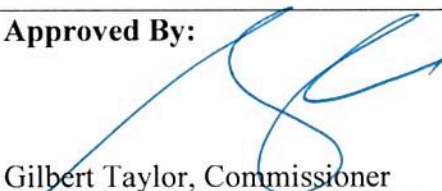




PROCEDURE NUMBER 15-212

Subject:	Applicable To:	Effective Date:
Client Service Animal Policy	All DHS Clients; All DHS Directly Operated or Funded Facilities/ Programs Serving Homeless Individuals, and DHS Staff	April 17, 2015 (Replaces Client Service Animal Policy Number 11-001)

Administered By:	Approved By:
Equal Opportunity Affairs Office	 Gilbert Taylor, Commissioner

PURPOSE

Consistent with City and State laws governing provision of shelter to eligible homeless families and individuals, DHS clients and applicants accompanied by service animals must have unobstructed access to DHS programs and facilities that provide shelter or other services. This Client Service Animal Policy sets forth DHS' procedure to ensure compliance with the Americans with Disabilities Act ("ADA"), and other applicable laws, statutes and regulations.

APPLICABILITY

The Client Service Animal Policy is applicable to eligible individuals who apply to, participate in, access or reside in any DHS directly operated or funded facilities/programs serving homeless individuals (Clients). DHS programs and facilities include, but are not limited to: (1) DHS directly-operated and funded facilities in the Adult System (Intake and Assessment Shelters, Program Shelters, Safe Havens and Drop-in Centers); (2) the Family System (Prevention Assistance and Temporary Housing (PATH) intake center, Adult Family Intake Center (AFIC), Hotels, Cluster Sites, and Tier II Facilities; and (3) Prevention Programs (collectively, DHS Facilities and Programs).

LEGAL REQUIREMENTS

Under the ADA and other applicable state and local laws, it is unlawful for DHS and providers of DHS services to discriminate against any client with a disability whether or not the client is accompanied by a service animal. DHS and provider staff cannot prevent a client with a disability who is accompanied by a service animal from entering DHS Facilities and Programs or from enjoying the goods, services, facilities, privileges, advantages, or accommodations offered by DHS or by providers to any other client.

The wishes, tastes, or preferences of other clients may not be asserted to justify criteria that would exclude or segregate individuals with disabilities.

DEFINITION OF A "SERVICE ANIMAL"

The ADA defines a service animal as "any guide dog, signal dog, or other animal individually trained to do work or 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." (28 C.F.R. §36.104) "Seeing-eye dogs" are one type of service animal used by some individuals who are blind. However, service animals also may assist with other kinds of disabilities.

A service animal performs a function or task that the client with the disability cannot perform for himself/herself. A service animal is not a pet, but it also may not be easily distinguishable from a pet. In addition, not all disabilities that require the use of a service animal are visible. Many such disabilities are hidden, such as epilepsy, heart disease, and lung disease. The difference is that a pet is not trained to perform tasks for a client. A client with a pet would not be afforded the legal protections of a client with a service animal.

As a general matter, pets are not permitted in DHS Facilities and Programs. However, "therapy pets" or "emotional support pets," though **not** service animals, may be permitted in DHS Facilities and Programs if a client makes a request for a reasonable accommodation pursuant to Reasonable Accommodation for Clients with Disabilities, Procedure No. 15-211. A client requesting such a reasonable accommodation may be required to provide supporting medical documentation in conjunction with that request.

PROCEDURE

Access to DHS Facilities and Programs may not be denied to users of service animals. A significant delay in accessing the facility or program because an individual is accompanied by a service animal is tantamount to denial of access and services. Accordingly:

- A. When an individual accompanied by an animal seeks access to a DHS Facility or Program , Security **must** adhere to the following procedure:

1. **Immediately** notify the Director of the Facility or Program, or her designee (the "Director");
2. Politely ask the individual to wait, and inform the individual that the Director will be with him/her shortly.
3. Ensure that the animal is under the individual's control and secured by a harness or leash, or secured in a crate or cage;
4. Ask the individual his/her name and whether his/her animal is a service animal; and
5. Document the individual's name as well as a thorough description of the animal, and report all relevant information to the Director.

At all times, Security should take whatever precautions are necessary to ensure the safety of Facility staff and clients. Security or Access Control may **not** grant the individual access without consulting senior shelter staff.

