

<p>SUBJECT:</p> <p>Client Service Dog Policy & Procedure</p>	<p>APPLICABLE TO:</p> <p>DHS Applicants and Clients; DHS Directly-Operated or Funded Facilities/ Programs Serving Individuals who are Homeless; DHS Staff</p>	<p>ISSUED:</p> <p>April 24, 2020 (Replaces Client Service Animal Policy No. 15-212)</p>
---	---	---

<p>ADMINISTERED BY:</p> <p>Division of Adult Services Division of Family Services Street Homeless Solutions</p>	<p>APPROVED BY:</p> <p>Joslyn Carter, Administrator Department of Social Services/ Department of Homeless Services</p>
--	---

■ PURPOSE

Consistent with City and State laws governing the provision of shelter to eligible individuals and families who are experiencing homelessness, Department of Homeless Services (DHS or “Agency”) clients and applicants accompanied by a service dog must have open access to DHS facilities and programs that provide shelter or other services. This Client Service Dog Policy and Procedure ensures compliance with the Americans with Disabilities Act (ADA) and other applicable laws, statutes, and regulations.

■ APPLICABILITY

The Client Service Dog Policy and Procedure is applicable to individuals who apply to, participate in, access, or reside in any DHS directly-operated or funded facilities and programs serving individuals and families who are experiencing homelessness (“clients”). DHS facilities and programs include, but are not limited to, the following: (1) DHS directly-operated and funded facilities for single adults (intake and assessment sites, program shelters, and hotels); (2) DHS directly-operated and funded facilities for families (Prevention Assistance and Temporary Housing (PATH) intake center, Adult Family Intake Center (AFIC), hotels, cluster sites, and tier II facilities; and (3) DHS-funded facilities for people who are experiencing street homelessness (drop-ins and safe havens) (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 shelter and shelter-related services to discriminate against any client with a disability.

■ DEFINITION OF A SERVICE ANIMAL

Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability (28 C.F.R. §36.104)¹.

"Seeing-eye dogs" are one type of service animal used by some people who are blind. Service animals also assist people with other types of disabilities, including disabilities that are not visible.

■ POLICY

DHS may not deny access to its facilities and programs to any client who has a service dog. A service dog is not a pet. It is a dog that is individually trained to work or perform tasks for a person with a disability. DHS may not separate a client's service dog from the client.

Clients who have service dogs need the dog in order to meaningfully access shelter and the services provided at DHS facilities and programs. Notably, if a client with a disability who has a service dog experiences significant delay in accessing a program or facility, that delay could be considered a *denial* of access and services.

The needs of both the client with the service dog and the other party(ies) must be considered.

As a general matter, neither staff nor other clients may assert wishes, tastes, or preferences to justify criteria that would exclude or segregate people with disabilities. For example, in cases where a client with a disability has a service dog and attempts to access DHS shelter, the presence of staff or other clients who are allergic to dogs may not form the basis for denying entry to that client's service dog. Similarly, staff or other clients' fear of, or discomfort with, dogs (including specific breeds of dogs) cannot form the basis for denying entry to a service dog.

The following chart lists common conditions and disabilities a person may have, next to the corresponding task a service dog may be trained to perform on the person's behalf (this is not an exhaustive list of disabilities and tasks).

¹ Since March 2011, only dogs are recognized as service animals under titles II and III of the ADA; therefore, the term "service dog" rather than "service animal" is used in this policy. The revised ADA regulations of 2010 also include provisions about miniature horses, but DHS programs and facilities cannot accommodate them.

Common Conditions/Disabilities a Client with a Service Dog May Have:	Tasks Service Dogs May Perform to assist with the condition/disability listed:
Blindness/ low vision	Assistance with navigation
Deafness/hard of hearing	Alert to objects/people
Mobility disability	Retrieve/carry objects, provide stability/balance
Seizure disorder/epilepsy	Alert before onset of seizure
Diabetes	Alert low/high blood sugar

■ REQUIRED FORM

Notification of Requirements for Clients with a Service Dog (**DHS-58**)

■ PROCEDURE

A. Determining if a Dog is a “Service Dog”

To determine if a client has a service dog, staff must ask two specific questions (and only these two questions) in the following order:

1. Is the dog required because of a disability?

If the client says “yes,” staff must then ask the second question. If the client says “no,” then the dog is a pet and neither a service dog nor an emotional support animal. There is no need to ask the second question.

