally alter the nature of your business.

So we've already said the service animals can go anywhere a guest can go. And that includes the pool area. But a fundamental alteration would be to allow the service animal to swim in the water with their handler with a disability.

The dog would be allowed to be on the pool deck and to be able to assist the person in and out of the pool but the dog is not going to go in the pool. That would be a fundamental alteration because if you then had to drain the pool because the dog had been in it, that is fundamentally alters the use of the pool.

So there are certain circumstances where you would not have to change your practices or procedures.

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Now what about state or local laws? You know you not only have to comply with the ADA which is a Federal law, but there may be a state law or local law that dictates what a service animal is. And you must comply with all of those. But how do you decide?

If the state or local law is better for people with disabilities, it will override that part of the law. Or if the ADA is better for people with disabilities than the state or local law, the ADA would override it.

And I'll give you an example. We've already said that the ADA does not cover any animal other than a dog and, in certain instances, a miniature horse.

A town in California had a woman who had a severe neurological issue with her back and neck. And she had pet rats. And she found that when the rats were up on her shoulder, they were able to indicate to her -- she trained them actually to nuzzle her when they noticed that her back was cramping up. And so they would nudge her neck and tell her that her back was tensing up and that allowed her to take medication to relieve this tension that was a severe neurological disability that she had. And allowed her to prevent some severe complications in her back, much sooner than she noticed it.

So she trained these service rats and they have little harnesses and she had several in a cage on her wheelchair and she let them off, they are on little tethers and they sit on her shoulder and they alert her when her muscles are getting tight.

The town passed an ordinance that said that her service rats would be considered service animals under the state -- under the town code and it was passed and approved by the town.

So in that town and in that town only she could go anywhere someone with a service animal could go anywhere she went the service rats were able to go but only in that town because that law provided more flexibility for her as a person with a disability. But she could not go to the next town and be able to use her service rat.

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I am sure that you probably have questions about many of the things we just talked about. And we have allowed ample amount of time to be able to discuss some of those.

So both Nancy and I will be happy to answer any questions you have.

So Nancy, do we have any questions that have been submitted to date.

>> NANCY HORTON: Yes we do. We do have some questions and just by quick reminder, use your chat panel to submit questions. The first question, if you ask that first question is this animal needed because of a disability, what if the guest says no? Where do we go from there? ,

>> MARIAN VESSELS: Then that is pretty clear-cut. If that person is saying that they don't have a disability, then that animal is no longer a service animal, because they have no disability. And so then whether or not you accept pets on your property is your decision.

The ADA does not interfere with your ability to determine whether you have a pet free hotel or accept pets. That's your decision, that's a business decision. But the ADA says if it's a service animal and the person has a disability then it's no longer a pet and you must accept it whether or not you have a pet free zone or not.

But that makes it very easy for you, that that person is not covered as a service animal section of the ADA.

>> NANCY HORTON: Great, thank you, Marian.

We have another question: What about a person who brings in an animal and they say they are in the process of training the animal to be a service animal?.

>> MARIAN VESSELS: Well that's a great question. The ADA does not cover animals in training. But many states have passed a state ordinance or a state law that says that they cover animals in training. And if you think about it, it kind of makes sense for the states to do that, because you want people to have an animal that's been trained in public, and is comfortable with crowds and being able to maneuver in and out of buildings and settings other than just their home. But the ADA does not cover animals in training.

So if your state has such a law and, that's something that you'll have to check on. Or your county does or your jurisdiction does, then you would allow that.

It is also then at your discretion. If they say that it's the an animal in training, that is your call whether you choose to accept it or not if your state doesn't have a specific law or your jurisdiction doesn't have a specific law that mandates it being allowed as a service animal. It is then your call to accept or not accept that animal as a service animal. And given the same rights as a service animal.

>> NANCY HORTON: Thank you. We have a couple of questions that are somewhat similar so I'm going to just kind of combine and paraphrase here. But a couple of folks have said things to the effect of if we can't ask for it documentation and we can't require any kind of proof and they are not wearing a vest, how are we supposed to know if someone is really honest or if someone is just lying; is there anything we can do about people who may not be honest?.

>> MARIAN VESSELS: Well that's a great question and we get that it -- we get asked that a lot and unfortunately the answer is no. You can ask those two questions. If they answer the questions in the affirmative that it's needed and they have been trained to do a specific task, then you're done. Many times, though, when people are trying to pass their pet off as a service animal, their pet may not be all that well controlled. And if that's the case, then you can eliminate the animal based on behavior that you see exhibited. But you know, like with any law there's always ways around any law. And the ADA is no exception; so there may be people who will try and pass their pet off as a service animal. And if they answer those two questions correctly, even though you doubt it, you must accept that animal as a service animal, and you know it's unfortunate. Service animals are usually incredibly well trained, very well behaved. I always tease that I would, you know, rather have a service animal at the table next to me than most people’s kids because the service animals are under the table, they are very quiet, you never know they are there and that's usually not the case with most children. But you know someone's pet may not be as well behaved and if indeed the animal is out of control, then you can take steps to remove the service animal if indeed their behavior is not what is expected of a service animal.

