

**ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH AUTHORITY**  
**ADMINISTRATIVE PROCEDURE**

Date Issued 7/24

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I. APPLICATION:

- SCCCMH Board
- SCCCMH Providers & Subcontractors
- Direct-Operated Programs
- Community Agency Contractors
- Residential Programs
- Specialized Foster Care

II. PURPOSE STATEMENT:

St. Clair County Community Mental Health (SCCCMH) shall follow laws and regulations, including the Americans with Disabilities Act (ADA) and the Fair Housing Act, relating to emotional support animals and service animals.

III. DEFINITIONS:

A. Emotional Support Animal (ESA):

1. Often prescribed by a doctor as part of therapy or treatment to lift depression, calm anxiety, provide comfort, etc.
2. Animals are generally not specially trained and do not perform any special jobs for individuals with disabilities.
3. Not considered a service animal under the ADA (even if a doctor provides a letter).
4. Not covered by federal laws protecting the use of service animals.
5. Many types of animals can be considered an ESA.
6. May be allowed as a reasonable accommodation in housing settings under the Fair Housing Act.

B. Service Animal:

1. Specially trained to do work or perform tasks for people with disabilities, including physical, sensory, psychiatric, intellectual, or other mental disabilities; a service animal is NOT a pet.
2. There is no gear, ID, paperwork, "proof" of any kind or certification required by U.S. federal law for service animals to work in public. However, State of Michigan does provide a voluntary service \*animal identification and voluntary registration, but this is not a requirement and cannot be used as a barrier to entry for a trained service animal or their handler.
3. Allowed under federal law anywhere a member of the general public is allowed to go, including restaurants, hotels, hospitals, movie theaters, public transportation, stores, etc.
4. Must be under its handler's control at all times.

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5. Only dogs and miniature horses are recognized as service animals under the ADA.

\*The voluntary patch and ID are meant for visual identification only and do not provide the animal or their handler any legal privileges or protections

C. Service Animal Fraud:

Someone who knowingly submits a fraudulent affidavit to the Michigan Department of Civil Rights or fraudulently represents an unqualified animal as a service animal or service animal in-training, is guilty of a misdemeanor, punishable by one or more of the following:

1. Imprisonment for not more than 90 days
2. A fine of not more than \$500
3. Community service for not more than 30 days

IV. STANDARDS:

A. Under the ADA, service animals are accommodated in all of SCCCMH's facilities.

B. Only two (2) questions may be asked to determine if an animal is a service animal:

1. If the animal is required because of a disability; and
2. What tasks or work the animal has been trained to perform.

You may NOT ask about a person's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task.

An example of acceptable inquiry might be as follows:

Staff: I see you have a dog with you. Can you tell me the service provided by the animal?

Individual Served: Well, it is kind of personal.

Staff: We only allow service animals, so I will have to know the nature of the service provided by your dog.

Individual Served: He has been trained to help me with balance. I have vertigo, I have hearing loss; and he serves as a hearing ear dog, warning me of cars, etc. When I am in danger of having a seizure, he can smell and sense this, and he warns others and me about this.

Staff: Ok, thank you. He is welcome to stay.

If the person indicates general emotional well-being, calming/soothing effect, "feeling better," or "comfort" provided by the animal, staff should *politely* state that only service animals (not pets) are

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allowed on the premises, and the person must promptly remove the animal from the premises.

- C. Service animals must be harnessed, leashed, or tethered, unless the 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.
- D. The care and supervision of a service animal is solely the responsibility of his or her owner. The business or its employees are not required to provide care, food, water, or a special location for the animal.
- E. Someone with a service animal may be asked to remove the animal from the premises if the animal is out of control and the handler does not take effective action to control it, or the animal is not housebroken. If the service animal has an accident, the owner/handler is responsible for cleaning the area where the accident occurred. 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.
- F. Allergies and fear of animals is not a valid reason for denying access or refusing service to people using service animals. When a person who is allergic to animals and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- G. Emotional support animals (other than therapy animals provided through or by MDHHS for specific purposes) are not allowed in any SCCCMH facility.
- H. If requested by the individual served, agency physicians, psychiatrists, social workers, or other mental health professionals may provide written documentation to an individual that supports their need for an assistance animal, including an emotional support animal, with the intent that this documentation will be used by the individual to request a reasonable accommodation under the Fair Housing Act (FHA). Housing providers are required by law to follow both the ADA and FHA in providing reasonable accommodation. The written documentation, a letter, would state that the individual has a disability and that the animal in question will provide some type of disability-related assistance or emotional support. The letter should not specifically give the disability diagnosis, but state how the animal may assist or alleviate one or more of the identified symptoms or effects of an existing disability. The need for a letter must be discussed with the staff's supervisor, agreed that it would be beneficial, and documented in the case record. A letter template is included as Exhibit A.

V. PROCEDURES:

A. Service Animals

**Individual Receiving Services**

1. Enters a SCCCMH facility with an animal.

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### **Reception Staff or Other Staff Interacting with Individual Served**

2. Asks 1) if the animal is required because of a disability; and 2) what tasks or work the animal has been trained to perform (only if it is not clear that animal is a service animal providing a specific service to someone with a disability). See Standard B for more on proper inquiry.
3. Allows the service animal to stay or informs the individual the ESA or pet cannot stay as only service animals are allowed in the facility.

### **B. Letter Regarding Need for Assistance Animal**

#### **Physician, Psychiatrist, Social Worker, or other Mental Health Professional**

1. Receives request from individual receiving services to provide written documentation of a disability and the disability-related need for an assistance animal or service animal that can be shared with existing or potential housing providers for a reasonable accommodation.
2. Discusses the request for a letter with their supervisor and documents discussion and decision regarding its provision in the chart.
3. Creates a letter utilizing the template (Exhibit A).
4. Sends a copy of the letter for scanning into the chart.
5. Provides the letter to the individual receiving services as requested.

### **VI. REFERENCES:**

- A. Americans with Disabilities Act, as amended.
- B. Fair Housing Act, as amended
- C. Michigan Department of Civil Rights ADA compliance

### **VII. EXHIBITS:**

- A. Assistance Animal letter template

### **VIII. REVISION HISTORY:**

Dates issued 11/19, 11/20, 07/21, 07/22, 07/23.

EXHIBIT A

<Date>

To Whom It May Concern:

RE: <Name>

<Name> is under my care and diagnosed with a mental health disorder as defined in the Diagnostic Statistical Manual Fifth Edition (DSM-5). His/her psychological impairment substantially impacts his/her ability to <insert applicable activities>. These functions are considered to be major life activities and therefore meet the definition of a disability under the Fair Housing Act.

His/her animal provides necessary support to alleviate the difficulties <name> experiences as a result of her disability. These difficulties cause significant psychological impairment, including <difficulties with social interaction/coping with stress/anxiety, etc.>, which is disabling and warrants therapeutic reinforcement of an Emotional Support Animal (ESA). Without the use of an ESA, he/she would be substantially limited and unable to enjoy the same benefits as others do in fair housing. As a mental health professional, I recommend that he/she be provided any reasonable accommodation in housing so that he/she may continue to benefit from the assistance provided by his/her ESA. His/her ESA is not a pet and should not be subjected to pet rules under the Fair Housing Act, as amended.

Sincerely,

<Mental Health Professional Name>

<Credentials>

Cc: File Copy