

Mental Health is Going to the Dogs (and Cats)

Alternatives 2012 Workshop

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Psychiatric Service Dog and Mental Health Advocate



Maeve

*Helping people discover their rights to
emotional support animals and service dogs*

www.servicepoodle.com

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Some Ways Animals Can Help People with Psychiatric Problems

From [Maeve's Manifesto](#):

If the drug companies could patent pets, then animals would be the first line of treatment for every condition in the DSM. Animals interact with no drugs, can't cause metabolic syndrome or diabetes, never overwhelm kidneys or liver, are approved for pediatric use, and improve both mental and physical health -- EVEN OVER THE COURSE OF A LIFETIME OF USE. Rather than a few 6-week clinical trials, thousands of years of experience demonstrate our safety and effectiveness.

A Dog or Cat Can...

- Get you out of bed in the morning
- Help you keep more regular hours
- Get you to exercise every day (less so with a cat)
- Provide company and affection
- Encourage play
- Give you a sense of purpose
- Give you a sense of accomplishment
- Distract you from obsessive or negative thoughts
- Make you feel more confident / less vulnerable
- Help you meet and talk to people (less so with a cat)
- Make you more appealing to others (less so with a cat)

A Psychiatric Service Dog Can Also Be Trained To...

- Remind you when to eat or take meds
- Let you know when it's time for bed or time to get up
- Keep track of keys, phone, etc.
- Actively encourage you to play or exercise
- Carry your wallet and ID for safekeeping (dog pockets don't often get picked!)
- Lead you out to a safe place when you are overwhelmed
- Pretend to need to go out when you need an excuse to leave
- Turn on lights and check a room before you go in
- Keep you from unwanted physical contact or proximity, e.g: hand money or card to cashier, walk on right to keep right hand in use (you can't shake hands), put body between you and nearby people
- Protect, comfort, and calm (or stimulate) you during an episode
- Alert you to people approaching
- Wake you from a nightmare
- Interrupt repetitive or compulsive behavior
- Provide a reality check when hallucination is suspected
- Interrupt dissociation, self-mutilation, or other unwanted states and behaviors
- Assist with side effects or symptoms, e.g.:
 - Brace you when dizzy or unsteady
 - Help you get up after fall or collapse
 - Bring meds, water, etc.
 - Bring phone
- Get help, e.g.:
 - Bark to attract attention to you
 - Go for help
 - Dial 911

Some Cons with Any Dog... and Cat where marked with an asterisk (*)

- It needs to be cared for properly and on time, no matter how sick you get, e.g.:

- It must always have access to clean water*
- It must have appropriate food and regular mealtimes*
- It must be taken out multiple times a day
- It must get exercise every day
- You must have someone lined up to take care of the animal when you can't*
- It is not cheap (note: cats are cheaper than dogs and indoor cats are the least expensive):
 - Basic vet care (vaccinations, neutering, etc.) can be expensive*
 - Accidents and illness WILL happen and may require emergency after-hours care and/or hospitalization (much less likely with an indoor cat)
 - Pet insurance typically covers only a fraction of medical expenses
 - Even healthy dogs need heartworm, tick, and flea medication most or all of the year
 - Professional grooming or grooming tools and lessons are required for some breeds of dogs
 - You'll probably need help training the dog (classes, books, etc.)
 - Dog food and equipment (crate, leash, collar, toys, etc.) can be a significant expense (less so with a cat)
- It limits your freedom, e.g.:
 - You've got to keep reasonable hours; going out right after work may not be possible (less so with a cat or service dog)
 - Spur-of-the-moment trips are dependent on your animal sitter's availability and flexibility* (less so with a cat or service dog)
- It will make emotional and time demands on you and will suffer greatly if you cannot meet those demands (less so with a cat)
- Dog poop is nauseating and you'll be picking up pounds of it every week (with cat one deals with a litter box)
- Even the best animal will shed, poop, pee, and/or vomit in your house at some time (but then again so will a child or a significant other or you!)*

Some Cons of a Psychiatric Service Dog...