>> NANCY HORTON: Thanks I know you touched on this a little bit already Marian, but we've got a couple of folks asking again questions about the issue of damage. And a service animal that causes actual damage. We can't charge a fee, we understand we can't charge a fee or a pet fee but if the animal actually causes damage, what can we do about that? So maybe you can elaborate on that issue a little bit.

>> MARIAN VESSELS: Certainly. If the animal causes damage and you charge other pet owners or if you have no pet policy but the animal you know chews through a table leg, you can absolutely charge the handler, the person with a disability, a damage fee for that damage just as you would any other guest who damaged furniture. If you indeed do so.

If you don't, you just take this as part of the business and some things are going to get broken, then you have to be equitable across the board. But if you charge damages to hotel property by a guest, you can certainly do so with a service animal, as long as you're equitable in that policy or procedure. Ideally, you know, again service animals are usually very well behaved, very well trained. And you're probably not going to experience a lot of problems by a service animal, you might as a pet might who may not be as well trained or as well behaved but traditionally service animals don't. So we want to make sure that people understand that the fear of that happening may be greater than the actual potential of a service animal destroying property.

>> NANCY HORTON: Thanks, I hope that helped clarify a little bit for folks. And maybe on a somewhat related note we have a specific question about if a service animal is not clean or doesn't smell good, smells bad, in that kind of a circumstance could we ask that the animal be removed?.

>> MARIAN VESSELS: Wow. That's a great question. Traditionally service animals are required and as part of their role are very clean I don't know that unless the animal was particularly offensive and you know very dirty, I don't know that you would have the grounds really to ask that that animal be removed but you might want to talk with the person to say if there's some way to make sure they can clean the animal up before the animal is out in public in the hotel space.

Nancy, do you have other thoughts about that?

>> NANCY HORTON: I guess just to say I would agree with you. I suppose that if it were really extreme, it could possibly implicate a couple of potential issues, one being maybe damage, if the dog had fleas or something and then you had to do something about that. That might be an issue of damage that you could charge the person for potentially or if it was so extreme that it might actually rise to the level of a fundamental alteration. If it was so bad that nobody could be around the animal and it was being driven out of the lobby or restaurant or something but I think that probably would be a pretty rare circumstance.

>> MARIAN VESSELS: Okay. I hope that answers the question. I hope that an on the whole an unkempt dog wouldn’t rise to the level that it would need to be excluded..

>> NANCY HORTON: We have another question. Give me just a second here to read this. If -- I hope I'm understanding this question but we'll see how far we get with it.

If the person does not have a disability but the dog is a service animal, do you still need to allow the dog in the hotel? The example is it sounds like someone else is taking care of a service animal on behalf of the individual with a disability in some kind of a temporary situation. So the animal is a service animal but not working for the individual with a disability do you have to allow that animal in your hotel?

>> MARIAN VESSELS: Wow, what an interesting question. The service animal role is designed to assist a person with a disability. The service animal is there as part of the package to assist the person with a disability in doing activities to allow them to be independent and to be able to function as effectively as possible as a guest in your hotel. So you really kind of look at them as a package. You know a person with a disability. But you really can't just have an independent service animal that would be required to be treated as such under the ADA.

Now, there are obviously circumstances I've heard of you know someone who had a service animal and was taken to the hospital and was in ICU and because of the nature of their disability, they did not want the animal in the ICU because it was a contamination issue they were really concerned about so, they asked if it was okay if the service animal would be taken off property. So someone came and took the service animal and went to a hotel and stayed because they were not in their hometown.

So I can see there -- and we've had some circumstances just like that. And then it's your discretion. You know the person obviously has been very forthcoming saying I don't have a disability I'm taking care of this animal, he's not mine, he's for a friend whose got a disability; that's your discretion. But the ADA would not say that you must take this service animal because the service animal only functions on behalf of the person with a disability and they really are the package so it would really be your discretion to accept that service animal and their current handler as a team in your hotel.

And again, the risk for you or -- are probably pretty minimal because the person is to be taking care of the animal there's probably not going to be a lot of other kind of concerns that you would have and it would be a goodwill gesture that I'm sure a lot of people would then say well gee I went to this hotel I had John's dog with me because there was a circumstance we had to do it they were so gracious about it even though they didn't have to, you know they allowed me to take John's dog in with me. So from a customer service perspective that might be a good strategy but you're certainly not mandated under the law.

>> NANCY HORTON: Great, thank you. Another question is could a person with a disability have more than one service animal?

