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Small Business and the ADA

ADA Now
A publication of the ADA Coordinator Training Certification Program
www.adacoordinator.org

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Program Director

One of the resources ACTCP members have asked us to provide is clear, user friendly materials to share with local business communities about their rights and responsibilities under the ADA. This issue is designed to provide just that. *Small Business and the ADA* may be used as a tool-kit to share with local businesses or as a foundation for trainings in your communities. Each article is also designed to be used as a stand-alone document. ACTCP encourages readers to use and share this issue, broadly.

On another note, If you plan to attend the 2017 National ADA Symposium and haven't already registered, I recommend you do so as soon as possible. Registration is currently at 60% of full capacity.

National ADA Symposium
May 14-17, 2017
Chicago, IL Hyatt Regency O'Hare
Learn more at: www.adasymposium.org

- All sessions will meet either foundation, optional foundation, or elective credits.
- There will be free WI-FI in the entire conference area.
- Pre-Conference and Welcome Reception on Sunday.
- Session schedule with over 80 break-out sessions.

FYI

ACTCP membership continues to grow with **1,187** current members.

Four hundred and seventy (**470**) members have received their Certification.

ADA Coordinator
Training Certification Program

ACTCP

A unique program designed to meet the training and professional needs of ADA Coordinators.

www.adacoordinator.org

ACTCP is a joint program of the Great Plains ADA Center and the University of Missouri Human Environmental Sciences, School of Architectural Studies.

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Readily Achievable and Small Business

All businesses are required to remove architectural barriers even if their building(s) were constructed prior the passage of the Americans with Disabilities Act in 1990. However, existing buildings are not held to the same standard as those being newly constructed or renovated. Business owners in existing facilities are only required to make changes that are "easily accomplishable without much difficulty or expense", otherwise known as what is "readily achievable".

Determining what is "readily achievable" is the responsibility of each individual business and will vary greatly from business to business. Obviously, what would be considered "much expense" would be very different for a large chain of retail stores than for a small business. There is no denying, however, that the term "without much difficulty or expense" is a broad statement, which can be open to a lot of interpretation. How then, should a business, especially a small business, determine what would be considered readily achievable based upon their overall resources?

Factors to Consider when Determining What is Readily Achievable (and Not Readily Achievable).

Determining if barrier removal is readily achievable should be based upon a case-by-case judgment. Factors to consider include:

1. The nature and cost of the barrier removal;

2. The overall financial resources of the site or sites involved including:
    - the number of persons employed at the site;
    - the effect on expenses and resources;
    - legitimate safety requirements necessary for safe operation, including crime prevention measures;
    - or any other impact of the action on the operation of the site;

3. The geographic separateness, and the administrative or fiscal relationship of the site or sites to any parent corporation or entity;

Using this criteria, a business could decide a change would have a negative impact on operations and profits, and therefore, not be "readily achievable".

Example:
CDE convenience store determines that it would be inexpensive to remove shelves to provide access to wheelchair users throughout the store. However, this change would result in a significant loss of selling space that would have an adverse effect on its business. In this case, the removal of the shelves is not readily achievable and, thus, is not required by the ADA.

Technical Difficulty and Readily Achievable

Along with cost and business operation, the technical feasibility of barrier removal may be taken into consideration. It may be impossible to alter or expand a bathroom due to load bearing walls. For instance, a business with several front entrance steps that sits just a few feet back from a city street may not be able to provide an exterior ramp. However, when barrier removal is limited because of technical feasibility, the business should still consider if it is possible to make some type of change that will improve access, even if it falls short of meeting the 2010 ADA Standards

Example:
The 2010 ADA Standards requires exterior doorways to be at least 32 inches wide. Business XWZ has an exterior door that is only 26 inches wide. They can widen the doorway to 30 inches, but widening the doorway to 32 inches will require extensive alteration of the building. In this case, going ahead and widening the doorway to at least 30 inches will be viewed as working to meet their readily achievable obligations.

