



HAWAII DISABILITY RIGHTS CENTER



HAWAII'S PROTECTION AND ADVOCACY SYSTEM FOR PEOPLE WITH DISABILITIES
HAWAII'S CLIENT ASSISTANCE PROGRAM

CAP



SERVICE DOGS & COMPANION ANIMALS

Service Animals Are a Civil Right

Civil rights laws protect people with disabilities. These anti-discrimination protections also cover your rights related to service dogs, and, to a lesser extent, companion animals.

- **Your Civil Right.** If you are a qualified individual with a disability, you have the right to use a Service Animal.
- **Legal Standards Will Vary.** Service animal definitions and policies will vary according to the law that applies in a particular setting. For example, the law that permits you to use a service dog in a public place is different from the law that permits companion animals in housing, or the law that allows a service animal in your place of employment.
- **Service Animal Training.** No federal or state standards exist for training or certifying service animals. You do not have to carry a certificate or other documentation or provide proof that your service animal has been trained. The only requirement is that a service animal be individually trained to do work or assist an individual with a disability.
- **Companion and Emotional Support Animals.** Most federal and state laws do not define companion and emotional support animals and therefore do not offer you the same civil rights protections of a service animal. An exception exists for housing, where companion/emotional support animals are permissible but not defined.

**Remember:
Your Right To A Service or Companion Animal Depends On The Setting!**

These settings include but are not limited to:

- Places of Public Accommodation
- Housing
- Aircraft and Airports
- Employment
- Government Programs, Services or Activities

Service Dogs in Public Places

The Americans with Disabilities Act (ADA) protects your right to use a service dog in public places:

- **Only Dogs Are Permitted.** The ADA was amended in 2010 to include only dogs (and miniature horses) as service animals.
- **Public Places.** Under the ADA, “Places of Public Accommodation” include nearly every public place, including hotels, restaurants and bars, movie theaters, lecture

halls, retail stores, professional offices, hospitals, bus stations, libraries, parks, schools, senior citizen centers, homeless shelters, food banks, health spas and golf courses. Service dogs may be used in all of these public places.

- **“No Animals” Regulations.** Department of Health, Parks and Recreation, and other state and municipal prohibitions do not apply to legitimate service dogs.
- **Limited Inquiry.** A place of public accommodation may ask only two questions: (1) whether the dog is required because of a disability, and (2) what work or task has the dog been trained to perform; **only if** it’s not readily apparent what the dog has been trained to do. For example, a sight-impaired person should not be subjected to any inquiry about a guide dog, because it is clear what task the dog performs.
- **Animal Under Handler’s Control.** A service dog must remain on a tether, leash or harness at all times. If a dog is out of control, barking excessively, or not housebroken, it may lawfully be excluded from a place of public accommodation
- **Care and Provisions.** A place of accommodation is not required to provide care or food for a service animal.

Service & Companion Animals in Housing

The Fair Housing Act differs from the ADA in that it protects your right to keep a service dog or companion animal in your dwelling unit:

- **“No Pets” Rules.** These restrictions or clauses must be waived if your landlord receives a valid request to accommodate a service animal in your residence.
- **Additional Charges.** A landlord may not charge additional rent, maintenance fees, or other costs if you keep a service animal in your residence. You can be charged for damage to the premises that exceeds normal wear and tear, but those charges cannot be extraordinary.
- **Health and Safety Exemption.** Animals that endanger the health and safety of other tenants may be rejected. The threat to other tenants must be real and not based on stereotypes. For example, if your service dog is a pit bull, you may be required to show that the animal is individually trained, but you cannot be refused the accommodation due to the poor reputation of the breed.
- **Public Housing.** If you live in publicly-funded housing, your right to keep a service or companion animal is reinforced by favorable housing policies.
- **Requests for Reasonable Accommodation.** The request for reasonable accommodation begins the process to keep a service or companion animal in your dwelling unit. **This is a legal process.** Communications between you and your landlord should -- as much as possible -- be in writing.

The Hawaii Disability Rights Center can assist you and your treating physician to prepare a request for reasonable accommodation that meets legal requirements.



The
HAWAII DISABILITY RIGHTS CENTER

is the designated Protection and Advocacy (P&A) System
for Hawaii's estimated 210,000 residents with disabilities.

P&A systems are authorized in each state and territory of the United States
to defend and enforce the human, civil and legal rights of people with disabilities
and to protect them from discrimination.

HUMAN RIGHTS are those natural rights that are accorded to all human beings, stated in
the United States Constitution, as the right to Life, Liberty and the Pursuit of Happiness.

CIVIL RIGHTS are an expansion of basic human rights and are stated in the United States
Constitution and its Bill of Rights, and the Hawaii State Constitution. Civil rights include but are
not limited to the Freedoms of Religion, Speech, Press, and Assembly; and Equal Protection
under the Law.

LEGAL RIGHTS are an expansion of our human and civil rights as established by specific
laws, such as those laws which authorize **Protection & Advocacy** for people with disabilities.

IT IS THE POLICY OF HDRC to advocate for as many people with disabilities in the
State of Hawaii, on as wide a range of disability rights issues, as our resources allow. We will
resolve rights violations with the lowest feasible level of intervention but, if necessary, also
provide full legal representation to protect the rights of people with disabilities, consistent with
authorizing statutes and Center priorities.

HDRC SERVICES

No Income Requirements ■ No Forms to Complete ■ Always Free

TO REQUEST ASSISTANCE

Visit Our Office ■ Call Us ■ Visit Our Website

HAWAII DISABILITY RIGHTS CENTER

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