- B. The Director or her designee must **immediately** meet with the individual and the animal in question and inquire into the status of the individual and the animal. In ascertaining the status of the individual and the animal, the Director:
 1. May ask if the animal is a service animal and what tasks the animal has been trained to perform, if not obvious;
 2. May inquire into the person's need for a service animal, if not obvious;
 3. Must request proof of valid New York City dog license, if applicable;
 4. Must request proof of inoculation for the service animal;
 5. May **not** inquire into the nature of the disability or ask the client any personal questions about his/her disability;
 6. May **not** require that the individual provide a special ID or certification for the animal.
- C. If the Director or her designee determines that the animal is not a service animal, the individual must be given the option to remain and obtain services at the Facility without the animal. The contact information for several animal shelters, as well as for Animal Care and Control Services, are listed in Appendix A to this policy.
- D. To ensure there are no significant delays in accessing the DHS Facility or Program because an individual is accompanied by a service animal:
 1. At all times, an employee on duty must be designated to make the determination whether an animal is a service animal; and
 2. When the designated employee cannot be found, program staff must grant the individual and the animal access to the facility until a determination can be made, provided that the animal does not pose a "direct threat" (defined below).

HEALTH AND SAFETY

- A. Facility staff must make an individualized assessment, based on reasonable judgment, whether any animal poses a "direct threat" to the health and safety of others based on the following criteria:
 1. The nature, duration and severity of the risk;
 2. The probability that the risk will occur; and

3. Whether reasonable modifications of policies, practices, or procedures will mitigate the risk. (28 C.F.R. §36.208)
- B. Safety determinations must be based on actual risk and not mere speculation, stereotypes, or generalizations about individuals with disabilities or their animals.
- C. While access to DHS Facilities and Programs is afforded to users of service animals, it is the responsibility of the owner of the service animal to ensure that the animal behaves and responds appropriately at all times in public.
- D. The care of the service animal is the sole responsibility of the owner. If a service animal has an 'accident', it is the responsibility of the owner to clean up the mess. Facility personnel are not required to provide care or food or a special location for the animal.
- E. In certain circumstances, DHS may impose restrictions on services animals to the extent they pose a safety/health risk. These health/safety exceptions must be assessed individually on a case-by-case basis when the Facility or Program staff has reason to believe that the service animal poses a "direct threat" to the health, safety and well-being of others at the Facility.
- F. If a service animal poses a health and safety threat which cannot be eliminated by a reasonable accommodation, the animal may be barred from the Facility or Program. The Director, the DHS Program Administrator, and the Agency Medical Director must provide final approval on any determination to prevent access to an individual and his/her animal, and such determination must be provided, in writing, to the individual with the animal. In the event that access is denied to an individual with an animal, the individual must be given the option to remain and obtain services at the Facility without the animal. The contact information for several animal shelters, as well as for Animal Care and Control Services, are listed in Appendix A to this policy.
- G. Staff and client allergies and fear of animals are not valid reasons for denying access or refusing service to clients with service animals.

ACCOMMODATION REQUESTS, GRIEVANCES, AND COMPLAINTS

For pets deemed not to be service animals, or, service animals that pose a "direct threat," individuals with animals have administrative remedies set forth in the DHS Reasonable Accommodation Policy for Clients with Disabilities, Procedure No. 15-211.

All requests for reasonable accommodations, grievances regarding accommodations granted or denied, and complaints of discrimination arising from agency determinations regarding service animals or therapy pets will be addressed pursuant to the DHS Reasonable Accommodation Policy for Clients with Disabilities, Procedure No. 15-211.

The DHS Reasonable Accommodation Policy for Clients with Disabilities, Procedure No. 15-211, offers an individual whose reasonable accommodation request has been denied an opportunity to file a Grievance and a subsequent Appeal.

An individual who has been denied services may request a State Fair Hearing by calling (800) 342-3334, online at <http://www.otda.state.ny.us/oah/tbrms.asp>, or by walking into the New York State Office of Temporary and Disability Assistance at 14 Boerum Place, Brooklyn or 330 West 34th St., Manhattan.

An individual whose reasonable accommodation request has been denied may also file at any time a complaint with the relevant Federal, state and local agencies.

APPENDIX A

Information and Referral Telephone Numbers: Animal Shelters and Animal Care and Control ("ACC") Services

Humane Society of the United States	(917)-468-2938
Animal Haven	(212)-274-8511
Brooklyn Animal Resource Coalition	(718)-486-7489
Brooklyn Animal Foster Network	(718)-789-6865
North Shore Animal League America	(516)-883-7575
ACC: Manhattan Shelter	(212) 722-3620
ACC: Brooklyn Shelter	(718) 272-7200
ACC: Bronx Animal Receiving Facility	(718) 733-0743
ACC: Queens Animal Receiving Facility	(718) 997-6330
ACC: Staten Island Animal Receiving Facility	(718) 984-6643
ACC: Animal Pick-Up	(718) 649- 8600
Animal Care and Control of NYC	(888) SPAY-NYC