

Issue List	Air Carrier Access Act (ACAA) and 14 CFR Part 382	DOJ interpretation of Americans With Disabilities Act (ADA) <a href="http://www.ada.gov/service_animals_2010.htm">http://www.ada.gov/service_animals_2010.htm</a>	FRA interpretation of Americans With Disabilities Act (ADA) 49 CFR 37.3	FTA’s interpretation of Americans with Disabilities Act (ADA) 49 CFR 37.3, 37.167(d) <a href="https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_ADA_Circular_C_4710.1.pdf">https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_ADA_Circular_C_4710.1.pdf</a>	HUD’s FHAct and/or Section 504 <a href="https://portal.hud.gov/hudportal/documents/hudoc?id=servanimals_ntcfheo2013-01.pdf">https://portal.hud.gov/hudportal/documents/hudoc?id=servanimals_ntcfheo2013-01.pdf</a>
	<b>Current Definition:</b> <u>Any animal</u> that is individually trained or able to provide assistance to a qualified person with a disability; or any animal shown by documentation to be necessary for the emotional well-being of a passenger.	<b>Current Definition:</b> Dogs and miniature horses that are individually trained to do work or perform tasks for people with disabilities.	<b>Current Definition:</b> Service animal means any guide dog, signal dog, or other animal individually trained to work or perform tasks for 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.	<b>Current Definition :</b> [A]ny guide dog, signal dog, or other animal individually trained to work or perform tasks for 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.	<b>Current Definition:</b> The term “assistance animal” is used in the context of the Fair Housing Act (FHAct) and Section 504 of the Rehabilitation Act of 1973 (Section 504). An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability.
<b>Should disability mitigation training for the animal be required as a</b>	Trained or, in certain cases, untrained animals may qualify as service animals.	Service animals are animals that are “individually trained to work or perform	Animals must be trained to perform some task or function—conductors usually accept the animal	Service animals are animals that are “individually trained to work or perform tasks.”	Neither the FHAct nor Section 504 requires an assistance animal to be individually trained or

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<b>condition of access?</b>		tasks.” Formal training (e.g., school for service animals) is not required.	if the individual says it’s a service animal. Formal training (e.g., school for service animals) is not required.	This training can be by an organization or by an individual, including the individual with a disability.	certified.
<b>Should public access training for the animal be required as a condition of access?</b>	All service animals must be trained to behave appropriately in a public setting.	Dogs must be housebroken.	The expectation is that all service animals must be trained to behave appropriately in a public setting.	The expectation is that all service animals must be trained to behave appropriately in a public setting.	Public access training is not required.
<b>Should the rule distinguish between psychiatric service animals and other service animals? If so, what are the practical implications of that distinction?</b>	Psychiatric service animals are recognized as service animals, but are considered to be emotional support animals and, therefore, subject to the applicable regulatory requirements, i.e. documentation.	Psychiatric service animals are recognized as service animals.	Psychiatric service animals are recognized as service animals.	Psychiatric service animals are recognized as service animals if they are trained to perform a task.	HUD does not distinguish between assistance animals based on whether an individual has a psychiatric or other type of disability. However, the approach taken in evaluating whether a reasonable accommodation may be necessary may differ depending on whether an individual’s disability is readily apparent or known to the provider.
<b>Should the rule preserve a distinct emotional support animal category? If so, what are the practical implications of that distinction?</b>	Emotional support animals are recognized as service animals.	Emotional support animals are not recognized as service animals.	Emotional support animals are not recognized as service animals.	Emotional support animals are not recognized as service animals.	Assistance animals include those that provide emotional support to persons with disabilities. HUD does not have a separate category for emotional support animals.
<b>Should the rule</b>	U.S. carriers are	Only dogs and in	All animals except	All animals per the DOT	While dogs are the most

