

GENERAL RULES:

- Under the ADA, service animals must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices.
- The handler is responsible for supervising and caring for the service animal, which includes toileting, feeding, grooming and veterinary care.
- The ADA does not require service animals to wear a vest, ID tags or a specific harness.
- Hotels are not allowed to charge additional money for hair or dander shed by a service dog.
- When applying for a new job, an employer may ask for documentation stating how your support animal will help you perform your job requirements.



Office locations:

3916 Juan Tabo Blvd NE
Albuquerque, NM 87111

Phone: (505) 256-3100

Fax: (505) 256-3184

Statewide Toll-free: 1-800-432-4682

133 Wyatt Drive, Suite 11

Las Cruces, NM 88005

Phone: (575) 541-1305 or

(575) 647-9027

Fax: (575) 647-9056

Website: www.drn.org

Email: info@drnm.org



Disability Rights New Mexico

Service Animals: A Pocket Guide



WHAT IS A SERVICE ANIMAL?

The Americans with Disabilities Act (ADA) defines a service animal as a dog that has been individually trained to perform tasks for individuals with disabilities. In New Mexico, miniature horses may also be used as service animals. In both cases, the job of the dog or miniature horse must be directly related to the person's disability.

Example: A person with Epilepsy may have a dog trained to detect the onset of a seizure and then help the person remain safe during the seizure.



"Emotional support animal", "comfort animal" or "therapy animal" are animals selected to accompany an individual with a disability that does not work or perform tasks for the benefit of the individual and does not accompany the individual at all times.

Example: comfort animals may help relieve anxiety.

CIVIL RIGHTS FOR INDIVIDUALS WITH SERVICE ANIMALS

Titles II and III of the ADA make it clear that service animals must be allowed to accompany their handlers in any place in the building or facility where members of the public, program participants, customers or clients are allowed. Even if the business has a "No Pets" policy, it may not deny entry to a person with a service animal.

When a person with a service animal enters a public facility or place of public accommodation, the person cannot be asked about the nature of extent or his or her disability. Only two questions may be asked:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

While emotional support or comfort animals are often used as part of a medical treatment plan, they are not considered service animals.

HOUSING AND SERVICE ANIMALS

The Fair Housing Act (FHA) protects people with disabilities from discrimination in obtaining housing. Under this law, a landlord or homeowner's association must provide reasonable accommodations to people with disabilities so that they have an equal opportunity to enjoy and use a dwelling.

Emotional support animals do qualify as reasonable accommodations under the Federal Housing Authority. In cases when a person with a disability uses a service animal/emotional support animal, a reasonable accommodation may include waiving a no-pet rule or a pet deposit. The animal is not considered a pet.

A landlord or homeowner's association may not ask a housing applicant about the nature and extent of his or her disability. However, an individual with a disability who requests a reasonable accommodation may be asked to provide documentation so that the landlord/homeowner's association can properly review the request. They can ask a person to certify, in writing, (1) that the tenant or tenant's family member is a person with a disability; (2) the need for the animal to assist its handler; and (3) a statement that the animal actually helps with its handler's disability.