Identifying Barriers to Remove/Developing a Plan

Common sense dictates that before a business can determine its barrier removal responsibilities, it has to identify what is out of compliance. A good resource for this task is the ADA Checklist for Existing Facilities produced by the New England ADA Center (http://www.adachecklist.org/about.html).

Once barriers have been identified, a business should then plan how to accomplish removing readily achievable barriers based upon the above criteria. For many businesses, this ongoing process of reaching full compliance by making readily achievable changes will take several years. The ADA recognizes that a number of small businesses will never have the resources to bring their building(s) into full compliance. However, these businesses should still continue to do as much as they can to become more accessible, based upon changes in resources over time.

Developing a Plan Based on Priorities.

ADA guidance recommends businesses develop a long-term plan for bringing their facilities into compliance. But where should a business start when there are numerous changes that need to be made? Should the most expensive changes they can afford be made first? The easiest, the cheapest?

To help businesses develop a long-range plan that maximizes the degree of access they are able to provide for their expenditures, ADA regulations categorize readily achievable changes into priorities.

Priority 1. Getting through the Door.

The first priority should be to make sure individuals with disabilities can physically enter the facility as independently as possible. "Getting through the door" also means providing physical access to a facility from public sidewalks and/or public transportation. If the business offers parking to its customers, providing an accessible parking spot is also part of "getting through the door".

Note: Portable ramps are permitted when the installation of a permanent ramp is not readily achievable. In order to promote safety, a portable ramp should have railings and a firm, stable, nonslip surface. It should also be properly secured.

Priority 2. Access to the Goods and Services.

Once inside, people with disabilities should have access to the businesses services. That means access to the front desk or check-out, access through the aisles and any retail displays.

Priority 3. Restrooms

The third priority should be providing accessible restrooms, if restrooms are provided to other customers and clients.

Priority 4. Remaining Barriers

Finally, features such as drinking fountains and telephone should be made accessible.

Customizing the Readily Achievable Plan.

ADA regulations do not mandate following these priorities. In fact, the regulations acknowledge that business may "mix and match" to best meet theirs and their customers' needs. For example, Business A may have very limited resources and can only create an accessible route in the interior of the store and lower a counter that contains product samples. Although these changes fall into priority two and four, they are what is currently readily achievable and so should be the first actions taken. Businesses should avoid putting off making ANY accessibility changes because they can't meet all of priority one, etc.

Common sense goes a long way in developing a personal business compliance plan. It doesn't make sense to spend all of your available barrier removal dollars on creating an accessible bathroom, when there is no accessible parking and customers can't even get through the front door!

Examples of Meeting Your Access to Goods and Services Obligation When Physical Barrier Removal is not Readily Achievable.

A restaurant has several steps at the entrance and no accessible entry is possible.
Providing home delivery or some alternative service may be required. In other cases, it may be possible to receive an order by telephone and to have a clerk bring the order to the customer outside the store or business. If alternative service is provided, it is important that it be publicized so a customer knows how the goods and services are offered.

It is not readily achievable to make counters accessible by lowering heights or provide an accessible counter or bar area.
Then a business should, if possible, provide service in another way. This may include assisting customers by moving items to an accessible counter or to their table in another area.

A business is unable to make a sales/service counter accessible.
A folding shelf can be provide or customers can be served at a nearby accessible counter or table. If these steps are not readily achievable, business should provide a clip board or lab board for customers.

Moving merchandise to create accessible aisles and lowered shelves would result in significant loss of selling space.
Staff should be available for customers who need assistance accessing merchandise. For example staff can read information for a blind customer or bring merchandise to a wheelchair user.

Applying the 2010 ADA Standards to New Construction, Renovations, & Existing Facilities

New Construction

All new construction must follow the 2010 ADA Standards for Accessible Design.

Renovations

The part of the facility being remodeled or renovated must be in compliance with the 2010 ADA Standards for Accessible Design.