2. What work or task has the dog been trained to perform?

The client must be able to provide an answer to this question. If the dog performs a specific activity or task to assist the individual, then it is considered a service animal and no further evidence is necessary. The task a dog has been trained to do must be directly related to the person’s disability. If the dog’s presence helps keep the person calm and provides comfort, then it is considered a comfort or emotional support animal. In that instance, provide the individual with information on how to request a reasonable accommodation through the Reasonable Accommodation for Clients with Disabilities Procedure (No.15-211).

Some people with disabilities may use more than one service animal to perform different tasks. For example, a person who has a visual disability and a seizure disorder may use one service animal to assist with way-finding and another that is trained as a seizure alert dog. Other people may need two service animals for the same task, such as a person who needs two dogs to assist them with stability when walking. Staff may ask the two permissible questions (above) about each of the dogs.

When asking the two questions above, staff must not ask about the client’s disability or require medical documentation. Moreover, staff must not ask for a demonstration of the dog’s ability to perform the work or task, or otherwise base a determination on the answers to any questions other than those listed above.

B. License and Vaccinations Requirement

A valid New York City dog license, issued by the NYC Department of Health and Mental Hygiene (DOHMH) and proof of all required vaccinations are also required.² If a service dog's rabies vaccinations are not up to date or if the dog is not yet licensed, the client will have two weeks to get the dog vaccinated and licensed. DHS staff must assist clients who, as a result of their disability, cannot obtain these documents or perform these tasks on their own. If there are any safety concerns, staff must immediately have a conference with the client and the DSS Office of Disability Affairs to ensure the client's disability-related needs are being met. Since dogs cannot be vaccinated until they turn four months old, dogs under four months of age are not permitted in shelter.

C. Grant For Assistance for a Guide Dog

A client **may** be eligible for a cash benefit to help pay for food for a service dog through the Human Resources Administration (HRA). Clients may apply by calling HRA's Family Independence Administration, Office of Program Support (OPS) Guide Dog Food Program at (929) 221-6692 or (929) 221-6688. They will need to complete Form LDSS-3087 (Application/Recertification – Guide Dog Food Program).

D. Service Dog Identification

A service dog is not required to wear a jacket, vest, or tag and is not required to have any type of identification, certification, registration, or be trained by a professional. Although a service dog may have been formally trained, documentation of any such training is not required. Finally, a service dog can be any breed of dog.

Note that there are individuals and organizations that sell service animal certification or registration documents online. These documents do not convey any rights under the ADA, and DHS does not recognize them as proof that the dog is a service animal.

E. Role of Security Staff

When an applicant or client presents with, or has a service dog, security staff must **immediately** notify the director of the facility or program, or designee ("director"). The director or designee must **immediately** meet with the applicant or client and ask the two determining questions listed above.

² For further guidance, please refer to the [DHS Desk Guide for Working with Clients Who Have a Service Dog or an Approved Emotional Support Animal](#).

F. Health and Safety

While a client with a service dog may access DHS facilities and programs, the client is responsible for controlling the dog and ensuring that the animal behaves and responds appropriately and safely at all times. This means the dog must be on a leash and in the client's control at all times in any common spaces. Moreover, the dog's supervision and care is the sole responsibility of the client. The client is responsible for caring for and supervising the service dog, which includes toileting, feeding, and grooming and veterinary care. Facility personnel are not obligated to supervise or otherwise care for a service dog.

Facility personnel must provide clients with service dogs access to enter and exit the shelter as needed for the service dog to relieve itself at any time clients are permitted to enter and access shelter in accordance with facility rules. Facility personnel must evaluate a client's request for an accommodation to enter and exit the facility after curfew for the purpose of walking a service dog.

Service dogs may not directly threaten the health or safety of DHS staff or clients. If a service dog poses a health or safety threat, DHS may bar the animal from the facility or program. It is the client's responsibility to find shelter for the animal if it has threatened the health or safety of staff or clients. A client may submit a reasonable accommodation request to allow the client's animal back into shelter.

Staff must make an individualized assessment, based on reasonable judgment, of whether a service dog poses a "direct threat" to the health or safety of others based on the following criteria:

1. nature, duration and severity of the risk;
2. likelihood the risk will occur; and
3. whether reasonable modifications of policies, practices, or procedures will mitigate the risk (28 C.F.R. §36.208).

