



# Service & Emotional Support Animals in Shelters and Temporary Housing

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# Training Objectives

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Overview of Laws  
and City  
Ordinances

Service Animals

Emotional  
Support Animals

Providing  
Excellent  
Customer Service

Hypotheticals

# Disability

A person -

- With a physical or mental impairment which substantially limits one or more major life activities;
- With a record of having such an impairment
- Who regarded as having such an impairment



# Authorities

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Federal: Americans with Disabilities Act (ADA),  
Section 504 of the Rehabilitation Act, and the Fair Housing Act (FHA)

State: Wisconsin Statute § 106.52 (fm)

Local: City of Madison - Code of Ordinances, Chapter 39.05

# Is it Housing?

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Short-term and emergency shelters

Title III of the ADA:  
Public accommodations



Long-term stay and transitional housing

Fair Housing Act  
*Hughes Memorial Home*  
*Woods v. Foster, 1995*

# Maximum Protections Prevail

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Wisconsin  
Statute expands  
the protections  
for Service  
Animals and  
ESAs

- Any type of animal trained to perform a task for a person with a disability.
- Protections includes service animals in training.
- Harassment of service animals is prohibited.
- Emotional Support Animals are included in housing



# General Requirements for Shelter Providers

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## Equal Access

- Eligibility criteria
- Physical accessibility

## Reasonable Modifications/Accommodations



# Service Animals

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# What is a Service Animal?

An animal trained, or being trained, to do a specific task for the benefit of a person with a disability.

1. Are not required to be prescribed or registered.
2. Does not need to be professionally trained.
3. May be trained or in training.
4. Not required to wear a vest or ID if accompanied by its handler.

Wis. Stat. 106.52(1)(fm)



# Tasks Performed

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Guiding

Alerting

Pushing

Pulling

Carrying

Calming

Retrieving

Reminding

Soothing

Opening  
doors

Turning on  
or off lights

And many  
more

# Addressing Fraud

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*Service animal fraud harms the disability community. Bringing a pet to a public place is detrimental to the lives of people with disabilities who rely on highly skilled and trained animals for their safety and independence.*

*Only service animals that are trained or in training and are required due to a disability will be permitted. Any person with animal that is not under the handler's control, is not housebroken, or poses a direct threat to health or safety will be asked to leave.*



# Handlers and Trainers

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**Handler** – Person with a disability who benefits from the work preformed by the service animal.

- Does not have to show documentation

**Trainer** – Person who may or not have a disability who is training an animal for someone else's benefit.

- May be asked to show documentation that demonstrates they are trainer.
- Under state law, service animals in training have the same protections as service animals.

# Identifying Service Animals

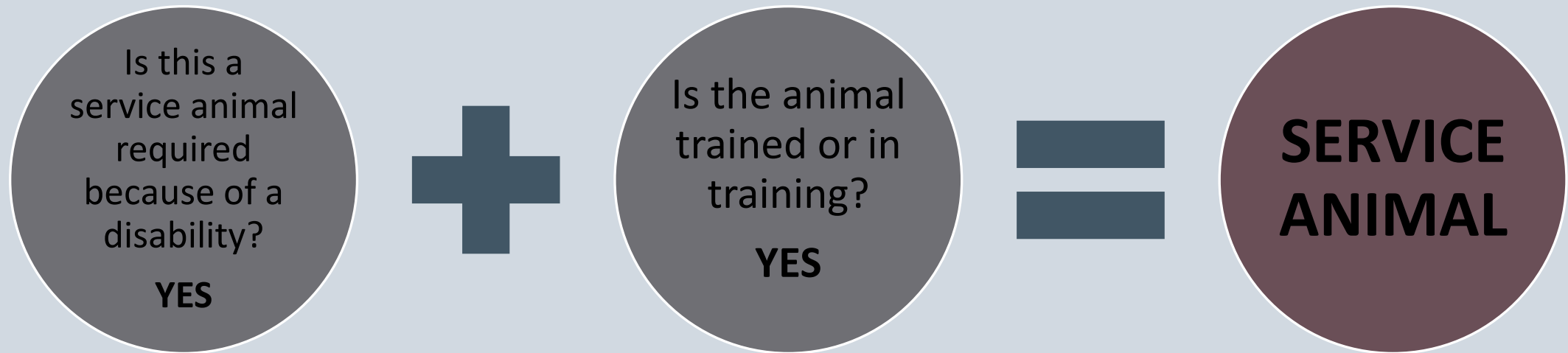
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When it is obvious that a person with a disability is benefiting from a service animal you should grant access and not ask questions.



# Permissible Questions for Public Accommodations

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# Permissible Questions for Public Accommodations

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# When is a Service Animal Not Places of Public Accommodations?