Existing Facility

Existing facilities are only required to make accessibility changes that are “readily achievable”, or relatively inexpensive and easy to do.

If an existing facility has features such as an accessible entrance or bathroom that meets the previous 1991 ADA Standards, the facility does not have to upgrade to the 2010 ADA Standards unless there is a renovation, remodel or addition. This is referred to as a “safe harbor”.

20% Rule for Renovations

Up to 20% of the cost of the renovation must be used toward bringing existing barriers into compliance. For example, ABC Retail spends $50,000 on renovations. An additional $10,000 must be spent , if needed, toward making changes necessary to bring the rest of the building into compliance with the 2010 ADA Standards. This generally includes changes such as making the doorway width accessible, building a ramp to the front entrance, or restriping a parking lot to create accessible spaces. If there are no features that still need to be made ADA compliant, then the business would not be required to spend any additional funds toward

ADA Quick Tips -Tax Incentives

TAX INCENTIVES are available to encourage compliance with the Americans with Disabilities Act (ADA). This chart includes the Federal tax incentives and encourages you to inquire whether your state offers similar incentives. Unfortunately, many business owners and employers are unaware that these incentives exist. Make sure your business takes advantage of these valuable incentives.

Name	Code/ Publication	Eligibility	Purpose/ Examples	Amount
Architectural / Transportation Tax Deduction	**Code: Section 190: Barrier Removal IRS Publication: 535, Chapter 7**	**All businesses**	**Removal of physical, structural, and transportation barriers Ex: widening doors, building ramps, modifying vehicles**	**Max = $15,000**
Small Business Tax Credit	**Code: Section 44: Disabled Access Credit IRS Form 8826**	**Small businesses**	**Most expenses to comply with the ADA, including barrier removal, providing auxiliary aids/services, and accommodating employees. Ex: Providing sign language interpreters, creating Braille documents, building ramps**	**50% between $250 & $10,250 Max = $5,000**
State Tax Credits	**States often offer additional tax incentives. Please contact your state tax office or your regional ADA National Network Center to learn more about these state-wide incentives.**			

Did You Know?

► A small business is one that has 30 or fewer employees OR $1,000,000 or less in gross receipts from the previous year.

► If a credit exceeds the amount of taxes owed, businesses may carry forward the unused portion of the credit to the next year.

► Small businesses cannot claim a tax credit and deduction for the same dollar spent; however, they can use the incentives in combination, provided that the expenditures incurred qualify under both. See Example C.

► Physical modifications must comply with applicable accessibility standards.

► ADA National Network: Free technical assistance: (800) 949-4232 V/TTY. www.adata.org
► Internal Revenue Service (IRS): Questions: (800) 829-1040 V; (800) 829-4059 TTY.

Example A, Credit: Restaurant ABC employs 25 individuals, and its gross revenue for last year was $3,000,000. It qualifies as a small business with fewer than 30 employees. Last year, ABC provided Braille and large print menus (an auxiliary aid), costing a total of $1,500. ABC removed physical barriers to the restaurant's entrance and modified its transportation shuttle, totaling $8,000.

Each of these expenditures qualifies under the **Disabled Access Credit.** To calculate ABC's tax credit, start by adding the total amount spent on accessibility ($8,000 + $1,500 = $9,500) and subtract $250 ($9,500 - $250 = $9,250). Divide this amount by two ($9,250 / 2 = $4,625) to find the amount redeemable as a tax credit. ABC earned a tax credit of $4,625.

Example B, Deduction: Corporation XYZ removed barriers to its building two years in a row. Although the corporation deducted $4,000 from its taxes last year, XYZ spent money on an additional barrier removal project this year. This is an annual tax incentive, so XYZ is eligible for another tax deduction. XYZ removed all barriers from its bathrooms this year, which cost $8,000. XYZ is able to deduct this amount, $8,000, dollar for dollar, from the amount of money on which it pays taxes.

