



**ASK SPIKE!**

### **Answers to Commonly Asked Questions**

## About Access Laws for Disabled Americans with Service Animals

What is a service animal?

**Spike Says:** The Americans with Disabilities Act (ADA) defines a “service animal” as any guide dog, signal dog or other animal individually trained to perform tasks for the benefit of 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. While most service animals are dogs, people sometimes train monkeys, cats and other small animals to perform these valuable services.

What do I do if a disabled person with a service animal comes to my establishment?

**Spike Says:** First, you should welcome them. Second, you must provide them access to all public areas where other customers are normally allowed. This includes, but is not limited to, hotel rooms, restaurants, swimming pools, exercise rooms, transportation and other public areas. Third, you should ask if they need any special assistance, and do your best to provide it.

If I have a clearly posted “no pets” policy, do I still have to allow service animals in my business?

**Spike Says:** Yes — because service animals are *not* pets. Service animals are specially trained to perform vital tasks that increase their disabled owners’ safety, mobility and independence. For this reason, health codes that prohibit pets in restaurants do not apply to service animals.

What if other guests object to the animal? What if they have allergies or religious objections?

**Spike Says:** First, explain to your guests that the law requires you to allow service animals in your business — because unlike “pets,” these animals perform vital tasks for their disabled owners. Second, explain that these animals are highly trained to behave properly in public, and are as clean and healthy as most people. Third, you can offer to move the objecting guest (NOT the disabled guest) to another part of your establishment, if he or she would be more comfortable.

How can I tell if an animal is really a service animal?

**Spike Says:** Often times a service animal will wear a special harness or vest — *but not always*. If you are unsure of whether an animal is a service animal, you may ask the disabled person what service the animal provides. However, you cannot require the person to show “proof” of the animal’s training or of his or her own disability.

Can I charge an additional fee for customers who bring a service animal into my hotel or restaurant?

**Spike Says:** No — guests cannot be charged an additional fee or cleaning deposit for bringing a service animal into your hotel or restaurant. However, like any other guest, the disabled persons can be charged for any damages caused by them or by their service animals.

What are the penalties for denying a disabled person and his or her service animal access to a place of business?

**Spike Says:** Denying access to a disabled person with a service animal is a serious violation of the Americans with Disabilities Act, and this can result in a business being liable for penalties of up to \$100,000 plus the disabled person’s attorneys’ fees. Denial of access to a disabled person with a service animal also violates the laws of virtually every state, which can lead to additional penalties and liability. In some states, such a violation is a crime that can result in monetary fines and imprisonment.

What if a service animal growls at or bites a customer?

**Spike Says:** If a service animal becomes aggressive or destructive, you have the right to ask that the service animal be removed from the premises. However, you should make it clear that the disabled guest is still welcome if they wish to stay without his or her service animal.

Am I required to provide special services to the service animal, such as food or water?

**Spike Says:** No — the law only requires that service animals and their owners are allowed access to any areas where customers are normally allowed. In fact, most disabled guests would prefer that you not feed or in any way distract their service animals. However, it is perfectly appropriate to ask disabled guests if they or their service animals have any special needs. The guests may ask you to point out a nearby patch of grass or blacktop area where they can relieve their animals, or they may ask to be seated at a table instead of a booth in a restaurant.

