

Paws at the Door

A Practical Guide to the ADA and Service Animals for New York City Restaurants

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It's a busy Thursday night. A guest walks in with a dog and asks for a table. Your host hesitates. The service team looks uneasy. A nearby diner raises an eyebrow. What do you do?

If you get it wrong, the consequences are significant. A complaint under the Americans with Disabilities Act (ADA) can mean costly litigation, an investigation by the U.S. Department of Justice and the kind of press coverage no restaurant wants. New York State and New York City laws add their own layers of protections — and penalties. But beyond the legal exposure, this is fundamentally about hospitality: welcoming every guest, including those who rely on a trained service animal to navigate daily life.

This guide gives New York hospitality venues the practical knowledge your front-of-house team needs — rules you can put into practice tonight.

What Counts as a “Service Animal” Under the ADA

The ADA defines a service animal as:

Any dog that is individually trained to perform specific tasks to mitigate the challenges of an individual's disability.

Key points:

- Dogs only. No other animal species qualifies as a service animal under the ADA. (Miniature horses receive a separate, limited analysis, but for practical purposes in a restaurant setting, you are dealing with dogs.)
- Individually trained. The dog must be trained to perform specific tasks directly related to the handler's disability, including a physical, sensory, psychiatric, intellectual or other mental disability. There is no requirement that training be done by a professional — owners can train their own service animal.
- No certification or paperwork required. The ADA does not require service animals to be certified, licensed or registered. There is no official “service animal identification card.” Any card or vest you see was purchased by the owner and has no legal significance.

Examples of tasks service animals perform: Guiding a person who is blind or has low vision; alerting a person who is deaf or hard of hearing to the presence of sounds or people; pulling a wheelchair; alerting to oncoming seizures; detecting allergens in food or surroundings; retrieving dropped items; retrieving items such as medicine or a cellphone; providing physical balance and support; and interrupting harmful behaviors associated with psychiatric or neurological disabilities.

Service Animals vs. Emotional Support Animals: A Critical Distinction

This is the single most important distinction your staff needs to understand.

Service Animal	Emotional Support Animal (ESA)
Must be a dog (or miniature horse)	Can be any animal
Individually trained to perform tasks	No task training required
Tasks must relate to handler's disability	Provides comfort by presence alone
Must be admitted to restaurants	Not entitled to access restaurants
Protected under ADA Title III and local laws	Not protected under ADA or New York law
No documentation required	May have a therapist letter (irrelevant for restaurant access)

Therapy animals, emotional support animals and companion animals (usually dogs) are generally not protected by public accommodation disability laws. The comfort or emotional support that an animal's mere presence provides does not qualify as "work or tasks." Such an animal is not a service animal and restaurants are not required to admit them.

The Two Questions You Can Ask

When a guest arrives with a dog and it is not obvious that the animal is a service animal (for example, you can see the dog is guiding a visually impaired person at the restaurant), your staff may ask only two questions:

1. "Is this animal required because of a disability?" If yes,
 2. "What work or task has the animal been trained to perform?"

That's it. You cannot ask anything else about the animal or the disability. Specifically, you cannot:

- Ask what the person's disability is.
- Ask for a demonstration of the task.
- Require any documentation, certification, ID card or vest.
- Ask the dog to perform its task on the spot.

If the guest answers "yes" to the first question and identifies a task for the second, the dog is permitted to come into the venue. Period.



When You Must Allow a Service Animal Inside

The short answer: virtually always.

Under the ADA and related state and local laws, individuals with disabilities must be permitted to bring their service animals into all areas of a restaurant where the public is allowed to go. This includes:

- The dining room
- The bar area
- Outdoor seating
- Waiting areas and lobbies
- Private dining or event spaces
- Restroom corridors and other common areas

Important: Even if your local health department's regulations prohibit animals in food-service areas, the ADA and related New York laws override those restrictions for service animals. You cannot use a health code as a reason to deny entry of service animals.

The service animal should remain on the floor or in the handler's lap — not on chairs, tables or booths. The handler is responsible for keeping the animal under control, typically with a leash, harness or tether. If the handler cannot use a tether due to their disability or because it would interfere with the animal's task, the animal must be under the handler's control through voice commands, signals or other effective means. The service animal cannot rest on the table. The restaurant is not obliged to feed or otherwise serve or prepare food for the animal.

When You Can Ask a Handler to Remove a Service Animal From the Premises

There are only two situations in which you may ask a handler to remove their service animal:

1. **The animal is out of control** and the handler does not take effective action to bring it under control. Examples: persistent barking, jumping on other diners, running loose through the restaurant or showing aggression.
2. **The animal is not housebroken.** If the animal has an accident inside, you may ask the handler to remove it.

Important: Even if you properly ask the handler to remove the animal, you must still offer the guest the opportunity to stay and receive service without the animal. You cannot ask the person to leave — only the animal.

What Restaurants Cannot Do With Respect To a Service Animal

The ADA prohibits a number of practices that restaurants sometimes adopt out of confusion or excessive caution:

- **Require documentation.** You cannot ask for proof of certification, training records, a doctor's letter or a service animal ID card.
- **Charge a pet surcharge or deposit.** Even if your restaurant charges fees for pets in pet-friendly areas, you may not impose any surcharge for a service animal. (You may, however, charge for actual damage caused by the animal, just as you would charge any guest for property damage.)

