



## COUNTY OF CORTLAND

### **POLICY AND PROCEDURE FOR SERVICE ANIMALS AND/OR EMOTIONAL SUPPORT ANIMALS AND PUBLIC ACCOMODATIONS WITHIN CORTLAND COUNTY BUILDINGS AND PROPERTY**

**PURPOSE:** Cortland County is committed to providing equal access to County services and facilities for people with disabilities who utilize service animals in accordance with the Americans with Disabilities Act (ADA). This policy and procedure is to provide guidance to department heads and security personnel as to rights of access for bonafide service animals in accordance with United States and New York State laws and regulations, and for the safety of staff and other occupants of Cortland County buildings and property.

**REFERENCES:** Americans with Disabilities Act (ADA)

NYS Office of Attorney General Brochure for Service Animals

NYS Agriculture and Markets: Report from the New York State Therapy Dog Work Group

#### **DEFINITIONS:**

1. “Americans with Disabilities Act:” The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services and telecommunications.
2. “Disability:” A person who has a physical or mental impairment that substantially limits one or more major life activities. This includes people who have a record of such impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability. The ADA also makes it unlawful to discriminate against a person based upon that person’s association with a person with a disability.
3. “Service Animal:” A service animal is any dog that is individually training to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals,

whether wild or domestic, trained or untrained, are not considered service animals. The work tasks performed by a service animal must be directly related to an individual's disability. Examples of work tasks include, but are not limited to:

- a. Assisting individuals who are blind or have low vision with navigation and other tasks;
- b. Alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
- c. Providing non-violent protection or rescue work;
- d. Pulling a wheelchair;
- e. Assisting an individual during a seizure;
- f. Alerting individuals to the presence of allergens;
- g. Retrieving items such as medicine or the telephone;
- h. Providing physical support and assistance with balance and stability to individuals with mobility disabilities;
- i. Helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

A public entity or private business must allow a person with a disability to bring a miniature horse on the premises so long as it has been individually trained to do work or perform tasks for the benefit of the individual with a disability. However, an organization can consider whether the facility can accommodate the miniature horse based upon the horse's type, size, and weight. The rules that apply to service dogs also apply to miniature horses.

4. "Emotional Support Animal:" Emotional support animals or comfort animals are often used as part of a medical treatment plan as therapy animals. They are *not* considered service animals under the ADA. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. These animals are not limited to working with people with disabilities and therefore, are not covered by federal laws protecting the use of service animals. Therapy animals provide people with therapeutic contact, usually in a clinical setting, to improve their physical, social, emotional, and/or cognitive welfare.

#### PROCEDURE FOR SERVICE ANIMALS:

- A. No individual assisted by a service animal satisfying the definition pursuant to the provisions of the ADA will be denied access to any Cortland County facility to areas where the public is normally allowed access. Emotional support animals are *not* considered service animals under the ADA and will be denied access to any Cortland County buildings and/or facilities, with the exception of the Cortland County Mental Health Clinic and Cortland County Child Advocacy Center.
- B. Service animals will be required to be harnessed, leashed, or tethered, unless this device interferes with the service animal's work or the individual's disability prevents the use of

such devices. Service animals should be under the owners control at all times and the service animal should not be allowed to engage with other people while on County property.

- C. In the event it is not obvious what service the service animal provides, *VERY* limited inquiry is permitted before granting access. Staff may ask:
- i. Is the service dog required because of a disability?
  - ii. What work task is the dog trained to perform?
  - iii. STAFF CANNOT:
    - I. Ask about the person's disability;
    - II. Require medical documentation;
    - III. Require a special identification card or training documentation for the dog; or,
    - IV. Ask that the dog demonstrate its ability to perform the work or task.

A person with a disability and their service animal seeking access to a Cortland County Facility cannot be denied entry, or asked or required to remove a service dog from the premises unless: (1) the dog is out of control or (2) the dog is not housebroken.

- D. Allergies or fears of dogs are not valid reasons for denying access or refusing service to people using service animals. For example, if another person claims to be allergic to dog dander and the person who uses a service animal must spend time in the same room or facility, such as a classroom, waiting area, or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility. Every effort at reasonable accommodation must be made.
- E. Service animals must be quiet and not distract others while within Cortland County buildings and premises.
- F. Service animals are not allowed to chew on waste or any form of office equipment or any other item not belonging to the service animal while within Cortland County buildings and premises.
- G. Service animals need to be harnessed and tethered at all times for safety reasons. If the service animal is disruptive, you will be asked to leave the facility with your service animal immediately.
- H. Toys that produce loud sounds or squeaking are prohibited within the facilities.
- I. Clients are responsible for cleaning up and sanitizing immediately after accidents. Feces bags must be sealed and discarded. Clients must bring their own feces bags for their service animals.

