

DISABILITY

**RIGHTS**

MAINE 

Service and Assistive Animals:  
A Workshop for Emergency  
Preparedness



# Laws That Govern The Provisions of Service and Assistive Animals in Maine

- Americans with Disabilities Act (“ADA”)
- Rehabilitation Act of 1973 (“Section 504”)
- Maine Human Rights Act (“MHRA”)
- Fair Housing Act (“FHA”)



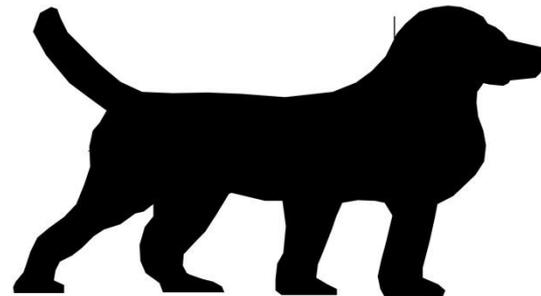
# Americans with Disabilities Act ("ADA")



# ADA

## Definition of Service Animal

- A “service animal” is
- A dog that has been individually trained to provide assistance to a person with a disability
- The work or task a dog has been trained to provide must be directly related to the person’s disability.



# Shelters Must Modify No Pets Rules

- Shelters must make reasonable modifications to policies, practices and procedures when necessary to allow access for people with disabilities
- This includes modifying “no pets” rules to welcome people with disabilities who use service animals



# Admission Required

- State and local governments and nonprofit organizations that serve the public in emergency shelters must allow service animals to accompany people with disabilities in their facilities



# How Do I Know If It's A Service Animal?

- If it is not obvious what service an animal provides, only limited inquiries are allowed.
- Shelter 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.



# Responsibilities of Service Dog Owners

- Handlers of service animals must keep their animals under control
- If the dog is out of control or not housebroken, shelter staff may request to remove the dog but must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.



# “Service Animal” = Narrow Definition

- ADA definition of “service animal” is different from other definitions under law; it more narrow
- ADA definition does not limit the **broader definition** of “assistance animal” under Section 504 of the Rehabilitation Act, the Fair Housing Act, and housing provisions of the Maine Act
- All of these laws may apply to Emergency Shelters



# Section 504, Fair Housing Act, Maine Human Rights Act



# Section 504: What is it?

- Section 504 of the Rehabilitation Act is a federal anti-discrimination law that prohibits discrimination based on disability
- Applies to entities that receive federal funding
- Allows individuals with disabilities to request reasonable accommodation for assistance animals, including service dogs and emotional support animals
- Many emergency shelters are covered



# Fair Housing Act: What is It?

- A federal anti-discrimination law that prohibits disability discrimination in housing.
- Applies to most housing
- Allows individuals with disabilities to request reasonable accommodation for assistance animals, including service dogs and emotional support animals
- May apply to emergency shelters



# Maine Human Rights Act (MHRA): What is It?



- A state anti-discrimination law that prohibits disability discrimination in all aspects of society
- Housing and public accommodation provisions of the MHRA apply to shelters
- Allows individuals with disabilities to request reasonable accommodation for assistance animals, including service dogs and emotional support animals

# What are Emotional Support Animals?

- They provide emotional support, well-being, comfort, or companionship to their owners with disabilities
- May be dogs or species other than dogs, with or without training
- Have been recognized as necessary assistance animals under the reasonable accommodation provisions of Section 504, the Fair Housing Act and the Maine Human Rights Act



# Section 504, Fair Housing Act, Maine Human Rights Act

- These laws all provide that a person with a disability may have the right to have an animal in a shelter if the animal qualifies as a
- **reasonable accommodation** that is
- **necessary** to afford the individual
- **equal opportunity** to use and enjoy a dwelling, assuming the animal does not pose a direct threat.





## So What?

- Emergency Shelters may be subject to both **ADA** “service animal” requirements and reasonable accommodation provisions of the **FHA, Section 504** and the **Maine Human Rights Act**, which require allowance of emotional support animals
- Entities must ensure compliance under all relevant civil rights laws





Thank you!

Kristin Aiello, Managing Attorney

Disability Rights Maine

[kaiello@drcme.org](mailto:kaiello@drcme.org)

(800) 452 1948