

FAQ and General Information for:

Oregon Laws on Service Dogs in homes, public places, qualifications, certification or registration information, Fair Housing Act (FHA), American's with Disabilities Act (ADA) support.

1. **Oregon Laws on Registration or Certification:** Oregon law, in alignment with the [Americans with Disabilities Act \(ADA\)](#), does not require *service dogs* to be registered, certified, or licensed. Per HIPAA guidelines, businesses or public places cannot ask for this documentation or proof. Instead, if a service animal's function isn't obvious, staff can only ask two specific questions:
 - a. Whether the animal is required because of a disability
 - b. What tasks it has been trained to perform
2. Oregon administrative rules, Oregon revised statute, Oregon law: Ors659A.143 assistance animals: ESA's (Emotional Support Animals) do not require payment for registration, a letter from a mental health professional is sufficient.
3. Some Service Dogs get trained through a facility for specific disability with a trainer and are released as service dog through Social Security Disability as it has to be proven as a legal disability
4. Since the laws and requirements of SD and ESA's are so similar, here are the defining differences and clarification on where they can go legally:
 - a. Service Dogs can only be appointed to those with a legal disability, in which they receive Social Security Disability Income etc. However if the dog qualifies under the person's disability and is able to perform tasks pertaining to that person's disability, the dog can legally go ANYWHERE the person goes without exception.
 - b. ESA can be lawful upon letter of recommendation by a mental health provider or primary care provider. If the person does not have a legal disability the dog may NOT go anywhere the person goes, it is primarily restricted from stores or food establishments including restaurants and also flights are now not allowing ESAs, but they do have special access to places like living arrangements.
 - c. [Where Can Emotional Support Dogs Legally Go? - LegalClarity](#)

5. If a person has trained their own service dog as a trained professional they may utilize the cgc evaluations process to certify for public etiquette which should be an easy thing to do in lieu of papers from an official professional service dog trainer.

6. **IF ANY COMPANY OFFERS REGISTRATION OR ID CARD FOR YOUR SERVICE DOG FOR A FEE, THIS IS A SCAM AND UNNECESSARY! The only official documentation you need is from your health care provider, which is either your Primary Care for disability for Service Dog OR Mental Health Provider for ESA**

7. **Fair Housing Act (Housing information, laws and SD or ESA accessibility is different in home situations than in public places):**

a. Under the FHA, requesting to have a **service animal** in one's home is considered a *reasonable accommodation* which is usually granted if there are no legitimate Public Safety threats or likelihood of significant property damage. The FHA allows two different questions about assistance animals:

1. Does the person have a legal disability, physical or mental impairment substantially limiting one or more major life activities

2. Does the person making the reasonable accommodation request have a disability related need for the assistance animal

B. If the disability is readily apparent or known by looking or interacting with the person, then no additional questions are allowed under the FHA. If the disability or reason for the assistance animal is not readily apparent, then a housing provider can ask for documentation of both the disability and the need for the assistance animal.

3. **Emotional Support Animals (ESA's)** are considered an assistance animal under the FHA and they are not considered pets, which means they can be accepted even with a property that has a "no-pets policy", unless it poses an undue financial or administrative burden or a direct threat to others. The Oregon's Emotional Support Animal (ESA) requirements for FHA housing primarily follow federal guidance which involves:

Requirements for an ESA Letter

1. **Issued by a Licensed Professional:** The letter must come from a licensed mental health professional (LMHP), such as a psychologist, psychiatrist, or social worker.

1. **Confirms Disability and Need:** The letter must confirm that you have a disability and that the ESA is necessary to alleviate symptoms of that disability.

2. **Dated and Signed:** Ensure the letter is valid, dated, and signed by the LMHP

3. **Reasonable Accommodation:** The landlord must allow your ESA to live with you, even if they have a "no-pets" policy, as a reasonable accommodation for your disability.
4. **No Pet Fees:** Landlords cannot charge extra pet fees, deposits, or rent for an ESA.
5. **No Breed/Size Restrictions:** Landlords generally cannot deny an ESA based on breed or size alone.
6. **Responsibility for Damage:** You are still responsible for any damage your animal causes to the property.

4. **What a Landlord CAN Ask For**

1. **An ESA Letter:** The landlord can request the letter to verify your need for the ESA.
2. **Reliable Documentation:** If your disability and the need for the ESA are not obvious, the landlord may request reliable documentation of your disability.
3. **Assistance Animal Agreement:** You may be asked to sign an agreement outlining your responsibility for the animal's care and behavior.

5. **What a Landlord CANNOT Ask For**

1. **Specific Disability Details:** Landlords cannot ask for details about your specific disability or the nature of your condition.
2. **Proof of Training:** They cannot require your ESA to have specific training.