Safety determinations must be based on **actual** risk or threat and not speculation, stereotypes, or generalizations about individuals with disabilities or specific dog breeds. In cases where staff and/or clients with allergies or a fear of dogs are in proximity to a client with a service dog, the shelter should make individualized assessments, based on reasonable judgment, of whether an alternative placement of either the client with a service dog or the other party(ies) is necessary. The needs of both the client with the service dog and the other party(ies) must be considered. Allergies or fear are not valid reasons for denying access, shelter, or refusing service to clients with service dogs.

Staff must provide, and clients must sign, the "*Notification of Requirements for Clients with a Service Dog*" form (**DHS-58**) that serves as acknowledgement of both the client and DHS that the client has an animal that will reside with them while in shelter and that the animal is under their control and behaves and responds appropriately at all times.³

³ For further guidance, refer to the *Notification of Requirements for Clients with a Service Dog* form.

G. Other Types of Animals

1. *Emotional Support Animals* – DHS facilities and programs must consider clients' requests for an emotional support animal to reside with them in shelter through the Reasonable Accommodation for Clients with Disabilities Procedure (No. 15-211). The same rules and responsibilities apply to approved emotional support animals in shelter.
2. *Pets* – DHS facilities and programs do not allow pets to reside in shelter with clients. Pets may be allowed in safe haven programs serving people who are experiencing chronic street homelessness.

H. Grievances and Complaints

A client or applicant can file a complaint and/or grievance through the DHS Ombudsman's Office. If a client/applicant requests to file a complaint, they should be referred to the DHS Ombudsman. Clients can contact the Ombudsman's Office directly:

1. by phone: (800) 994-6494 Monday through Friday between the hours of 9 a.m. and 5 p.m.;
2. in person: clients can meet with a representative Monday through Friday between the hours of 9 a.m. and 4 p.m. at 33 Beaver Street, 20th floor.

A client/applicant who believes their shelter placement is inadequate 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, 1st Floor, Brooklyn.

People who have speech and hearing disabilities may contact the New York Relay Service at 711 and request that the operator call the State at (877) 502-6155.

Effective Immediately

■ RELATED ITEM

[DHS Procedure No. 15-211](#) Reasonable Accommodation for Clients with Disabilities

■ ATTACHMENT

- | | |
|-------------------|---|
| DHS-58 (E) | Notification of Requirements for Clients with a Service Dog |
| DHS-58 (S) | Notification of Requirements for Clients with a Service Dog (Spanish) |

Notification of Requirements for Clients with a Service Dog

If you have a **Service Dog**, you must review this form.

*By law, Service Dogs **are not** required to wear a jacket, vest, tag, or require any type of identification, certification, registration, or be trained by a professional.*

You must review this form

Print Your Name: _____ CARES/StreetSmart ID: _____
Today's Date: _____ Facility Name: _____
Name of Dog: _____ Breed: _____
Any identifying feature(s) of the dog (e.g., markings): _____
Color(s): _____ Approximate Weight: _____
Emergency Contact Name: _____ Emergency Contact Phone: _____

Service Dog

1) Is the dog required because of a disability?

Yes

No (This is not a service dog.)

2) What work or task has the dog been trained to perform? _____

****Staff Note:** When asking the two questions above, do not ask about the disability or require medical documentation. Also do not not ask for a demonstration of the dog's ability to perform the work or task, or otherwise base a determination on the answers to any questions other than those listed above. **

(Turn page)

Service Dog

[NYC Dog License¹](#) #: _____

- Provide a copy of the current NYC dog license. NYC dog licenses may be purchased or renewed for one to five years.

The dog must have an up to date [rabies vaccination²](#).

Date of last vaccination: _____

- Provide proof of rabies vaccination or rabies booster.

Dogs must receive a booster shot one year after the first vaccination, and then again every one to four years, depending on the vaccine used.

Rules and Responsibilities

For **Service Dogs**, clients must follow these rules.

Care

- You must be able to care for your dog. This means you must be able to:
 - Pick up all dog feces inside and outside the facility;
 - Clean up any urine in your unit/area or within the facility property;
 - Use wee pads, plastic mats, or papers when you are in your unit (only in non-congregate settings);
 - Bathe/groom the animal. If you are in a congregate setting, bathing and grooming must be outside of the communal bathroom.
 - Maintain the health and hygiene of your animal, such as preventing and treating fleas.

