



## DISASTER RECOVERY PROJECT

# Assistance Animals in Emergency Shelter Settings

## Introduction

In the event of a disaster, you might need to go to an emergency shelter. But what about your assistance animal? Can you bring your animal with you?

The answer to that question depends on the type of assistance animal you have. There are several different laws that protect the rights of people with disability-related assistance animals: the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), Section 504 of the Rehabilitation Act, and the Pet Evacuation and Transportation Standards Act (PETS).

## What is an Assistance Animal?

There are two kinds of “assistance animals”: service animals and emotional support animals (or ESA). Let’s look at some of the differences between the two.<sup>1</sup>

### Service Animals:

A service animal is trained to do a specific job. The job must relate to your disability.

**Types of animals:** either a dog or a miniature horse

**Examples of specific jobs:** pulling a wheelchair, picking up dropped items, opening a door, reminding a person to take medication, detecting seizures, providing protection, and many other things.

**The laws that apply:** ADA and FHA

### Emotional Support Animal (ESA):

An “emotional support animal,” is also called a comfort or therapy animal. An ESA is trained to work in situations of high stress for an individual with a disability.

**Types of animals:** any type of animal (dogs, miniature horses, cats, birds, monkeys, etc.)

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<sup>1</sup> Assistance animals provide a service or comfort to someone with a disability. They are not pets. The U.S. Department of Housing and Urban Development and Department of Justice have explained that if an individual in a shelter asks to be accompanied by an assistance animal, the shelter must first apply the ADA definition of a service animal. If the ADA does not protect the animal, then the shelter must next look to the FHA.

**Examples of what they do:** offers calming distractions, provides healing contact, or improves physical, social, emotional, or cognitive functioning.

**The Laws that apply:** FHA, 504, PETs. Since ESAs are not trained to do a specific job, they are not considered a “service animal” under the ADA

## What does this mean for me?

### **Protections only available to a service animal:**

If you have a service animal, you and your animal have rights under ADA. The goal of the ADA is to make sure that people with disabilities can use and benefit from the same services as anyone else, including emergency response services.

### **Under the ADA:**

- Your animal can go with you anywhere you go.<sup>2</sup>
- Your animal cannot be separated from you at any time (even in food lines).
- You also cannot be asked to remain separate from everyone else.
- Your animal is not required to wear a working vest
- You are not required to provide “proof” that your animal is a service animal.

### **Some additional things to keep in mind:**

The people working or volunteering in the shelters are only permitted to ask you two questions:

1. Whether your animal is a service animal required by a disability; and
2. What job has your animal been trained to perform.

### **They cannot ask you to:**

- Tell them your disability
- Show medical documentation for the dog
- Show an ID card or license for the service animal
- Demonstrate the animal’s job
- Make sure your service animal has an official vest or collar

### **Protections available to both service animals and ESAs in long-term temporary housing:**

The FHA provides protections to people who rely on “assistance animals” in their home. These protections apply to both service animals and emotional support animals as defined above, not household pets.

People with disabilities can ask for exceptions to a “no pets” policy when they require an assistance animal for their disability.

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2 Both Title II and Title III of the ADA outline the rights of people with disabilities and their “service animals.” ADA Title II applies to state and local government programs and services (and applies to most emergency shelters). Title III applies to “places of public accommodation” (covers all public areas and most shelters operated by private non-profits.) A shelter or hotel cannot deny access or refuse service to people using service animals based on allergies or fear of dogs. For more detailed information see DRNC’s legal version of “Assistance Animals in Emergency Shelter Settings” located on our website.

- Note: If it is not obvious how your animal provides support, housing providers can request the following:
  - Documentation that states the individual has a disability and that the animal provides service or support that is directly related to the disability
  - A letter from a doctor explaining the services or support provided by the animal.<sup>3</sup>

### **Protections available to ESAs in emergency shelters:**

Unlike service animals, ESAs do not receive protections under the ADA. Your ESA might not be permitted to enter the emergency shelter with you. Bring medical documentation and any supporting letters with you. It is possible that the staff and volunteers at the shelter will be able to assist you in finding another option.<sup>4</sup>

Additionally, the PETS Act ensures that state and local emergency plans help people with household pets and services. This means that even if your pet is not permitted to stay with you in a shelter, they will be provided with a safe place to stay overnight.

**Get  
Help**

For more information about the Disaster Recovery Project, visit [disabilityrightsnc.org](https://disabilityrightsnc.org), or call [\(919\) 856-2195](tel:9198562195)

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3 Note: Under the FHA, a housing provider or shelter may not ask for these documents if the service or support provided by the animal is “obvious or readily apparent.” For more information on the FHA in relation to assistance animals, see <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>.

4 For more information about ESAs and Service animals in emergency shelters, see: <http://www.adainfo.org/sites/default/files/Service-Animals-in-Shelter-Settings-1.pdf>

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## Get Help

For more information about the Disaster Project, visit [disabilityrightsncc.org](http://disabilityrightsncc.org), or call [\(919\) 856 2195](tel:9198562195)

To get assistance during a disaster, please call the AskDRNC hotline at [\(800\)-626-4959](tel:8006264959), which is available during a declared state of emergency