- If your disability was not apparent before you got a service dog, it will be after you do so. Even if it was apparent, you'll be spotted sooner and get more attention with a service dog. (However, access will get easier over time and as local businesses begin to recognize you – see [Maeve's business honor roll](#))
- You will be challenged about the dog frequently when you enter premises where pets are not allowed.
- You will be challenged by a law enforcement officer at some point. Chances are good that he or she won't do so entirely appropriately.
- Disability gets discussed on or before the first date if you are single and have a service dog.
- Some people will pay more attention to the dog than to you and others will assume you're a trainer
- Every public errand takes longer with a service dog.
- It can be a stress in human relationships
- Even the best-trained dog will eventually do something embarrassing in public

Just the FAQs about Emotional Support Animals

What law gives people with psychiatric disabilities the right to emotional support animals (pets) in no-pets housing without deposits or fees?

The U.S. Fair Housing Act (FHA).⁸

What housing does it cover?

- Because it is a federal law it covers housing in all 50 states and the rights given by it cannot be limited by any state or municipal law or regulation.¹
- It covers every apartment, co-op, and condo complex and most multi-family housing. Both owner-residents and tenants are covered. There are some exceptions for some single-family homes and owner-occupied 4-, 3-, and 2-family dwellings.²

Who can have an emotional support animal?

- “In order to qualify for a reasonable accommodation under the FHA, § 504, or the ADA, the tenant must meet the statutory definition of having a “disability.” The statutes recognize three broad categories of disabilities: (1) a physical or mental impairment that substantially limits one or more major life activities (such as walking, seeing, working, learning, washing, dressing, etc.); (2) a record of having such an impairment; or (3) being regarded as having such an impairment.)³
- U.S. Department of Housing and Urban Development, which enforces the FHA, specifically allows emotional support animals “Assistance animals include guide dogs for persons with visual disabilities, as well as other types of assistance animals that provide services for people with other disabilities, including emotional support for persons with mental disabilities or whose disabilities result in chronic pain.”⁴

What's the process?

- A simple note from a doctor or therapist is presented to the landlord or owners' association along with a note from the resident requesting the animal as a reasonable accommodation. “If one needs an emotional support animal to ease the symptoms of a disability (as defined above), he or she should request a reasonable accommodation, in writing, from the landlord, manager or other appropriate authority. The request should state that the tenant has a disability and explain how the requested accommodation will be helpful. In addition, the tenant should include a note from his or her service provider, such as a doctor or therapist, verifying the need for the support animal (see sample letter, below, [see link in footnote] as an example). Note that the tenant need not disclose the details of the disability, nor provide a detailed medical history.”⁵

Does the person with a disability have any responsibilities?

- Yes. “If the emotional assistance animal is particularly disruptive, or the tenant fails to take proper measures to ensure that the animal does not bother other tenants, however, the landlord may be justified in denying the accommodation or ultimately filing for an eviction. See, e.g., *Woodside Village v. Hertzmark*, FH-FL Rptr. ¶ 18,129 (Conn. Sup. Ct. 1993), in which the court found that a federally assisted housing complex did not violate the Fair Housing Act by evicting a resident with mental illness for failure to walk his dog in designated areas and to use a pooper-scooper.”⁶

¹ Article VI, Clause 2 of the United States Constitution, “This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”

² Fair Housing Information Sheet #6, Judge David R. Bazelon Center for Mental Health Law, <http://bazelon.org/LinkClick.aspx?fileticket=mHq8GV0F14c%3d&tabid=268>

³ Fair Housing Information Sheet #6, Judge David R. Bazelon Center for Mental Health Law, <http://bazelon.org/LinkClick.aspx?fileticket=mHq8GV0F14c%3d&tabid=268>

⁴ Discrimination Against People With Disabilities, Testing Guidance for Practitioners, U.S. Department of Housing and Urban Development, <http://www.hud.gov/offices/fheo/library/dss-guidebook.pdf>.

⁵ Fair Housing Information Sheet #6, Judge David R. Bazelon Center for Mental Health Law, <http://bazelon.org/LinkClick.aspx?fileticket=mHq8GV0F14c%3d&tabid=268> (includes sample letter on page 6)

⁶ Fair Housing Information Sheet #6, Judge David R. Bazelon Center for Mental Health Law, <http://bazelon.org/LinkClick.aspx?fileticket=mHq8GV0F14c%3d&tabid=268>