(Turn page)

¹ <https://www1.nyc.gov/assets/doh/downloads/pdf/vet/vet-doglicense-form.pdf>

² <http://www1.nyc.gov/site/doh/health/health-topics/rabies.page>

Rules and Responsibilities *(continued)*

- Your dog must be housebroken.
- You must be able to feed your dog. You must protect the surface below food dishes (e.g., using a plastic mat or papers).
- Your dog must be spayed or neutered. If the animal is not spayed and/or neutered, you will be given a reasonable period of time to complete this, but no longer than 15 days.
- Your dog must not breed while in a DHS facility.
- DHS will ask you to remove any animals that you did not report as a service dog, or that is **not** recorded as an approved Reasonable Accommodation for an Emotional Support Animal.

Control

- You are responsible for your dog's behavior at all times.
- You must have your dog on a leash and/or harness while in public areas of the facility unless:
 - You are unable to use a harness and/or leash because of a disability; or
 - The harness and/or leash would keep the dog from performing the task it was trained to perform.
- Your dog must not damage the unit/facility. (e.g., chewing on furniture).
- Your dog must not sit, lie, or sleep on common area furniture (e.g., couches or chairs).

(Turn page)

Rules and Responsibilities *(continued)*

Safety

- If your dog's behavior is causing distress to others, DHS may ask you to move to another facility. You must prevent your dog from being aggressive toward others in your facility.
- Your dog must not be used to protect you or someone else from violence.
- Your dog must not directly threaten the health or safety of facility staff and clients.
- Your dog must be with you at all times.
- You must remove your dog's clothing during search at entry.

If these rules and responsibilities are not followed, DHS may

- **Call 911;** and/or,
- **Ask you to remove your animal** from the DHS system.

If you need financial assistance to feed your service dog, you may apply for a Grant of Assistance for Guide/Service Dog Food Program. To apply, call the Human Resource Administration's Guide Dog Food Program at **929-221-6692** or **929-221-6688**.

SAMPLE

(Turn page)

Acknowledgment of Rules and Responsibilities

I, (print client name) _____, understand that I must follow all of the rules and responsibilities listed on this page to keep my Service Dog with me in the New York City shelter system. Prior to any termination of authorization for a service animal, I understand DHS will schedule a client conference to discuss the non-compliance and provide a reasonable time to come into compliance prior to taking any further action. Failure to sign this document does not exempt me from compliance. Staff signature indicates this form has been provided and explained to me.

Client Signature: _____ **Date:** _____

DHS Staff Signature: _____ **Date:** _____

Staff Name: _____

Staff Title: _____



If you have any questions, or wish to file a grievance, please contact the DHS Office of the Ombudsman for assistance. You can call them at **1-800-994-6494**.

Notificación de requerimientos para los clientes que tengan un perro de servicio

Si tiene **un perro de servicio**, debe completar este formulario.

Por ley, **no** se requiere que los perros de servicio usen chaleco, arnés ni chapa identificatoria, ni se requiere que tengan ningún tipo de identificación, certificado, registro, ni que tengan entrenamiento profesional.

Debe completar este formulario

Nombre en letras de molde: _____ Identificación de CARES/StreetSmart: _____

Fecha de hoy: _____ Nombre del centro: _____

Nombre del perro: _____ Raza: _____

Característica(s) identificatoria(s) del perro (ejemplo: manchas): _____

Color(es): _____ Peso aproximado: _____

Nombre del contacto para emergencias: _____ Tel. en caso de emergencia: _____

SAMPLE

Perro de servicio

1) ¿Se requiere la compañía de este perro debido a una discapacidad?

- Si
 No (No es un perro de servicio)

2) ¿Para qué tarea o actividad ha sido entrenado el perro? _____

****Staff Note:** When asking the two questions above, do not ask about the disability or require medical documentation. Also do not ask for a demonstration of the dog's ability to perform the work or task, or otherwise base a determination on the answers to any questions other than those listed above.**

(Gire la hoja)

Perro de servicio

[Licencia para perro de NYC¹](#) #: _____

- Proporcione una copia de la licencia para perro de NYC que sea válida. Las licencias para perros de NYC pueden ser compradas o renovadas con validez de uno a cinco años.

El perro debe tener la [vacuna contra la rabia²](#) al día.

Fecha de la última vacuna: _____

- Proporcione prueba de la vacuna contra la rabia o del refuerzo.

Los perros deben recibir un refuerzo un año después de la primera vacuna, y luego otros refuerzos dentro de uno a cuatro años, dependiendo de la vacuna contra la rabia que se le haya administrado.

Reglas y responsabilidades

Para **perros de servicio**, los clientes deben seguir las siguientes reglas.

