Dear New Yorker:

As the Attorney General, one of my most important responsibilities is to safeguard the civil rights of all New Yorkers and to enforce the state’s anti-discrimination laws. One way I seek to achieve this goal is through my Civil Rights Bureau, which enforces laws prohibiting discrimination on the basis of race, color, national origin, sex, religion, age, marital status, sexual orientation and disability. Using federal, state and local civil rights laws, this bureau investigates and litigates complaints alleging a pattern, practice or policy of unlawful discrimination in employment, housing, credit, education and places of public accommodation.

I am aware, however, that discrimination can result from indifference, carelessness or ignorance, rather than simple bigotry. Of course whatever the reason, the outcome is the same -- intolerance, exclusion, and the denial of equal treatment. Therefore, another major way that I am seeking to combat discrimination as Attorney General is through education and information.

The Attorney General’s office developed this brochure, in cooperation with the U.S. Department of Justice, to make businesses aware of the ADA (Americans with Disabilities Act) and state regulations regarding service animals. It is my hope that this information will help businesses avoid discriminating against individuals who utilize service animals by informing you of your rights and responsibilities. If you have any questions or concerns that are not answered by this brochure, please do not hesitate to contact my Civil Rights Bureau at (212) 416-8250 (voice) or (800) 788-9898 (TDD). Together we can strive to eliminate discrimination based on ignorance.

Sincerely,

Eric T. Schneiderman
Attorney General
What is a service animal?

A service animal is not a pet. The Americans with Disabilities Act (ADA) defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. "Seeing eye dogs" are one type of service animal, used by some individuals who are blind. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include: alerting persons with hearing impairments to sounds; pulling wheelchairs or carrying and picking up things for persons with mobility impairments; assisting persons with mobility impairments with balance.

What are the laws that apply to businesses?

Under the ADA, privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, and sports facilities, are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are normally allowed to go.

I have a clearly posted "no pets" policy at my establishment. Do I still have to allow service animals in?

Yes. A service animal is not a pet. The ADA requires you to modify your "no pets" policy to allow the use of a service animal by a person with a disability. This does not mean you must abandon your "no pets" policy, but simply that you must make an exception to your general rule for service animals.

How can I tell if an animal is really a service animal and not just a pet?

Some service animals wear special collars and harnesses. Some are licensed or certified and have identification papers. If you are not certain that an animal is a service animal, you may ask the person. Although a number of states have programs to certify service animals, you may not insist on proof of state certification before permitting the service animal to accompany the person with a disability.

What must I do when an individual with a service animal comes to my business?

The service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go.

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I operate a private taxicab and I don’t want animals in my taxi. Am I violating the ADA if I refuse to pick up someone with a service animal?

Yes. Taxicab companies may not refuse to provide services to individuals with disabilities. Private taxicab companies are also prohibited from charging higher fares or fees for transporting individuals with disabilities and their service animals than they charge to other persons for the same or equivalent service.

Can I charge a maintenance fee for customers who bring service animals into my business?

No. Neither a deposit nor a surcharge may be imposed. However, you may charge a maintenance fee if a service animal causes damage so long as it is the regular practice of the entity to charge non-disabled customers for the same types of damages.

Can I exclude an animal that doesn’t really seem dangerous but is disruptive to my business?

There may be a few circumstances when you are not required to accommodate a service animal -- that is, when doing so would result in a fundamental alteration to the nature of the business. Generally, this is not likely to occur in restaurants, hotels, retail stores, theaters, concert halls and sports facilities. But when it does, for example, when a dog barks repeatedly during a movie and the owner is unable to control the dog, or the dog’s barking does not serve to communicate something of benefit to the owner, the animal can be excluded.