<p><b>designate eligible species and, if so, what species should be allowed? Should the rule allow certain species to travel as service animals subject to certain restrictions (such as remaining contained during flight)?</b>  <i>[Facilitator Note: As discussed on call, certain animals such as very small capuchin monkeys travel in containers during flight but offer valuable service at the destination retrieving objects for reduced mobility passengers, etc.)</i></p>	<p>required to transport <b>all service animals</b> except certain unusual animals (e.g., snakes, other reptiles, ferrets, rodents, and spiders). Foreign air carriers are not required to transport service animals other than dogs.</p>	<p>certain cases miniature horses are considered service animals.</p>	<p>primates and exotic animals (.e.g. snakes, reptiles).</p>	<p>definition. However, FTA has not opined formally on primates and exotic animals in its oversight. Through technical assistance, we have provided guidance consistent with FRA’s approach.</p>	<p>common type of assistance animal, other animals can also be assistance animals. Accommodations are reasonable if they do not impose “an undue financial and administrative burden” or a “fundamental alteration” to the nature of the provider’s operations. It would be rare for undue financial and administrative burden or fundamental alteration to be implicated in connection with an assistance animal. Assistance animals must be allowed in public and common use areas. It is the assistance animal owner’s responsibility to maintain control of the assistance animal.</p>
<p><b>Should the rule allow carriers to require documentation and, if so, what documentation and under what circumstances?</b></p>	<p>Carriers may require documentation that the animal will not need to relieve itself during the expected duration of the flight or that the animal can relieve itself in a way that does not</p>	<p>Entities cannot require or request documentation as evidence that an animal is a service animal.</p>	<p>No documentation requirement to prove that an animal is a service animal.</p>	<p>Transit agencies cannot have a policy requiring riders to provide documentation for their service animal before boarding a bus or train or entering a facility</p>	<p>For Service Animals, the ADA states that a covered entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service</p>

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	<p>create a health or sanitation issue on the flight.</p> <p>Also, except for emotional support or psychiatric service animals, carriers may not require passengers to produce documentation that an animal is a service animal unless verbal assurances of the passenger are not credible.</p>				<p>animal.</p> <p>For assistance animals that are not service animals, when an individual's disability is not readily apparent or otherwise known, a provider may ask for credible information verifying the disability or disability-related need for an assistance animal, e.g., persons who are blind or have low vision may not be asked to document their disability or need for a guide dog. Depending on the individual's circumstances, information verifying that the person has a disability can usually be provided by the individual himself or herself (e.g., proof that an individual under 65 years of age receives Social Security Income or Social Security Disability Income benefits or a credible statement by the individual). A doctor or other medical professional, a peer</p>
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					support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability.
<b>What requirements should the rule impose to prevent fraud in the documentation process.</b>	<p>DOT suggests five steps to determine whether an animal is a service animal or pet – (1) obtain credible verbal assurance; (2) look for physical indicators on the animal (e.g., harnesses, vests); (3) request documentation for service animals if passenger's verbal assurance is not credible; (4) request documentation for emotional support and psychiatric service animals; and (5) observe behavior of animal.</p> <p>To obtain credible verbal assurances carriers are permitted to ask the following: Is this your pet? What tasks or functions does your animal perform for</p>	<p>When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.</p>	<p>When conductor needs to verify that an animal is a service animal, he or she may ask the following: Is this your pet? What service is the animal trained to provide?</p>	<p>Personnel may ask riders two questions: (1) is the animal a service animal required because of a disability? and (2) what work or task has the animal been trained to perform?</p>	<p>Because providers are often covered by the ADA, Section 504, and the FHAct, different requirements apply depending on whether the assistance animal is a service animal under the ADA or not.</p> <p>To avoid violating the ADA, providers should start with the approach provided under the ADA. When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform.</p> <p>If the answers to both (1)</p>

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	<p>you?" "What has it been trained to do for you?"                  "Would you describe how the animal performs this task (or function) for you?"                  Carriers cannot ask about the person's disability.</p>				<p>and (2) are yes, then the FHAct and Section 504 (like the ADA) require the housing provider to grant the accommodation.</p>
<p><b>Should permissible documentation requirements differ according to the disability of the passenger?</b></p>	<p>If a passenger seeks to travel with an animal that is used as an emotional support or psychiatric service animal, carriers are not required to accept the animal for transportation in the cabin unless the passenger provides you current documentation (i.e., no older than one year from the date of the passenger's scheduled initial flight) on the letterhead of a licensed mental health professional (e.g., psychiatrist, psychologist, licensed clinical social worker including a medical doctor specifically treating the passenger's mental</p>	<p>Entities cannot require or request documentation as evidence that an animal is a service animal.</p>	<p>No documentation requirement to prove that an animal is a service animal.</p>	<p>Transit agencies cannot have a policy requiring riders to provide documentation for their service animal before boarding a bus or train or entering a facility</p>	<p>If the answer to either question above is no, the provider may ask persons who have disabilities that are not readily apparent or known to the provider to provide reliable information verifying a disability and the disability-related need for an assistance animal. Similarly, if the disability is known, but the need for an assistance animal is not readily apparent, then the provider may request reliable information showing the disability-related need for the assistance animal. Information/documentation is sufficient if it establishes that the individual has a disability and that the animal will provide some type of</p>