Cuidados

- Debe ser capaz de cuidar a su perro. Esto significa que usted debe ser capaz de:
 - Limpiar el excremento del perro dentro y fuera del centro;
 - Limpiar la orina en su unidad/ área o dentro de la propiedad del centro;
 - Usar tapete para orina, tapete de plástico, o papeles cuando se halle en su unidad (solo en lugares donde no se congrega la gente);
 - Bañar/asear al animal. Si está en un lugar público, debe bañar y asear al animal fuera del baño comunal.
 - Mantener la salud e higiene de su animal; por ejemplo, prevenir y tratar las pulgas.

(Gire la hoja)

¹ <https://www1.nyc.gov/assets/doh/downloads/pdf/vet/vet-doglicense-form.pdf>

² <http://www1.nyc.gov/site/doh/health/health-topics/rabies.page>

Reglas y responsabilidades (continuación)

- Su perro debe estar acostumbrado a su hogar.
- Debe poder alimentar a su perro. Debe proteger las superficies que se hallan debajo de los platos de comida (por ejemplo; usando papel o tapetes de plástico).
- Su perro debe estar castrado. Si el animal no está castrado, se le otorgará un periodo razonable de tiempo para que cumpla con ello, pero ese tiempo no será mayor de 15 días.
- Su perro no podrá reproducirse mientras usted esté viviendo en el centro de *DHS*.
- El *DHS* le pedirá que remueva todo animal que usted no reporte como perro de servicio, o que **no** esté registrado como un animal de apoyo emocional aprobado para acomodo razonable (*Reasonable Accommodation for an Emotional Support Animal*).

Control

- Usted es responsable en todo momento por el comportamiento de su perro.
- Debe mantener a su perro con correa y/o con arnés cuando se halle en las áreas públicas del centro, a menos que:
 - Usted no pueda ponerle un arnés y/o correa a causa de su discapacidad; o
 - El arnés y/o la correa impedirían al perro realizar la tarea para la cual fue entrenado.
- Su perro no debe causar daños en la unidad/ centro (por ejemplo: roer los muebles).
- Su perro no debe sentarse, acostarse o dormir en muebles que sean de uso comunal. (Por ejemplo: sofás o sillas).

(Gire la hoja)

Reglas y responsabilidades (continuación)

Seguridad

- Si el comportamiento de su perro causa molestias a otras personas, el *DHS* podría pedirle que se mude a otro centro. Debe prevenir que su perro sea agresivo con las personas del centro.
- Su perro no puede ser usado para proteger a otros o a usted contra la violencia.
- Su perro no puede ser una amenaza directa a la salud ni a la seguridad de los empleados del centro ni de los clientes.
- Su perro debe permanecer con usted todo el tiempo.
- Debe quitar la ropa al perro durante el control de entrada.

Si no sigue estas reglas y responsabilidades, el *DHS* podría:

- **Llamar al 911** y/o,
- **Pedir que usted remueva a su animal** de los centros del *DHS*.

Si necesita ayuda financiera para alimentar a su perro de servicio, podría solicitar un subsidio de asistencia al Programa de alimento para perros de servicio o guía (*Grant of Assistance for Guide/Service Dog Food Program*). Para solicitarlo, llame a el Programa de alimento para perros de servicio o guía de la Administración de Recursos Humanos al **929-221-6692** o **929-221-6688**.

SAMPLE

(Gire la hoja)

Reconocimiento de las reglas y responsabilidades

Yo, (nombre del cliente en letras de molde) _____, entiendo que debo respetar las reglas y responsabilidades listadas en esta página para mantener conmigo a mi perro de servicio en los albergues de la Ciudad de Nueva York. Antes de que se revoque la autorización para tener a un animal de servicio, entiendo que el *DHS* concertará una cita con el cliente para discutir la falta de acatamiento, y antes de tomar otras medidas, proporcionará un tiempo razonable para que el cliente pueda cumplir. El no firmar este documento no significa que estoy exento de cumplir. La firma del empleado(a) indica que se me proveyó y explicó este formulario.

Firma del cliente(a): _____ **Fecha:** _____

Firma del empleado(a) de *DHS*: _____ **Fecha:** _____

Nombre del empleado(a): _____

Cargo del empleado(a): _____

Si necesita asistencia porque tiene alguna pregunta o quiere presentar una queja, favor de contactar a la Oficina del Defensor Público del *DHS* (*Office of the Ombudsman*). Puede telefonar al **1-800-994-6494**.