- J. All service animals must be accompanied by the owner at all times. Service animals are not allowed to wander unattended, inside or outside of the building.
- K. Service animals are required to be current with their rabies vaccinations and their licensing requirements. All service animals will wear a tag indicating current licensing and current rabies vaccination. In absence of a tag, proof of vaccination and/or licensing may be required.
- L. Bites or other injuries to bystanders, members, patients, visitors, or employees will be immediately reported to the Public Health Director and/or designee. An Incident Report Form (Cortland County Incident Reporting) will be completed to include notification of the County Safety Officer (X-5068). The service animal will be required to leave that building and/or premises and may be denied reentry to be building in the future.
- M. **EMOTIONAL SUPPORT ANIMALS – LIMITED EXCEPTION:** Cortland County Mental Health Clinic and Cortland County Child Advocacy Center are the only facilities that will permit entry of emotional support animals. At the request of a client, subject to approval by the appropriate staff member of the facility, a client of that facility may be approved to enter the clinic area accompanied by their emotional support animal.

i. **PROCEDURE FOR EMOTIONAL SUPPORT ANIMALS WITHIN CORTLAND COUNTY MENTAL HEALTH CLINIC AND CORTLAND COUNTY CHILD ADOVACY CENTER:**

- I. Any client who brings an emotional support animal within the facility must inform the provider with information as to what emotional needs the support animal fulfills prior to their scheduled appointment. Additionally, the client shall inform the provider what work or tasks the support animal has been trained to do.
- II. Clients will consult with their therapist and/or staff at the facility prior to bringing their emotional support animal to the facility. The facility will note in the client's chart as to when the client and their emotional support animal will be attending appointments at the facility to ensure safety of the facilities and the people within the facilities.
- III. Emotional support animals will not be allowed within the facilities if they are not adequately trained to behave in a manner that is non-aggressive.
- IV. The emotional support animal needs to be harnessed and tethered at all times for safety reasons. If the emotional support animal is disruptive, you will be asked to leave the facility with your support animal immediately.

- V. Toys that produce loud sounds or squeaking are prohibited within the facilities.
- VI. Emotional support animals are not allowed to chew on waste or any form of office equipment or any other item not belonging to the emotional support animal while within Cortland County buildings or premises.
- VII. Clients are responsible for cleaning up and sanitizing immediately after accidents. Feces bags must be sealed and discarded. Clients must bring their own feces bags for their support animals.
- VIII. All emotional support animals must be accompanied by the owner at all times. Support animals are not allowed to wander unattended, inside or outside of the building.
- IX. Emotional support animals must be quiet and not distract the other clients or employees when in the facility. If another client is either allergic or afraid of an emotional support animal within the facility, the owner of the animal must leave the facility with the support animal and reschedule their appointment.
- X. Emotional support animals are not allowed to chew on waste or any form of office equipment in the facility or any other item that does not belong to the support animal.
- XI. If an emotional support animal misbehaves on two (2) occasions at the facility, their owner is prohibited from bringing the support animal to the facility again.
- XII. Emotional support animals such as snakes, spiders, rabbits, or other animals that are susceptible to damaging the facility or frightening clients or staff, will not be allowed to enter the facility.
- XIII. Emotional support animals should be under the owner's control at all times and the support animal should not be allowed to engage with the other clients in the waiting room. Emotional support animals are not allowed to bark or damage any property in the facility nor endanger themselves or others while present in the facility. This behavior will not be tolerated in the facility and the client and their support animal will be asked to leave the facility if the support animal's behavior is disruptive in any manner.
- XIV. Emotional support animals are required to be current with their rabies vaccinations. All emotional support animals will wear a tag indicating

its current rabies vaccination. In absence of a tag, proof of vaccination may be required.

- XV. Bites or other injuries to bystanders, members, patients, visitors, or employees will be immediately reported to the Public Health Director and/or designee. An Incident Report Form (Cortland County Incident Reporting) will be completed to include notification of the County Safety Officer (X-5068). The emotional support animal will be required to leave that building and/or premises and may be denied reentry to be building in the future.

**ON MOTION OF BEAU HARBIN**

**RESOLUTION NO. 240-20**

**Adopt Cortland County Service Animal Policy - Buildings and Grounds**

WHEREAS, the Cortland County Legislature is the governing body in and for the County of Cortland, AND

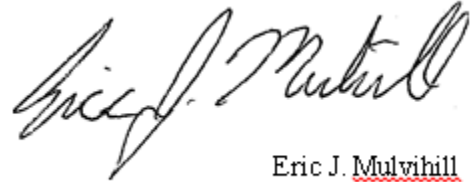
WHEREAS, the County Legislature wishes to adopt a policy consistent with New York State Statutes, regarding service animals in county owned facilities, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby adopts the Cortland County Service Animal Policy and that such policy shall take effect upon passage of this resolution and shall remain in effect until such time as it is amended or rescinded.

**STATE OF NEW YORK ) SS:  
COUNTY OF CORTLAND )**

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 27th day of August, 2020 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand  
and the official seal of the CORTLAND COUNTY  
LEGISLATURE, this 27th day of August, 2020.



Eric J. Mulvihill  
Clerk of the Cortland County Legislature