Example C, Credit & Deduction: Small business QRS spent $20,000 on access improvements by modifying their restrooms and front entrance. These expenditures qualify under both the tax credit and deduction, so QRS can use these incentives in combination. QRS may first take a tax credit of $5,000 (based on $10,250 of expenditures) and then deduct $15,000 (the difference between the total expenditures and the amount of the credit claimed).

Publications and forms: (800) 829-3676 V; (800) 829-4059 TTY. www.irs.ustreas.gov/formspubs
► U.S. Department of Justice (DOJ) Disability Rights Section: Questions: (800) 514-0301 V; (800) 514-0383 TTY. www.ada.gov

This document is not intended to provide legal tax advice. Please consult the IRS or your tax advisor.

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ADA Quick Guide: Small Business & Title III ADA Obligations

Who is Covered?

Title III of the ADA covers places of public accommodation, or businesses that provides goods and/or services. All businesses that provide goods or services are covered by Title III regulations, regardless of size. However, no business is required to take any action that would result in a financial hardship, be very difficult to carry out or change the fundamental nature of the business. Businesses are also not required to take any actions that would result in a direct threat to health and safety of their employees or customers.

What are Businesses Required to Do?

The business obligation under the ADA can be summed up in one sentence: To provide equal access to goods and services to customers with disabilities in an integrated setting. Equal access is achieved when the outcome is using goods and services in a way that is equivalent (not identical) to other customers. Reaching an equivalent outcome may require businesses to take actions that remove common barriers to access. These barriers are generally thought of as physical, such as steps to front entrances. However, there are actions necessary to meet the needs of people with a wide range of disabilities, shown in the chart below.

Business ADA Responsibilities to Provide Equal Access

Barrier Removal

Access to the business facility should be accessible. This includes parking, the route to the building and features inside the building such as bathrooms, drinking fountains, counters, and the check-out area.	Businesses are expected to achieve physical accessibility by following the ADA 2010 Standards for Accessible Design in new construction and renovation. Existing facilities should be made accessible by making any changes that can be done without undue expense or difficulty, otherwise known as “readily achievable” changes.

Effective Communication

Businesses are required to provide “auxiliary aides or services” when needed to provide effective communication. That means communication with customers with disabilities that affect communication should be as clear and understandable as communication with all customers.	**Example:** A doctor may need to provide an interpreter for his patient that is deaf during a medical consult. A restaurant may provide large print menus for their patrons with low vision.

Modification of Policies and Procedures

Access to goods and services should not be limited due to strict adherence to policies and procedures. Businesses are required to modify policies and procedures for their customers with disabilities, when needed to fully use a business’s services. **Note:** This does not mean that businesses cannot have policies that might affect people with disabilities. Only that businesses must modify their policies, as needed.	**Example:** A dress shop has a policy of only allowing one person in the dressing room at a time. However, this policy is modified so an individual’s personal care attendant can assist her in a dressing room. A person with Type I diabetes brings a small low sugar snack bar into the movie theatre. Since there are limited selections at concessions and the person may need a specific snack due to low blood sugar, the usual policy could easily be modified for this individual.

Eliminate Unnecessary Eligibility Standards

Businesses should review any policies they have that would deny access due solely to someone’s disability or have criteria that could inadvertently affect them.	**Example:** Allowing only a driver’s license as a means of identification could make it difficult or impossible for people who cannot drive to provide ID.

Businesses are required to take these actions UNLESS doing so would cause...

Undue Burden

Undue burden" is defined as "significant difficulty or expense. " Deciding if an action is an undue burden should be based on the overall operating budget and resources (such as number of employees). Actions that would qualify as an undue burden will be different for different businesses. For example, a business with several employees working at the same time will have a greater ability to deliver items to a home or bring items to a customer's car than a business with only one or two employees.

Fundamental Alteration to the Business.

A fundamental alteration is a modification that is so significant it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.