How to Get an Emotional Support Animal

1. Determine whether you have a legal right to an emotional support animal where you live. If you have a psychiatric and/or pain-related disability, you most likely do. There are very few exceptions, such as the “Mrs. Murphy” exception, i.e., if the building has fewer than five units AND the owner lives in one of those units. You can read about the exceptions in the [Doris Day Animal League book](#) or at the [Bazelon Center for Mental Health Law](#). Also check your state laws. They cannot limit the rights given by the FHA, but may extend them, for example, by eliminating the Mrs. Murphy exception. It also never hurts to ask your landlord, even if he/she is not legally required to allow pets.
2. Research the types of animals thoroughly (including what it takes to care for and feed them) and decide what animal would be best suited to your needs, your lifestyle, and your physical situation. Even though you might be within your rights to have a Great Dane in your tiny studio apartment, that doesn't mean it's the right dog for you.
3. Get a doctor or therapist to sign a letter. There is a sample letter on page 6 of the [Fair Housing Information Sheet #6 at Bazelon Center for Mental Health Law](#). Note: your professional may not be entirely comfortable with the last paragraph of this letter. In our case, we deleted that paragraph entirely before we took it to the doctor. Not only did it work fine without it, but also the attorney at the Connecticut Fair Housing Center said she believed that paragraph was not necessary.
4. Show the letter to your landlord and tell him/her that you are requesting the animal be allowed to live with you as a reasonable accommodation. It is best (and most effective) to do this with another person present and to put the request in a short, dated note. Most landlords will give in when presented with a doctor's letter and request for accommodation, but if yours decides to be difficult, it's easy to take the next step and get some help. See [Where to Go to File a Complaint or Find Help](#).

NOTE: The change in ADA regulations restricting service animals to dogs does NOT limit the rights of people with disabilities under the Fair Housing Act to have service/assistance animals (including emotional support animals) of different species living in their homes. There is a [memo from the US Department of Housing and Urban Development specifically stating this](#). It begins:

This memo explains that the Department of Justice’s (DOJ) recent amendments to its Americans with Disabilities Act (ADA) regulations do not affect reasonable accommodation requests under the Fair Housing Act (FHAct) and Section 504 of the Rehabilitation Act of 1974 (Section 504). The DOJ’s new rules limit the definition of “service animal” in the ADA to include only dogs. The new rules also define “service animal” to exclude emotional support animals. This definition, however, does not apply to the FHAct or Section 504. Disabled individuals may request a reasonable accommodation for assistance animals in addition to dogs, including emotional support animals, under the FHAct or Section 504. In situations where both laws apply, housing providers must meet the broader FHAct/Section 504 standard in deciding whether to grant reasonable accommodation requests.

Examples of Judgments Related to Emotional Support Animals

Excerpts of a couple of actual judgments involving emotional support animals (ESAs) under the Fair Housing Act (FHA):

In 2011, John J. and Nancy A. Meany, owners of a four-apartment building in Iowa were ordered to pay all damages to their tenants and to pay a \$16,000 civil penalty for violating the FHA by refusing to grant a reasonable accommodation by modifying their no-pets policy to allow the tenant's daughter's emotional support animal. See full decision at: <http://portal.hud.gov/hudportal/documents/huddoc?id=HUDvMeany.pdf>

In 2011, Redstone Association (an owners' association) and its property manager Derek Peterson were ordered to pay all damages related to actual damages, inconvenience and economic loss to the tenants of one of the properties under its management and to pay \$96,000 in civil penalties (\$16,000 each for six violations of the FHA) (see <http://portal.hud.gov/hudportal/documents/huddoc?id=11-081101818.pdf> for full decision). These six violations were:

1. making housing unavailable to the tenant because of his disability
2. refusing to make a reasonable accommodation to allow his emotional support animal
3. imposing a fee for his emotional support animal
4. imposing fines for his emotional support animal
5. maintaining a discriminatory policy where people with certain disabilities were required to go through additional steps to obtain an accommodation for an assistance animal (if the request was for an emotional support animal then there were additional steps not required of people with other disabilities)
6. insisting that client sign a release of his private medical information.

States may also enforce FHA rights, may extend those rights, and may have laws with additional or more severe penalties. Here's a recent (2012) example: The Oregon Bureau of Labor and Industries recently settled a case with Brookshore Apartments in Albany, Oregon, in which the defendant agreed not only to pay \$50,000, but also to change policies, retrain their staff, and allow ongoing monitoring by the state. Their offense? They tried to charge a lady with severe depression a deposit or fee for allowing her to keep a cat.