6. **When an ESA Can Be Denied**

1. **Direct Threat:** If the specific animal poses a direct threat to the health or safety of others.
2. **Undue Burden:** If accommodating the animal would create an undue financial or administrative burden on the housing provider.
3. **Fundamental Alteration:** If allowing the ESA would fundamentally alter the nature of the housing provider's operations.

3. **Oregon Laws on Service Dogs in Public places** (including classification of service animal types and legal parameters)

[Chapter 407](#)

[Division 5](#)

CLIENT RIGHTS

407-005-0017

Service Animals in Oregon Department of Human Services Buildings

- (1) The Oregon Department of Human Services (ODHS) shall make reasonable modifications to its policies, practices, and procedures to permit the use of service animals by individuals with a disability.
- (2) Under the ADA, service animals are defined as dogs. In limited circumstances, miniature horses may serve as service animals. (See 28 CFR 35.136i for information on these circumstances.) Emotional support animals and companion animals do not qualify as service animals under Titles II or III of the ADA.
- (3) Service animals must be individually trained, or be in training, to do work or perform tasks for an individual with a disability. The work or task a service animal has been trained to provide must be directly related to a disability, including a physical, sensory, psychiatric, intellectual/developmental, or other mental disability.
- (4) ODHS must allow a service animal to accompany an individual with a disability in all areas of the facility where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.
- (5) Under the ADA, a service animal must be under the control of the service animal's handler. A service animal must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks.
- (6) ODHS may ask an individual with a disability to remove a service animal from the premises if:
 - (a) The animal is out of control and the animal's handler does not take effective action to control it; or
 - (b) The animal is not housebroken.
 - (c) If one or both of these situations occur, the handler may be asked to remove the service animal, but the individual with a disability must still be welcome to participate in the service or accommodation without the service animal.
- (7) When it is not obvious what service a service animal provides, staff may ask only two questions to determine whether an animal qualifies as a service animal. Staff may not require the individual with a disability to produce documentation such as proof that the animal has been certified, trained, or licensed as a service animal.

(a) “Is the service animal required because of a disability?”; and

(b) “What work or task has the service animal been trained to perform?”

1. Reference See this link:

https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=qc5EoT1_JnKGfh8EP_PC4p0mmyad44Te8zmynVCJa9lFJlkPOp3b!99228750?ruleVrsnRsn=288249

1.

5. **Dog training:**

a. In accordance to the Oregon Law, in alignment with the Americans with Disabilities Act, requires **Service Dogs** to be individually trained to perform specific tasks for the person with the disability, pertaining specifically to that disability. The training is not specific to professional training or certified in anything, the key is the dog's ability to perform specific tasks directly related to the person's disability such as: guiding the blind, alerting to sounds, touch or comfort for anxiety or other illnesses, retrieval of medication etc.

b. However, if the handler (Ie: disabled person) acquires a dog that has not yet been through training for the specific disability (the dog can wear a service dog titled harness that says “in-training” while the dog is going through training) OR, if the disabled person decides that the dog needs *additional* training to be able to comply with reasonable accommodations, such as barking issues or basic obedience, Marina's Animal Adventures LLC is a company that offers a CCDT (Catch Certified Master Dog Trainer) assistance with teaching your dog basic obedience and some simple service dog tasks. This service dog task coverage will depend on evaluation, as not all disability tasks are classified the same way. As a certified, professional dog trainer, Marina Berny can also certify as witness to the dog's capabilities of services and complies with the reasonable accommodations request for basic obedience.

6. **All Resources:**

1. https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=qc5EoT1_JnKGfh8EP_PC4p0mmyad44Te8zmynVCJa9lFJlkPOp3b!99228750?ruleVrsnRsn=288249
2. Northwest ADA Center 800-949-4232 nwadactr@uw.edu
3. <https://www.hud.gov/helping-americans/assistance-animals>

4. www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals
5. See the legal brief titled *Assistance Animals under the Fair Housing Act Section 504 of the Rehabilitation Act and the air carrier access Act*. (LINK HERE)
 - A. https://adata.org/legal_brief/assistance-animals-under-fair-housing-act-section-504-rehabilitation-act-and-air
6. An additional helpful resource for technical assistance about the Fair Housing Act requirements is Fair Housing Accessibility First, a HUD founded project, to provide information materials and technical assistance. Their contact number is 888-341-7781 and their email for assistance is fairhousingfirst@Hud.gov
7. Department of Housing and Urban Development HUD provides more information about assistance animals and how to file a complaint with HUD if necessary.