>> MARIAN VESSELS: Wow ya'll have some great questions. And there is a possibility of someone having two service animals that would have two separate distinct functions. And an example I could share would be somebody with a mobility disability that has an animal that helps them pull their wheelchair but they also happen to have a seizure disorder. And so they have an animal who helps them pull the wheelchair and retrieve things for them that open doors and lots of things that they may have trouble doing independently. And then they have this seizure disorder and so a lot of times these seizure disorder dogs are much smaller dogs and could not do the same function of retrieving heavier items and they are on their laps because they need to be close to the person's chest to be able to determine when that seizure may be coming on. And so that would be an example of two specific dogs with two very specific trained activities needing to be done for two very separate disabilities and that one guest.

It's not very common. But there have been situations where - and the person should be able to tell you, I've got this animal on my lap helping me control a disability and it could be say a seizure and this larger dog then helps me pull my wheelchair. But you would not have to accept two you know -- a blind person having two dogs and both are to assist their visual disability. Traditionally only one dog functions in that capacity.

>> NANCY HORTON: Thanks, Marian. We have a couple of questions that are similar where folks would kind of like you to revisit a little bit the issue of emotional support animals. Or guests coming in with dogs and when the two questions are asked, the guest says well the dog helps me with my anxiety. But without being very specific about the task or how the dog really does that or saying well this is my emotional support dog.

So maybe you could kind of revisit and expand on that issue a little bit.

>> MARIAN VESSELS: Certainly. Now remember we go back to those two questions: do you have the disability and the person can say yes they don't have to tell you they have an anxiety disorder but clearly this person indicated that they did have an anxiety disorder.

The second question, though, gets really to the needs. And what is it that that animal is trained to do? And if they can't say that when I start having you know when I have the potential for a seizure or whatever this animal isolates me, protects me, moves me to a different area, does some sort of active process, then that animal is considered a comfort animal or a support animal or an emotional support animal or any other type of term. And that animal is not considered a service animal because that two - part definition is it must be for a disability and that animal must be trained to do something very specific. And again as we talked about, you know the animal just being there, Floppy who is the pet of an individual with a psychiatric disability, he feels better when Floppy is around him. He's calmer but because Floppy doesn't do anything proactively to support and change the behavior and modify it in some way or assist the individual in some way very actively, Floppy is not a service animal. And as such would not be covered under the ADA. And so you could exclude Floppy from the hotel as a guest with a disability because Floppy is not a service animal.

>> NANCY HORTON: Thanks I hope that helped folks to clarify that a little bit. We have another question about dogs. Are there certain breeds of dogs that do not have to be accepted as service animals?

>> MARIAN VESSELS: Good question. That in certain jurisdictions I know in the state of Maryland right now, that there is some controversy about having a pitbull as a service animal because in the housing situation not -- certainly not in a hotel but in the housing situation pitbulls would be considered dangerous but in the common settings there is no dog that is excluded from being a service animal. Even pitbulls who some people feel can be dangerous, if they are trained as a service animal, they can be in a very effective service animal. Again we're looking at two questions. Does the person have a disability? And what service has the animal been trained to do?

So even something as controversial as a pitbull can be trained because many pitbulls are very docile based on their training. And so you cannot assume by virtue of the breed of the dog that the dog is not going to be a service animal. It depends on the disability and what that animal is trained to do. So if the person has a disability they don't have to tell you what it is but to -- they have to tell you what that animal is trained to do without disclosing their disability if they choose to.

>> NANCY HORTON: Great, thank you. We have another question. I understand that we can't ask for documentation or a certificate about the animals training but our hotel does accept pets but we require proof of current rabies vaccination. Can we require that for a service dog?

>> MARIAN VESSELS: Wow, another great question.

No, you can't. Again that is a form of documentation. And the Department of Justice has very specifically stated that you cannot require any form of documentation, including rabies documentation.

So even though you require that of your pets, you cannot ask that of a person with a disability’s service animal.

>> NANCY HORTON: Great, thanks. We're getting a lot of good questions here are today.

Here is another question: Can I make it a rule that service animals are not allowed to sleep in the beds in the hotel?

>> MARIAN VESSELS: Again, there's no -- you know there's no -- you must allow a service animal to go anywhere that the guest with a disability is allowed to go. And the guest with a disability goes in the bed. And many people again - people with seizure disorders - their dogs sleep with them in order to alert them to potential seizures while they're sleeping so it would be illegal for you to say ‘we can't the dog can go anywhere but in the bed with you.’ That dog has the right to go anywhere that the guest with a disability does.

>> NANCY HORTON: Great, thanks. We have another question about service animals in dining areas. Can a service animal be in the breakfast bar area or a restaurant?