See http://www.oregon.gov/BOLI/docs/08.22.12_BOLI_Release_-_Albany_Housing_Settlement.pdf

Just the FAQs about Service Dogs

What law gives a person with a disability (PWD) the right to be accompanied by a trained service dog virtually everywhere the public is allowed to go?

The U.S. Americans with Disabilities Act (ADA)

Where is it effective?

Because it is a federal law it covers all 50 states and the rights given by it cannot be limited by any state or municipal law or regulation.⁷

What rights does it give to a PWD who has a service dog?

- Permission to bring a service dog to work may be requested as a reasonable accommodation under Title I of the ADA
- Under Title III of the ADA public accommodations are required by the ADA to allow access by a PWD with his/her service dog and these include⁸:
 - 1) Places of lodging (e.g. , inns, hotels, motels) (except for owner-occupied establishments renting fewer than six rooms);
 - 2) Establishments serving food or drink (e.g. , restaurants and bars);
 - 3) Places of exhibition or entertainment (e.g. , motion picture houses, theaters, concert halls, stadiums);
 - 4) Places of public gathering (e.g. , auditoriums, convention centers, lecture halls);
 - 5) Sales or rental establishments (e.g. , bakeries, grocery stores, hardware stores, shopping centers);
 - 6) Service establishments (e.g. , laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals);
 - 7) Public transportation terminals, depots, or stations (not including facilities relating to air transportation);
 - 8) Places of public display or collection (e.g. , museums, libraries, galleries)
 - 9) Places of recreation (e.g. , parks, zoos, amusement parks);
 - 10) Places of education (e.g. , nursery schools, elementary, secondary, undergraduate, or postgraduate private schools);
 - 11) Social service center establishments (e.g. , day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies); and
 - 12) Places of exercise or recreation (e.g. , gymnasiums, health spas, bowling alleys, golf courses).
- Title II gives the same access rights as above to state and local government facilities “Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.”⁹

⁷Article VI, Clause 2 of the United States Constitution, “This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”

⁸ ADA Title III Technical Assistance Manual <http://www.ada.gov/taman3.html>

⁹ ADA 2010 Revised Requirements, Service Animals, http://www.ada.gov/service_animals_2010.htm

Who has public access rights with a service dog under the ADA?

Only a person with a disability has these rights. “Title III protects three categories of individuals with disabilities: 1) Individuals who have a physical or mental impairment that substantially limits one or more major life activities; 2) Individuals who have a record of a physical or mental impairment that substantially limited one or more of the individual's major life activities; and 3) Individuals who are regarded as having such an impairment, whether they have the impairment or not.”¹⁰

What is the legal definition of a service dog under the ADA? [NOTE: this is very different from FHA assistance animal definition.]

“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**. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The **work or tasks performed by a service animal must be directly related to the handler’s disability. Examples of work or tasks include, but are not limited to**, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, **providing non-violent protection** or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and **helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors**. The **crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.**”¹¹ [emphasis added]

Is professional training or certification of the dog required?

No.

“Training requirement. Certain commenters recommended the adoption of formal training requirements for service animals. The Department has rejected this approach and will not impose any type of formal training requirements or certification process, but will continue to require that service animals be individually trained to do work or perform tasks for the benefit of an individual with a disability. While some groups have urged the Department to modify this position, the Department has determined that such a modification would not serve the full array of individuals with disabilities who use service animals, since **individuals with disabilities may be capable of training, and some have trained, their service animal to perform tasks or do work to accommodate their disability. A training and certification requirement would increase the expense of acquiring a service animal and might limit access to service animals for individuals with limited financial resources.**

Some commenters proposed specific behavior or training standards for service animals, arguing that without such standards, the public has no way to differentiate between untrained pets and service animals. Many of the suggested behavior or training standards were lengthy and detailed. The Department believes that this rule addresses service animal behavior sufficiently by including provisions that address the obligations of the service animal user and the circumstances under which a service animal may be excluded, such as the requirements that an animal be housebroken and under the control of its handler.”¹² [emphasis added]

¹⁰ ADA Title III Technical Assistance Manual <http://www.ada.gov/taman3.html>

¹¹ Americans with Disabilities Act

¹² Revised ADA regulations, http://www.ada.gov/regs2010/titleIII_2010/reg3_2010.html

