

	<b>CITY OF PALM DESERT ADMINISTRATIVE PROCEDURES</b>	
	<i>Subject</i>	<b>Service Animals</b>
	<i>Policy No.</i>	<b>ADA-002</b>
	<i>Date Issued:</i>	<b>August 22, 2024</b>
	<i>Approved by</i>	<b>Resolution 2024-____</b>
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## Introduction

In compliance with the Americans with Disabilities Act (ADA), the City of Palm Desert (City) will not discriminate against qualified individuals with disabilities on the basis of disability in its programs, services, and activities, which includes the use of service animals.

## Defining Service Animals

- A. According to Title II and Title III of the ADA, as defined by the U.S. Department of Justice, service animals are dogs that are individually trained to do work or perform tasks for people with disabilities.
- B. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post-Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other specific duties.
- C. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.
- D. This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

## Allowance

Under the ADA, state and local governments, businesses, and nonprofit organizations that serve the public must generally allow service animals to accompany people with disabilities in all areas of the facility where the public is permitted.

For example, in a hospital, it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms, unless the animal poses a safety issue. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

## **Policy for Use of Service Animals**

The City, in accordance with the ADA, requires that service animals be under the control of their handlers at all times. Staff and employees are not responsible for the care or supervision of an individual's service animal. The animal must be harnessed, leashed, or tethered unless the individual's disability prevents the use of these devices or if they interfere with the service animal's safe and effective performance of tasks. In such cases, the individual must maintain control of the animal through voice, signal, or other effective means.

### **Guidelines**

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) Is the dog a service animal required because of a disability? and (2) What work or task has the dog been trained to perform? Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

- A. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility (e.g., in an emergency evacuation or homeless shelter), they should both be accommodated by being assigned, if possible, to different locations within the room or different rooms in the facility.
- B. A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control, and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- C. City establishments that sell or prepare food must generally allow service animals in public areas, even if state or local health codes prohibit animals on the premises.
- D. People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a City program requires a deposit or fee to be paid by patrons with pets, the City must waive the charge for service animals.

### **Miniature Horses**

In addition to the provisions about service dogs, ADA regulations have a separate provision about miniature horses that have been individually trained to perform work or tasks for people with disabilities. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and typically weigh between 70 and 100 pounds. Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations outline four assessment factors to help entities determine whether miniature horses can be accommodated in their facility. The assessment factors are: (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the handler's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.