



## **TENANT BULLETIN**

### **TO ALL TENANTS OF 711 THIRD AVENUE: SERVICE ANIMAL POLICY**

We want to refresh everyone's recollection as it relates to Service Animals and the Building Policy so please share this information with your respective employees.

711 Third Avenue is not a pet friendly property; however, we comply with all City, State and Federal laws and regulations. As such, please note that per Federal, State, and City regulations, building occupants and visitors of 711 Third Avenue who require the use of service animals have the right to access all public areas of the Building. However, it is up to the tenant if they wish to grant that individual with a service animal access to their premises.

A visitor arriving with a service animal will be asked to produce identification and be signed-in as any other guest or visitor prior to being granted access to the elevator bank serving your floor.

Please note, Emotional Support Animals or ESA's are not considered Service Animals as defined in the regulations attached and therefore we cannot and will not accommodate those requests.

Should you have any questions, feel free to reach out to the Management Office at 212-682-3934.

# SERVICE ANIMAL

## Definition of a Service Animal

Service Animal is defined as a dog that has been partnered with a person who has a disability and has been trained or is being trained, by a qualified person, to aid or guide a person with a disability.

## Allowed Questions

Questions allowed:

Staff may ask **TWO** questions.

- Is the dog a service animal required because of a disability?
- What work or task has the Service Animal been trained to perform?

## Questions Not Allowed

Questions **NOT** Allowed:

- Staff cannot ask about the person's disability.
- Require medical documentation.
- Require a special identification card or training documentation for the dog.
- Require that the animal demonstrate its ability to perform the work or task.

## Enforcement of the Law

**Denied Access:** You have the right to file a complaint with the New York City Commission on Human Rights please call 311.



## Where Service Animals Are Allowed

Under the ADA, State and Local Governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

## Reasons for Denied Service

A person with a disability can be asked to remove their Service Animal from the premises if:

- The Service Animal is out of control and the handler does not take effective action to control it.
- The Service Animal 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.



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Mayor's Office for  
People with Disabilities

## Service Animals - A Broad Definition

A service animal is a working animal, not a pet. The Americans with Disabilities Act (ADA) defines a service animal as 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. Dogs that satisfy this definition are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government, or any other entity.

Here are some examples of tasks a service animal might perform:

- Assisting with navigation, or stability and balance;
- Alerting to sounds or allergens;
- Pulling wheelchairs, carrying and retrieving items;
- Seizure assistance;
- Interrupting impulsive or destructive behaviors.

## Service Animals Allowed Where Public is Allowed

Under the ADA and New York law, businesses and facilities that serve the public may not discriminate against individuals with disabilities. These include:

- Restaurants, hotels and retail stores;
- Theaters and sports facilities;
- Transportation, including taxicabs and buses.

In addition, they must permit a service animal in all areas of the facility where customers are allowed or the public is invited. For example, in a hospital, a service animal might be allowed in a patient or examination room, but may be excluded from operating rooms or other units where a sterile environment may be compromised.

A business may not impose extra deposits, fees or surcharges because of a service animal, but may charge a fee if a service animal causes damage — as long as it regularly charges nondisabled

customers for the same types of damages.

**NOTE:** A public accommodation provider is not responsible for the care or supervision of a service animal and is not required to provide food or a special location for the animal.

Any person violating these laws can be assessed damages and penalties by the State Division of Human Rights or a court of competent jurisdiction.

### Documentation is not required.

A public accommodation provider cannot ask about the nature or extent of a person's disability and may not demand proof that the animal is certified. However, if it is not readily apparent that a dog is a service animal, they may ask, (1) if the animal is required because of a disability, and (2) what work the animal has been trained to perform. The business must allow the animal regardless of any stated "no pets" policy: a service animal is not a pet. Although some states have programs to certify service animals, certification is not required for a public accommodation.

**NOTE:** Some businesses, many of them online, sell fake service dog certifications: certificates, licenses, tags, or harnesses that identify service dogs in exchange for a fee. Individuals should be careful when dealing with businesses selling such documentation and accessories, especially those that do not provide training or evaluation, or that charge high fees.

## Federal ADA Overrides State or Local Laws

Some local laws provide more limited definitions in this area, such as "seeing eye" or "guide" dogs, and in so doing may exclude other types of service animals. However, a business which refuses to admit any of the other types of service animals on the basis of these local laws (including local health department regulations) may be violating the federal ADA. For example, establishments that sell or prepare food must allow all service animals in public

areas even if local health codes prohibit animals on the premises.

**NOTE:** A business may exclude a service animal only if the animal is out of control or not housebroken and the animal's handler does not control it. Allergies or fear of dogs are not valid reasons for denying access.

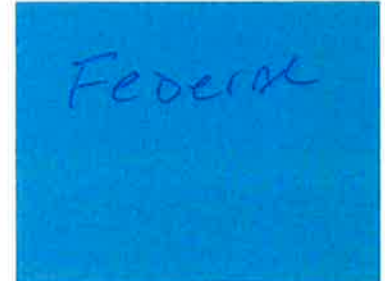
## Service Animals in Housing

The Fair Housing Act prohibits discrimination in the sale or rental of housing based on an individual's disability and requires a housing provider to make "reasonable accommodations" that are necessary for an individual with a disability to fully use and enjoy the housing. This may include allowing those with a disability to have a service animal live with them, regardless of a "no pets" policy.

Like the ADA, the Fair Housing Act protects persons with physical and mental disabilities, and requires that service animal be allowed in housing. However, the animal service rules that apply to service or other animals in housing differ from the rules that apply to public accommodations in a few important ways.

- The definition of service animals under the Fair Housing Act is broader than that under the ADA. Animals that provide comfort or emotional support do not qualify as service animals under the ADA, but may qualify under the Fair Housing Act. This is not limited to dogs; any animal may qualify.
- The animal need not be specially trained as a service animal if it provides physical or emotional support, lessens the effects of the person's disability and is necessary for the person to be able to fully enjoy the housing.
- A housing provider may require an individual to provide documentation of their disability and their need for the animal (for example, letters from doctors or therapists describing the disability and explaining how the animal helps the individual).

U.S. Department of Justice  
Civil Rights Division  
Disability Rights Section



## Service Animals

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

### Overview

This publication provides guidance on the term "service animal" and the service animal provisions in the Department's new regulations.

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- 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.

### How "Service Animal" Is Defined

**Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.** Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the State attorney general's office.

### Where Service Animals Are Allowed

**Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.** For example, in a hospital it would be inappropriate to exclude a service animal from areas such as

patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

### **Service Animals Must Be Under Control**

**Under the ADA, 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.

### **Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals**

- 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.

### **Miniature Horses**

**In addition to the provisions about service dogs, the Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities.** (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

**For more information about the ADA, please visit our website or call our toll-free number.**