More facts from the U.S. Department of Justice (which enforces the ADA)¹³:

- **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.**
- **Allergies and fear of dogs are not valid reasons for denying access** or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food **must allow service animals in public areas even if state or local health codes prohibit animals on the premises.**
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, **if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.**
- If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

¹³ ADA 2010 Revised Requirements, Service Animals <http://www.ada.gov/svcanimb.htm>

Where to go to file a complaint or find help

The vast majority of situations involving rights to emotional support animals and service dogs can be resolved relatively simply. However, you may encounter a situation where you need some backup or you need to file a complaint. Here's a list of some resources that may help if this happens:

If the problem involves your **housing**:

Have you requested an accommodation from your landlord as described in [Fair Housing Information Sheet #6 at Bazelon Center for Mental Health Law](#)?

Try googling "Fair Housing" plus your state's name. The Connecticut Fair Housing Center was extremely helpful to us and we resolved our problem quickly without having to file a complaint.

Anyone can file a complaint with the Department of Housing and Urban Development at no cost. Fair housing complaints can be filed with HUD by telephone (1-800-669-9777), mail, or via the Internet. For more info see [HUD's Fair Housing Complaint Process](#).

What happens when HUD makes a decision? See [Examples of Judgments Under the FHA](#).

If the problem involves **public access with your service dog** (restaurants, government offices, etc.) NOT INCLUDING AIR TRAVEL:

Does your animal meet the [legal definition of a service dog](#) under the Americans With Disabilities Act? (note: among other things it must be a dog and must not be used only for emotional support)

Have you tried giving one of the Department of Justice's information sheets to the offending party? (e.g., [2010 DOJ Public Access Info Sheet](#), [Dept. of Justice FAQs for Businesses](#), [DOJ ADA Business Brief](#))

For information or forms to file a complaint with the DOJ: Call the [ADA Info Line](#) at [800-514-0301](#) (voice) [800-514-0383](#) (TTY)

If the problem involves **air travel** with your service dog or emotional support animal:

See http://airconsumer.ost.dot.gov/rules/FAQ_5_13_09.pdf.

For information on filing a complaint see:

http://airconsumer.ost.dot.gov/CP_DisabilityandDiscrimination.htm

If the problem involves **employment**:

The government's [Job Accommodation Network's page for individuals](#) has a lot of relevant information.

To file a complaint with the EEOC: <http://www.eeoc.gov/facts/jobapplicant.html#discrimination>

For any of the above problems, The federal government's Job Accommodation Network has an [extensive list of legal resources](#) which lists some resources that can be utilized not only for employment issues but also housing and public access (e.g., a list of attorneys practicing disability law).

Thank you for attending our workshop and/or for reading this booklet. Joanne and I travel the United States working to get this information out to as many people as we can. Please consider helping us in our mission. Here are some ways you could help:

- ➔ Talk to everyone you know about these rights. Even if they don't have a psychiatric disability they may know someone who does.
- ➔ Share this booklet with others. Feel free to make copies (please!) and hand it out to anyone you wish.
- ➔ Particularly keep your eyes open for every opportunity to share the information with professionals who work with people with psychiatric disabilities (doctors, nurses, therapists, social workers, case workers, peer specialists, etc.). Doing this can help many, many people with psychiatric disabilities.
- ➔ Also look for opportunities to share this information with people who work with animals (you vet's office, the local shelter, pet supply stores, etc.) Many people with disabilities give up their existing pets unnecessarily when they move.
- ➔ Talk about us to organizations you work for or belong to. **WE SPEAK TO ANY INTERESTED GROUP FOR FREE.** For example, we speak at clubhouses and do in-service trainings. We'd love to speak to your organization.
- ➔ If you or someone you know has more questions or wants to speak to someone who's been through the process of getting an emotional support animal or living with/training a psychiatric service dog give them our contact information from the cover of this booklet or have them contact us through the contact us page on www.servicepoodle.com. We don't offer legal services, we don't provide or train animals, and we don't have any money to give, but Joanne is always willing to share her experiences or point someone in the right direction.
- ➔ If you are planning or know of a conference or gathering for which this or similar information would be appropriate please contact us so we can send a proposal.

Thanks again! We hope to see or hear from you in the future,

With all my unconditional love,

Maeve, Psychiatric Service Dog and Mental Health Advocate