Direct Threat to Health and Safety

Business are not required to take any action that would pose a threat to the health and safety of employees and/or other customers. Note that the threat to health and safety has to be a "direct" threat based upon specific criteria, not a "possible" threat based upon assumptions or speculations.

Examples: Bill uses an oxygen tank and wants to enter an auto shop where welding equipment is used. The owner lets Bill know they can meet in his office, but Bill cannot be in the area where there is welding--even though other customers can enter this area. Janel, on the other hand, uses a service dog to help her with balance. A local bakery owner is concerned that a dog may create a health hazard in her store. In this case, however, court decisions have established that a groomed service dog,under the handler's control, does not cause a significant health threat in businesses that sell food. There isn't sufficient evidence to confirm the owner's concern about service dogs and health issues.

Integrated Settings

One of the major goals of the ADA is to achieve full inclusion of people with disabilities in American life. That requires not only access, but access in an integrated setting. In other words, customers with disabilities want to enjoy activities such as eating out, going to the movies, and shopping with their friends and family. Accessible features should be integrated into the service areas so people with disabilities are included, not separated, from everyone else.

The restaurant's tables (not high-top tables) can easily accommodate wheelchair users by simply pulling away a chair. Note that the man using the wheelchair has enough space behind and to the side of him to easily maneuver in and out of his space.

The accessible route, surfacing and height of the equipment in this play area make it easy for this father to be involved in his child's activities.

Examples of Meeting Small Business ADA Obligations

This store clerk is providing additional assistance and a slight modification of payment procedures to help a shopper checkout.

The braille directory of offices in the building follows ADA signage requirements and provides an alternate format.

Having materials such as brochures in different formats provides an alternative for effective communication.

Accessibility begins in the parking lot. This accessible spot is located close to the front entrance on a smooth, level surface. It has correct signage, and the parking spot and access aisle is striped correctly.

The height of the plant displays and aisle space lets this wheelchair user examine plants throughout the greenhouse, independently.

Maintaining Accessible Features in Retail Establishments

Content developed by the Department of Justice, June 2009

The Americans with Disabilities Act (ADA) requires businesses that serve the public to remove barriers from older buildings and to design and build new facilities to provide access to customers with disabilities. A key component of ADA compliance is maintaining those features so they remain usable. Businesses spend money to remove barriers. And, businesses need to protect that investment. Even brand-new buildings designed for complete accessibility can become inaccessible without proper attention. If key elements - often including the parking, building entrance, route into and through the establishment, access to the store's goods and services, restrooms, cashier stations, and egress - are not maintained, then access is reduced or eliminated. A poorly placed trashcan or a locked door can make a building unusable. Now that is a waste of money.

This document identifies ways that businesses can maintain their investment in access with little or no extra cost. Issues will vary, of course, with individual retail establishments.

Accessible Parking

In order for an accessible parking space to be usable, all elements of the space must be free of obstructions: the vehicle space, the access aisle, the curb ramp, and the route that connects the parking to the accessible entrance of the building. Lack of maintenance of any one of those elements can make the whole space inaccessible.

For example, for a wheelchair user to exit her car, she must place her wheelchair in the access aisle, transfer from the car seat to her wheelchair, and then roll backward in the access aisle to provide clearance to close the car door. If another car parks in the aisle or if a plow loads the aisle with snow, the wheelchair user does not have sufficient room to get out of her car. That parking space the owner just paid to have correctly restriped is now useless to her.

Maintenance List

- Remove obstacles, including shopping carts, maintenance equipment, and cars without designated license plates or placards, from parking spaces and access aisles as soon as possible.
- Clear completely snow, ice, mud, and leaves from accessible parking spaces whenever plowing or clearing the rest of the parking area. Be sure that cleaning crews do not pile snow or gravel in the accessible parking spaces, access aisles, and curb ramps.
- Maintain curb ramps and sidewalks to prevent large cracks and uneven surfaces from forming.
- Keep the accessible route from the parking area to the store's entrance clear of obstacles that either block or narrow the route.