	<p>or emotional disability) stating the following:</p> <p>(1) The passenger has a mental or emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders-- Fourth Edition (DSM IV);</p> <p>(2) The passenger needs the emotional support or psychiatric service animal as an accommodation for air travel and/or for activity at the passenger's destination;</p> <p>(3) The individual providing the assessment is a licensed mental health professional, and the passenger is under his or her professional care; and</p> <p>(4) The date and type of the mental health professional's license and the state or other jurisdiction</p>				<p>disability-related assistance or emotional support.</p> <p>However, a housing provider may not ask for information showing the disability or disability-related need for an assistance animal if the disability or disability-related need is readily apparent or known to the provider. For example, persons who are blind or have low vision may not be asked to provide documentation of their disability or their disability-related need for a guide dog. A housing provider also may not ask for access to medical records or medical providers or for detailed or extensive information or documentation of a person's physical or mental impairments</p> <p>Since disabilities and disability-related needs generally do not change</p>
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	in which it was issued.				from year to year, providers may not seek repeated verification of disability or disability-related need.
<b>Under what circumstances, if any, should the rule allow the carrier to require advance notice of a passenger’s intention to travel with a service animal? How much notice, if any, may be required?</b>	<p>On a flight segment scheduled to take 8 hours or more, carriers may require individuals traveling with <u>all service animals</u> to provide 48 hours advance notice, and check in 1 hour before the normal check in time for the general public.</p> <p>Regardless of the length of the flight, carriers may require individuals traveling with an emotional support or psychiatric service animal to provide 48 hours advance notice, and check in 1 hour before the normal check in time for the general public.</p>	Establishments may not require dog handlers to provide advance notice.	Conductors cannot require individuals with disabilities to provide advanced notice—but it’s encouraged.	Bus operators and rail systems may not require advance notice. However, complementary paratransit or other demand responsive services that operate with small vehicles (e.g., sedans), ask riders for notification of their intent to ride with a service animal in order to help ensure adequate space is available for the animal.	Housing providers are to evaluate a request for a reasonable accommodation to possess an assistance animal in a dwelling using the general principles applicable to all reasonable accommodation requests any time such a request is made. Providers may not allowed to limit how and when requests can be made.
<b>Should the rule offer additional guidance given as to how to assess the animal’s</b>	Carriers must determine whether any factors preclude whether an animal can travel in the	The dog must be in the handler’s control and the handler must take effective action to		Transit agencies may refuse to transport service animals that are deemed to pose a direct	Housing providers may deny a request to permit a person with a disability to live with and use an