>> MARIAN VESSELS: Oh that's a wonderful the question. We get that a lot. A lot of people feel that you know dogs may be unsanitary and so they shouldn't be near the buffet area or in a restaurant.

And that is absolutely not the case. And there have been any number of cases that the Department of Justice has brought in restaurants and in dining areas within hotels that where the owner or the manager has restricted a service animal because they say it's not -- you know it's not sanitary or it's not acceptable to them to have a dog in the dining area. And again, the premise is anywhere that the guest with a disability goes, that service animal goes. Now you're obviously not going to have a service animal retrieving food off of the breakfast buffet. That would be a fundamental alteration.

But having the dog in the dining room or in the area where food is served is certainly mandated under the ADA because that's where a guest with a disability is. And they are entitled to have their service animal with them at all times.

>> NANCY HORTON: Thanks. We have a question about -- from somebody who needs to revisit the issue of state or local laws just to make it clear they are saying I understand there are some state laws that recognize animals other than dogs or miniature horses. Is that in correct? Is that allowed? Or are we really talking about something separate here? So if we could maybe revisit that issue a little bit to clarify..

>> MARIAN VESSELS: Certainly. The guidance we have here is if whatever law we're looking at provides more coverage for a person with a disability, more benefits to a person with a disability than the ADA, that law would trump. So the ADA is always going to be the basement. You cannot accept anything lower. ADA is always going to be the bottom line. It's going to be the minimum that happens.

But if a state law says that we feel that cats can be qualified as a service animal in our state, then that law would supersede the ADA because it gives persons with disabilities another animal that would be covered as a service animal and provide support.

So it expands the ability of people with disabilities to be out in public with their service cat in that state. But only in that state or only in that county or only in that jurisdiction like I talked about the town with the woman with the trained rats. Once they leave that jurisdiction, the ADA then comes into play. So we're going to look at what provides the most benefit to a person with a disability. And that's the law that we're going to apply. But remember, the ADA is always the bottom line. If a state law says we're going to restrict the breeds for a person with a disability, the ADA would trump that because the ADA says there's only two standards is the person with a disability and is the animal trained.

>> NANCY HORTON: Great, thank you. I think we have time for one maybe two more questions we are coming up on the bottom of the hour here but we have a question about the two questions that we can ask people when they bring animals in. Are the two allowed questions actually listed in the law or the regulations? We've had guests who come in and when they are questioned, they basically refuse to answer. And say it's a service animal. That's all you need to know. You can't ask me anything else. So are these two questions, are they actually specified somewhere that we can look up and point to?

>> MARIAN VESSELS: Oh that's a great question. And let me proceed a little bit with the slide show to show you.

**Slide #38**

**Slide #39**

We've got resources that talk about service animals. The California Hotel and Lodging Association has a great video called “We Welcome Service Animals.” And there's the link is on the PowerPoint. It is a great video. You do need to know that it was done many years ago. And so it has a much more expanded definition of service animals; you need to remember it's only dogs but that would be a great resource for training staff with that caveat.

**Slide #40**

And then the Department of Justice has a specific brief on service animals. It's posted on their web site which is www.ADA.gov and you can download that and have it at your front desk to be able -- if you felt like you needed it or be able to if it's needed print it out and be able to show the individual ‘yes these are two mandated questions that the Department of Justice has authorized us to ask about a service animal.’

And also the ADA National Network is what we at the ADA Center here in the Mid-Atlantic region are part of. We are one of ten centers around the country that provides information, guidance and training on the ADA. We have a web site dedicated specifically to the hospitality industry. It's ADAhospitality.org and you can call this 800 number, 1-800-949-4232 voice and TTY and we would be happy to answer any of your questions that may not have gotten answered today about service animals but anything that involves the ADA, whether it's how wide the bathroom stall needs to be or the grab bars, employment questions as well as hotel specific questions. So we really encourage you to reach out to us. And get in touch with us. We are regional so that when you call that 8 00 number, it will make -- link you up with the ADA Center in your region of the country. And they can provide you even more targeted regional specific state specific resources if necessary.

Our calls are free and they are confidential. And we offer lots of training and resources on ADA hospitality.

>> NANCY HORTON: Thank you so much, Marian. We are coming up on the bottom of the hour so I think we are going to have to wrap up today's session but we really want to thank Marian for sharing her time and expertise with us. We had a lot of great questions, a lot of great discussion today. We didn't get to all the questions. So again as Marian said, contact your regional center and I'm sure they will be able to respond to those additional questions.

Just by way of reminder, there will be the transcript and the recording of today's session in the archive at ADAhospitality.org within a few days so look for that. And you should also look for an e-mail to follow a link to an online survey help us evaluate today's session and improve our future sessions so again we really, really appreciate everyone taking the time to be with us today. And we hope that the session was beneficial and that you enjoy the rest of your day, thank you.