Accessible Restrooms, Fitting Rooms, and Elevators

Equally important to the customer experience is the ability to move comfortably within the establishment and to try out or try on the merchandise. Maintenance of accessible restrooms and fitting rooms, customer service and product demonstration areas, and lifts and elevators is essential for all customers to fully enjoy the shopping experience and buy merchandise.

Maintenance List

- Unlock accessible public restrooms, toilet stalls, and fitting rooms and make sure they are available to customers with disabilities during business hours. They cannot be used as temporary storage areas or staff locker space.
- Eliminate furniture or equipment, such as shelving, large trashcans, and chairs, that take up required maneuvering space in fitting rooms and restrooms.
- Routinely refill the accessible paper towel and soap dispensers when all other dispensers are refilled.
- Maintain lifts and elevators regularly. Repair them whenever necessary, and return them to service as quickly as possible.

Accessible Route Into and Through the Business

While accessible routes through a store are originally well-planned, promotional, seasonal, and other special displays that surround entrances and spill into aisles may substantially reduce their accessibility. Customers with disabilities will not be able to shop in a store if the route through an entry plaza is too narrow because of a display of snow blowers, if the maneuvering clearance alongside the entrance door is blocked by a sale book rack, or if a route contains scattered trip hazards from impulse items displayed on cloth-covered tables or in baskets on the floor.

Maintenance List

- During business hours, unlock all doors at accessible entrances, even if they are not main entrances to the store. Mount clear, well-maintained signage at the main entrance to direct people to the accessible entrance.
- If construction or repair requires customers to detour around taped-off areas or to step up on plywood walkways, ensure that the temporary route is accessible or that there is an alternate temporary accessible route with proper signage.
- Ensure that boxes, vending machines, display racks, or other equipment do not block the maneuvering clearances required at the doors of accessible entrances. Arrange seasonal merchandise, baskets of impulse items, and extra clothes racks so that they do not block or protrude into the accessible route through the store.
- Eliminate billowy, long table covers that spill into the accessible route. These create trip hazards for customers with low vision and snag under patrons' crutches, canes, and walkers and in their wheelchair wheels.
- Plan all routes so that any hanging or mounted displays, wall-mounted shelving, lighting, or decorations provide required head clearance and cane detection for customers who are blind or have low vision.
- Staff the accessible sales counters and check-out aisles during all business hours. These areas must have their aisles clear and their lowered counter spaces free of equipment and merchandise to be usable.
- Ensure that accessible exits - including accessible emergency exits - are maintained at all times. Remove boxes, extra furniture, and other objects that may obstruct the route to the exits and the required door and floor clearances at them.
- Ensure that the doors have working accessible hardware and are unlocked during all business hours. If the store has evacuation equipment to assist people who cannot use stairs, make sure it is available, unobstructed, and in working condition.
- Accessible checkout areas are connected to an accessible route and have sufficient clear floor space for a person using a wheelchair.

Accessible Customer Information

Alternate formats of printed information for customers have to be kept up to date to be useful. Offering a Braille brochure with old telephone numbers or a large-print equipment rental application with the wrong rental return requirements will only frustrate and confuse customers.

One way to maintain accessible features is to consistently educate all staff about them. Tell employees the location and purpose of accessible retail elements and impress upon them the importance of keeping the features usable. Provide employees with procedures for correcting problems. Together staff can ensure that the store's investment in accessibility brings the greatest possible return.

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-This document and corresponding checklist is available at https://www.ada.gov/business/retail_access.htm

ADA Quick Guide: Service Dogs and Business

The ADA requires businesses to allow people with disabilities to bring their service dogs with them into the facility.

This does not mean businesses can't have "no animals allowed" policies. Rather, the business must make an exception for people with disabilities who use service dogs.

The ADA defines a service dog as a dog that has been individually trained to perform work or tasks that assist the person with a disability.