<p><b>behavior?</b></p>	<p>cabin as service animals (e.g., <u>whether the animal would pose a direct threat to the health or safety of others, whether it would cause a significant disruption of cabin service.</u></p>	<p>control it.</p>		<p>threat to the health or safety of drivers or other riders, create a seriously disruptive atmosphere, or are otherwise not under the rider’s control. For example, a rider with a service dog is responsible for ensuring the dog does not bite the driver or other riders. Conversely, a dog that barks occasionally would likely not be considered out of the owner’s control.</p>	<p>assistance animal if (1) the specific assistance animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or (2) the specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation. Breed, size, and weight limitations may not be applied to an assistance animal. A determination that an assistance animal poses a direct threat of harm to others or would cause substantial physical damage to the property of others must be based on an individualized assessment that relies on objective evidence about the specific animal's actual conduct — not on mere speculation or fear</p>
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					about the types of harm or damage an animal may cause and not on evidence about harm or damage that other animals have caused.
<b>Under what circumstances, if any, should the rule allow a carrier to require that the service animal be controlled by a tether or harness?</b>	Service animals (including emotional support and psychiatric service animals) are not required to be harnessed, leashed or tethered.	Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.	Guidance: There is a leash/tether requirement in a guidance document.	There is no harness requirement in the rule, but FTA has provided guidance similar to DOJ’s position: service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.	In public and common use areas, an individual with a disability must maintain control of the individual’s assistance animal. Providers cannot require the use of a leash or tether if another means of control is effective.
<b>Should the rule allow airlines to deny passengers boarding if their animal is ineligible?</b>	Part 382 does not permit carriers to deny a passenger boarding because his or her carrier service animals was denied transportation. However, oftentimes a passenger will refuse to fly if their service animal is denied transportation.	An individual is not denied access if their service animal is denied access.	An individual is not denied access if their service animal is denied access.	An individual is not denied access if their service animal is denied access.	The practical reality is that the denial of access with an assistance animal may end up being the denial of access to housing. If the provider denies a reasonable accommodation that should have been granted, damages and penalties may be awarded.

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<p><b>Should the rule specify procedures for challenging eligibility determinations by the airline, and if so, what should they be?</b></p>					<p>HUD allows Fair Housing Act and Section 504 complaints and lawsuits with damages and penalties available for the failure to provide reasonable accommodations for assistance animals.</p>
<p><b>Should the rule specify a limit on the number of service animals that may be brought on board by any passenger? And Should the rule specify a limit on the total number of animals that may travel as service animals on a given flight?</b></p>	<p>While the ACAA rule does not impose a limit on the number of service animals per passenger, as a matter of enforcement policy, the Department’s Aviation Enforcement Office has stated that it would not take action against carriers that choose to limit the number of service animals per passenger to three.</p>			<p>Section 37.167(d) does not prescribe limits on the number of service animals that accompany riders on a single trip. Different service animals may provide different services to a rider during trips or at the rider’s destination.</p>	<p>Under the FHAct and Section 504, the determination is based on disability-related need. In HUD’s experience, the need is not common.</p>
<p><b>Under what circumstances, if any, should the rule include within the definition of “service animal” an animal training to be a service animal, that is traveling with an individual with a disability? And</b></p>	<p>Part 382 requires airlines to allow service animals to <u>accompany their handlers</u> in the cabin of the aircraft, <u>but airlines are not required otherwise to carry animals of any kind either in the cabin or in the cargo hold.</u> Airlines are free to</p>				<p>It may be an appropriate reasonable accommodation for someone else to have access to housing with an assistance animal in order to deliver or care for a person’s assistance animal. For example, if a person with a disability is ill, someone else will</p>

<p><b>should the rule require access for service animals that are being transported by an individual with a disability solely for the purpose of delivering the animal to another person with a disability?</b></p>	<p>adopt any policy they choose regarding the carriage of pets and other animals provided that they comply with other applicable requirements (e.g., the Animal Welfare Act). Although "service animals in training" are not pets, the ACAA does not include them, because "in training" status indicates that they do not yet meet the legal definition of service animal. However, like pet policies, airline policies regarding service animals in training vary. Some airlines permit qualified trainers to bring service animals in training aboard an aircraft for training purposes. Trainers of service animals should consult with airlines, and become familiar with their policies. Service animal users typically refer to the person who accompanies the animal</p>				<p>need to care for the animal, such as the person's friend. It would be a reasonable accommodation to allow that to happen.</p>
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	as the "handler."				
<b>How should the rule address the (possibly conflicting) (a) service animal requirements and/or (b) animal quarantine requirements of jurisdictions outside Continental US?</b>	Airlines must promptly take all steps necessary to comply with foreign regulations (e.g., animal health regulations) needed to permit the legal transportation of a passenger's service animal from the U.S. into a foreign airport.	N/A	N/A	N/A	N/A
<b>Should the rule no longer hold US carriers responsible when its foreign code-share partners deny transportation to animals that are not service dogs?</b>	US airline codeshare partners may be held responsible when its foreign code-share partner denies transportation to an animal other than a service dog.	N/A	N/A	N/A	N/A