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1. Not housebroken
2. Not under the control of the handler and the handler is not able to regain control
3. Animal poses a direct threat to health and safety

***Cannot be based on type of animal, breed, or past experience with the animal***



# Discriminatory Practices in Public Places

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1. Denying entry
2. Denying full and equal enjoyment
3. Charging a higher rate or deposit
4. Communication that is intended to detour patronage or imply that a person with a disability, service animal, or service animal trainer is not welcome
5. Failing to provide reasonable accommodations or modifications of policies, practices, and procedures
6. Separating the service animal from the handler

Wis. Stat. 106.52(3)(am)



# Service Animals in Housing

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May request reliable documentation **if it is not known or apparent** that the person has a disability or a disability-related need for the animal

# Discriminatory Practices in Housing

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1. Refusing to rent,
2. causing the eviction,
3. Charging fees
4. Commination or advertising that indicated a discriminatory preference or is meant to detour
5. Denying privileges in connection with housing
6. Causing eviction engaging in harassment, coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of rights and benefits connection with housing

Wis. Stat. 106.50 (2) and (2r) (b)



# Emotional Support Animals

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# What is an Emotional Support Animal?

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An animal that provides emotional support, comfort, or companionship for a person with a disability.

1. Is not trained to perform a specific task.
2. Is needed due to disability.
3. State law protects emotional support animals in housing, but not in public places.
4. Could be permitted in other settings **if** provided as a reasonable accommodation.

Wis. Stat. 106.50(1)(im) and (2r)(bg)

# ESAs in Housing

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ESA's generally follow the same requirements as service animals except:

- Documentation must be from a licensed health care professional
- At minimum of \$500 fine for a person who intentionally misrepresents a disability or the need for an emotional support animal.
- At minimum of \$500 fine for a healthcare provider who intentionally misrepresents a patient has a disability or the need for an emotional support animal.

Wis. Stat. 106.50 (2r)(br)5

# When is a Service Animal or ESA Not Permitted in Housing

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1. The owner/handler does not have a disability, does not benefit from work performed by the animal, or fails to provide documentation
2. Would impose a undue financial and administrative burden (overall financial resources) or would fundamentally alter the nature of services
3. Animal poses a direct threat to health and safety that cannot be reduced or eliminated by another reasonable accommodation
4. Substantial physical damage to a person's property that cannot be reduced or eliminated by another reasonable accommodation



# Providing Excellent Customer Service

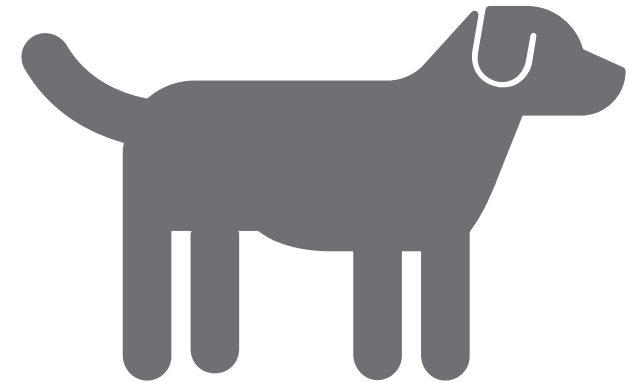
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# Treating Handlers with Dignity and Respect

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1. The animal is an extension of the person. Do not call, pet, feed, or interact with the animal.
2. The animal is busy doing important work. Do not interrupt the animal.
3. Interact with the handler as if the animal was not there.
4. If you need the animal to move, speak directly with the handler and let the handler direct the animal.



# Addressing Concerns

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1. If you have concerns about the animal, speak directly to the handler and let the handler attempt to address the concerns.
2. Accommodate others if needed.
3. If the handler is not able to gain control of the animal, only then may you ask that the handler remove the animal.
4. You may not deny access to a service animal based on past experiences.





# Hypothetical # 1

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A person you know has a service dog. They arrive with their service animal. Another patron enters the building and says they are allergic to dogs and asks you to remove the service animal. What do you do?



## Hypothetical #2

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A person enters your facility using a wheelchair with a capuchin monkey on their shoulder. The monkey is wearing a retractable leash. What do you do?



## Hypothetical # 3

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A person arrives at intake with a small cat in a bag. They report that the cat is an emotional support animal and provide you with a document to that effect. What are your options?



## Hypothetical #4

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An animal reported to you to be a service animal is hyper, barking, and jumping on other patrons. What do you do?



## Hypothetical #5

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A person arrived at your shelter with a service animal. The animal appears dehydrated and thin. What would you do and why?

# Thank you for your Commitment to Access

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