Examples of Service Dog Tasks

- Guiding people who are blind or low vision.
- Helping with balance and mobility
- Pushing open doors, retrieving objects
- Alerts to seizures, anxiety/panic attacks
- Alerts to noises/changes in the environment

Note: The ADA does not require businesses to allow emotional support animals in their facilities. Emotional support animals are not trained to perform work or task. They provide emotional support simply by their presence.

Identification

Service dog handlers (the person using the service dog) are not required to show any type of identification, and there is no registration or documentation for service dogs required or recognized by the federal government.

Service dogs are also not required to wear a vest. However, many handlers do use vests to show the general public that the dog is working and should not be petted or distracted.

Business owners are allowed to ask two questions to determine if a dog is a service dog.

1. Is this a service animal?
2. What task or work does the dog perform for you?

Staff may not ask the person with a disability to explain their disability or to provide documentation of their disability.

Restrictions

Businesses may restrict service dogs from certain areas when their presence would cause:

- **A threat to health and safety**

The threat to health and safety must be based on actual risk, not speculation. Service dogs should only be restricted from the specific area that would be affected by their presence. For instance service dogs can be restricted from areas where surgery or medical procedures are performed in a hospital, but not from waiting rooms and cafeterias.

- **A fundamental change in the nature of the business.**

Sometimes the presence of a service dog would not cause a safety or health hazard to customers or employees, but would interfere or change the operation of a business. For instance, the presence of service dogs was shown to cause distress to small antelopes in a nature exhibit at a theme park. The business had the right to restrict service dogs from that particular area because of its responsibility to protect the well-being of their animals.

This service dog not only alerts his handler to seizures, he also keeps his handler stable and safe during a seizure.

Note: Many people who use service dogs do not appear to have a disability, such as the man in the photo who has a seizure disorder.

Be careful not to assume a person doesn't really need a service dog based upon appearance.

Fees and Surcharges

Individuals with disabilities **cannot** be charged a fee or surcharge because they use a service dog.

Example: A hotel that allows pets may charge a pet fee or deposit. However, a person who uses a service dog cannot be charged the fee or deposit.

Service dog handlers may be charged for any damages caused by the dog. Note: This does not apply to routine activities such as cleaning a hotel room after a guest stay.

Handler's Responsibilities

- The service dog must be under the handler's control at all times.
- Local vaccination and registration requirements for dogs also apply to service dogs.
- Service dogs must be housebroken.
- Service dogs must be clean, and free of lice and fleas.
- The handler is responsible for the care of the service dog. Staff are not required to provide services such as feeding, watering or walking.

Quick Guide Q & A: Service Dogs and Business

Can a service dog ever be removed from a business?

Yes. Business owners have the right to remove a service dog that is aggressive, growling, snarling, and of course, biting. Business owners also have the right to remove a service dog if it is disruptive by barking repeatedly, wandering around and/or bothering other customers.

When a dog is disruptive, staff should ask the handler to bring the dog under control. If that doesn't happen, staff may ask the handler to remove the service dog. Staff may ask that a service dog be removed immediately if the dog is aggressive.

Note: The customer with a disability should be given the option to return without the dog.

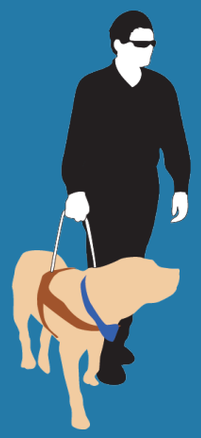
Can I ban a service dog permanently from my business?

In the majority of cases, a dog should be allowed back to business. In many cases, a dog may just need some additional training or the dog may have been feeling unwell or distracted. However, in more extreme situations such as attacking/biting staff and/or customers a business may have the right to ban that particular dog from the premises.

Where are Service Dogs Allowed?

Anywhere the general public is allowed!

