

Washington Law Against Discrimination includes provisions prohibiting discrimination against persons with disabilities.

RCW 49.60.040 defines "service animal" as an "animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability."

Examples of some ways in which service animals are utilized: Leading blind individuals, carrying or picking up items, helping with balance, summoning help, or providing warnings of impending seizures or low blood sugar.



### Service Animals in Places of Public Accommodation

RCW 49.60.215 prohibits discrimination in a place of public accommodation due to the "use of a trained dog guide or service animal by a disabled person."

WAC 162-26-130 requires "fair service in a place of public accommodation regardless of the use of a trained dog guide or service animal by a disabled person as well as because of the disability itself."

In short, service animals must be allowed into all areas of a public accommodation where the general public is allowed unless there is risk of harm. Risk of harm must be actual, meaning it cannot be based on fear of dogs.

Questions a business CAN ask:

1. Is the animal a pet? If it is not and it is identified as a service animal, the business can ask a second question; 2. What service or task is the animal trained to do for you?

### Food establishments

Recent legislation imposes additional restrictions on the type of service animals allowed in food establishments, such as grocery stores and food courts: they are limited to miniature horses and dogs that have been trained to do tasks that benefit a person with a disability.

### Housing

The U.S. Department of Housing and Urban Development (HUD) is a federal agency that administers the Fair Housing Act (FHA). Under the FHA, a service animal is defined as an animal that is a necessary reasonable accommodation for a person with a disability. Emotional support animals and comfort animals ARE included in the HUD definition and are therefore allowed into a person's dwelling. There should be no "pet fee" for the service animal.

The person with the disability must request the animal as a reasonable accommodation for the disability, and must be able to show that the animal is necessary because of the person's disability.



If you believe you have been discriminated against in housing because of your service animal, you will need to file your complaint directly with HUD.

## Training

Training itself is not defined, and there is no requirement that the animal has a certain type of training.

Courts have determined that training needs to be more than obedience training or positive reinforcement; a service animal must have training that sets it apart from a family pet. It must be trained to engage in specific actions or tasks to assist its handler with a disability.

The training requirement often eliminates "emotional support animals", "therapy dogs", and "comfort animals" from the definition of a service animal in places of public accommodation.

## Points to Keep In Mind

- Service animals are not pets, so a "no pets" policy does not apply
- Service animals will often be identified with a harness or vest, but there is no requirement that the service animal have any identification
- Businesses cannot ask the customer about his or her disability and cannot ask for proof of disability.
- A service animal should remain in physical or voice control of its handler at all times; it should not urinate or defecate inside, be disruptive or aggressive.

## Complaint Process

Everyone has an obligation to comply with the law and a right to seek redress when harm occurs. Complaints alleging violations of RCW 49.60 must be filed within six months of the date of harm; in housing, complaints must be filed within one year; and in Whistleblower complaints, within two years. Complaints may be resolved during an investigation subject to agreement between the parties and the WSHRC. To obtain additional information about the complaint process, visit our website or contact one of our offices to speak with an intake officer.

If you need additional information, have additional questions, or wish to have training for your organization, please contact the WSHRC at 360-753-6770 or 800-233-3247 (TTY 800-300-7525). Additional information on this and other civil rights issues can be found on our website at [www.hum.wa.gov](http://www.hum.wa.gov)



# Washington State Human Rights Commission

## Guide to Service Animals and The Washington State Law Against Discrimination



*The Mission of the Washington State Human Rights Commission is to prevent and eliminate discrimination through the fair application of the law, the efficient use of resources, and the establishment of productive partnerships in the community.*