

# Service and Assistance Animals

## Frequently Asked Questions



ADA PROGRAMS DIVISION

### 1. What is a service animal?

- Under the ADA, a service animal is defined as a dog that has been trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

The work or tasks must be directly related to the individual's disability. Crime deterrence, emotional support, or companionship does not constitute work or tasks under this definition.

Other species of animals, whether trained or untrained, are NOT service animals. However, a trained miniature horse may be allowed as a reasonable modification to the policy.

- Under the United States Department of Transportation (U.S. DOT), a service animal may be *any animal* trained to work or perform tasks for an individual with a disability and is applicable in transportation-related programs ONLY.

### 2. Where are service animals permitted within the City of Oakland?

- Service animals, as defined by the ADA, are allowed anywhere within the City of Oakland.

In general, service animals and those in training are permitted to accompany individuals with disabilities or their authorized trainer into City leased and owned buildings and facilities, and when participating in City programs, activities, and services, including those administered by third parties.

- Under U.S. DOT, service animals and those in training are permitted on transit, paratransit programs administered by the Oakland Human Services Department, and Oakland Department of Transportation (OakDOT) Mobility Programs.

### 3. Does a service animal need a tag or certification?

- The ADA does not require service animals to wear a vest, ID tag, or specific harness.

However, a service animal in training requires a tag issued by a municipal Animal Services agency.

- The owner must also make sure their service animal is current on vaccinations and maintain a current rabies tag or paperwork.
- City staff may ask two questions of the owner of a service animal:
  1. Is this a service animal?
  2. What task(s) has the animal been trained to perform?

If the owner declines to answer these two questions, then the animal may be removed from the site/venue. The owner may return without the animal.

### 4. What are the responsibilities of the service animal and its owner?

- A service animal must be on a leash or voice control if the disability prevents use of a leash. A service animal must be under the control of its owner at ALL times. Service animals must be focused on assisting the individual and not be disruptive or a threat to the public's health and safety.

### 5. What is an assistance animal?

- As defined by the federal Department of Housing and Urban Development (HUD), an assistance animal is either a service animal or an emotional support animal in housing-related situations ONLY.

### 6. What is an emotional support animal?

- As defined by HUD, an emotional support animal is any animal that provides emotional support to a person with a disability.
- Emotional support animals are not recognized or covered by the ADA.
- The housing provider may ask persons who are seeking a reasonable accommodation for an assistance animal that provides emotional support to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides emotional support that alleviates one or more of the identified symptoms or effects of an existing disability.

Such documentation is sufficient if it establishes that an individual has a disability and that the animal in question will provide some type of disability-related assistance or emotional support.

## 7. Where are assistance animals permitted within the City of Oakland?

- Assistance animals are allowed in all City of Oakland residential facilities and shelters.

For instance, assistance animals are permitted at City of Oakland housing facilities, such as the following:

- Henry J. Robinson Center (559 - 16th St.)
- The Holland (641 West Grand Ave.)
- Community Cabins (navigation centers)
- Malonga Casquelord Center for the Arts (1428 Alice St.)
  - Assistance animals are allowed in the apartments upstairs
  - ONLY service animals are allowed in public spaces such as theatres and classes

## 8. What are the responsibilities of specific City of Oakland agencies?

- The City Administrator through the ADA Programs Division is responsible for citywide enforcement of this policy throughout all City programs, activities, services, and in all the City's leased or owned buildings and facilities open to the public. The ADA Programs Division is responsible for investigating complaints, providing technical assistance and training support to Departmental Access Coordinators and other staff, contractors, and grantees in implementing this policy, and updating this policy as needed.
- Departmental Access Coordinators are responsible for understanding the application of this policy to their set of programs, activities, services, buildings, and facilities, including departmental contractors and grantees, and seeking technical assistance and training as needed for successful implementation.
- The Housing and Community Development Department is responsible for complying with its obligations under the Americans with Disabilities Act (ADA) and Fair Housing Amendments Act (FHAA) in the administration of its housing programs, including but not limited to Rent Board proceedings, housing developments, and other housing assistance programs.
- The Human Services Department is responsible for complying with its obligations under the ADA, FHAA, U.S. DOT, and Rehabilitation Act regulations in the administration of its transit and paratransit programs, shelter programs, and all other programs serving the public.
- The Oakland Department of Transportation is responsible for complying with its obligations under the ADA and Rehabilitation Act regulations in the administration of its Mobility programs, such as car share, and all other programs serving the public.

- The Oakland Zoo is responsible for updating and publishing its policies and practices for accommodating individuals with disabilities who are accompanied by their service animals at the Zoo, and licensed or otherwise authorized trainers accompanied by their service animals in training, and making reasonable modifications to its programs, activities, and services as needed.
- Oakland Animal Services is responsible for updating and publishing its policies and practices for accommodating volunteers and patrons with disabilities who are accompanied by their service animals, and licensed or otherwise authorized trainers accompanied by their service animals in training, at OAS facilities or events, and making reasonable modifications to its programs, activities, and services as needed. OAS also issues specific tags to authorized trainers for service animals in training.

**Have further questions?**

Contact ADA Programs Division at [adaprograms@oaklandca.gov](mailto:adaprograms@oaklandca.gov) or (510) 238-5219.