- Restaurants
- Movie Theaters
- Grocery Stores
- Doctor's Waiting Rooms
- Health Clinics
- Exam Rooms
- Hospital Waiting Rooms
- Professional Offices
- Banks
- Taxi's/Uber
- Tow Trucks
- Fitness Centers
- Exhibits
- Retail Stores



Are stores required to allow service animals to be placed in a shopping cart?

Generally, the dog must stay on the floor, or the person must carry the dog. For example, if a person with diabetes has a glucose alert dog, he may carry the dog in a chest pack so it can be close to his face to allow the dog to smell his breath to alert him of a change in glucose levels.

Are restaurants, bars, and other places that serve food or drink required to allow service animals to be seated on chairs or allow the animal to be fed at the table?

No. Seating, food, and drink are provided for customer use only. The ADA gives a person with a disability the right to be accompanied by his or her service animal, but covered entities are not required to allow an animal to sit or be fed at the table.

Are gyms, fitness centers, hotels, or municipalities that have swimming pools required to allow a service animal in the pool with its handler?

No. The ADA does not override public health rules that prohibit dogs in swimming pools. However, service dogs must be allowed on the pool deck and in other areas where the public is allowed to go.

I want my business to be dog friendly. May I allow service animals other than dogs or emotional support animals into my business?

Yes. The ADA sets minimal requirements and business owners may go above and beyond these requirements as they wish to provide services to people with disabilities, providing there are no conflicting public health state or local ordinances.

My city has an American Pit Bull Terrier exclusion, does that mean I can exclude a service dog that is a pit bull?

No. Cities that prohibit specific breeds of dogs must make an exception for service dogs. However, any service dog that causes a direct threat to health and safety of others may be removed from a business, but that decision must be made on a case-by-case basis.

My city has passed its own local laws regarding service animals, which do I follow, the ADA or state and local laws?

State and local laws should meet the minimum guidelines required by the ADA. These laws may expand the definition of a service animal to include other animals than dogs. Many state and local laws cover issues such as service dogs in training and/or fraudulently claiming a pet is a service dog. You should follow the ADA guidelines and any additional state and local laws. More information about state service animal laws can be found at http://servicedogcentral.org/content/node/59

I heard that using miniature horses as a service animal is covered by the ADA? Is this true?

Miniature horses are not listed the ADA definition of a service animal, only dogs are listed in the definition. ADA regulations, however, do identify miniature horses as the one **exception** to dogs. This fact sheet provides more specific information on miniature horses as service animals. Miniature Horses.pdf

The information in this article is taken from U.S. Dept. of Justice and ADA National Network documents.

U.S. Department of Justice Guidance

Revised ADA Requirements: Service Animals

Frequently Asked Questions About Service Animals and the ADA

ADA National Network Publications

Service Animals and Emotional Support Animals

ADA Resources for Small Business

ADA Update: A Primer for Small Business

U.S. Department of Justice guide to help businesses understand how
Title III regulations and the 2010 ADA Standards for Accessible Design apply to them.

Quick Reference Guide to ADA Signage

Highly useful and user-friendly guide to meet ADA compliance guidelines and regulations for signs
developed by ACCENT Signage Systems, Inc.

ADA Compliance Brief: Restriping Parking Lots

This four-page document provides guidance on requirements for accessible parking spaces when parking facilities are restriped. (2015)

ADA Business Connection: Expanding Your Market

Information briefs developed by the U.S. Department of Justice for Business.

Accessibility Benefits Older Adult Customers

Building a Diverse Customer Base

Gathering Input from Customers with Disabilities

ADA National Network

The ADA National Network is comprised of ten regional Centers that provide technical assistance, training and information on the American with Disabilities Act. Businesses can find a wealth of information relevant to their needs as well as how to contact their regional center at **www.adata.org**

Did You Know?

There are 58.7 million people with disabilities, roughly 19% of the population.

...from Understanding Disability Statistics, ADA National Network