- **Ask about the nature of the disability.** The only permissible questions are the two listed above. “What’s wrong with you?” or “Why do you need that dog?” are off-limits and may never be asked.
- **Impose breed or size restrictions.** If the animal is a pit bull, a Rottweiler or any other breed that may be subject to local breed-specific legislation, it does not matter. A service animal is a service animal regardless of breed, size or appearance. If the dog is under control and not exhibiting aggressive behavior, it must be admitted.
- **Isolate the guest.** You cannot seat a person with a service animal in a less desirable area, away from other diners, *unless the guest requests it.*
- **Require a vest, harness or special identification.** While many service dogs wear vests, there is no legal requirement for them to do so. The absence of a vest or ID tag does not mean the animal is not a service animal. The opposite is true, too; just because the animal is wearing an “official looking” vest does not mean that the animal is a service animal.

Scenario: “My Dog Is an Emotional Support Animal”

Here is a situation your staff will encounter, possibly on a daily basis. A guest arrives with a dog and, when asked the two permissible questions, responds with something like:

“She’s my emotional support animal. I have a letter from my therapist.”

What to do:

An emotional support animal is not a service animal under the ADA or New York law. The fact that the guest has a therapist’s letter does not change this — those letters may relate to housing accommodations, but they do not relate to public accommodations like restaurants.

Your staff should handle this with courtesy and clarity:

1. **Acknowledge the guest’s statement.** “Thank you for letting me know.”
2. **Clarify whether the animal performs a task.** “Has the dog been trained to perform a specific task related to a disability?” This is the second permissible question. Some people use the term “emotional support animal” loosely, when in fact their animal is a trained psychiatric service animal that performs tasks like interrupting anxiety attacks or providing deep pressure therapy.
3. **If the answer is no, explain your policy politely.** “We understand how important your animal is to you. Unfortunately, under ADA guidelines, we’re only able to accommodate animals that have been individually trained to perform tasks for a disability. We’d love to serve you — would you like a table while your companion waits outside?”
4. **If the guest insists or becomes upset,** involve a manager. Do not argue, debate or escalate. A calm, consistent message works best: “I understand this is frustrating. Let me get a manager who may be able to help.”

Important: Never use the word “pet.” If the animal turns out to be a legitimate service animal, referring to it as a “pet” may be perceived as dismissive or discriminatory. Use “animal” or “dog.”

New York State Law: Additional Protections

New York provides protections that go beyond the ADA. Your restaurant must comply with both.

Civil Rights Law § 47: Service Dogs in Public Facilities

New York Civil Rights Law § 47 prohibits denying any person with a disability admittance to, or equal use of, any public facility because that person is accompanied by a guide dog, hearing dog or service dog. Restaurants are expressly included in the definition of “public facility.”

Key provisions:

- No direct or indirect additional charge for the dog's admittance is permitted.
- The law extends the same rights to individuals who are training service dogs.
- A “service dog” is defined consistently with the federal ADA regulations.
- Penalties: A violation of Civil Rights Law § 47 can result in a fine of up to \$1,000.

New York's Human Rights Law (Executive Law § 296) adds further protection, making it an unlawful discriminatory practice to deny access to a person with a disability who is accompanied by a professionally trained service dog.

Public Health Law § 1352-E: Companion Dogs in Outdoor Dining

New York's companion dog law defines a “companion dog” as a domesticated dog accompanying an individual for the purpose of companionship or convenience and does not include service animals. The law allows restaurants to permit non-service companion dogs in outdoor dining areas, subject to specific conditions:

- The owner has elected to allow companion dogs in its outdoor dining area or a designated portion of it and subject to any restrictions that the owner establishes.
- The outdoor area must have a separate entrance (not through the interior).
- The dog must remain on a leash or in a confined pet carrier at all times.
- Employees engaged in the preparation and service of food must not touch the dogs.
- Signage must be posted indicating companion dogs are allowed, stating any restrictions and that any such restrictions on companion dogs do not apply to service animals.
- If the establishment provides food and water for companion dogs, it must be served in single-use disposable containers.

Important distinction: This law is about companion dogs (essentially pets) in outdoor areas only. It does not affect service animal rights in any way. Service animals still have full access to every area of the restaurant — indoors and out — regardless of whether the restaurant participates in the companion dog program.

Protections for Service Animals Under New York Penal Law

New York takes the protection of service animals seriously. Under the Penal Law:

- Harming a service animal in the second degree is a Class A misdemeanor (Penal Law § 242.10).
- Interfering with a service animal is a Class B misdemeanor (Penal Law § 242.05).

Your staff should be aware that interacting with a service animal without the handler's permission — petting, feeding, distracting — is not only discourteous but could potentially constitute interference.



Do's and Don'ts for Restaurant Staff

Do's

- ✓ Welcome the guest and their service animal just as you would any other guest.
- ✓ Ask the two permissible questions if it is not obvious the animal is a service animal.
- ✓ Offer a table location that comfortably accommodates the guest and the dog.
- ✓ Provide a water bowl if requested — it is not required, but it is good hospitality so long as it does not affect the safety and access for other guests and employees.
- ✓ Allow the service animal in all public areas, including the dining room.
- ✓ Address behavior problems (not the animal's presence) — calmly and specifically.
- ✓ Offer the guest the option to remain and dine without the animal if removal becomes necessary.
- ✓ Train all front-of-house staff on these rules regularly.

Don'ts

- ✗ Ask "What is your disability?" or "What's wrong with you?"
- ✗ Require documentation, certification, vests, ID cards or proof of training.
- ✗ Charge a pet fee, surcharge, deposit or cleaning fee for a service animal.
- ✗ Refuse entry based on breed, size or appearance.
- ✗ Seat the guest in a less desirable location because of the animal.
- ✗ Touch, pet, feed or distract the service animal.
- ✗ Refer to the service animal as a "pet."
- ✗ Argue with a guest about whether their animal qualifies.
- ✗ Ignore a service animal that is genuinely out of control — address the behavior, not the right.

Practical Tips for Staff Training

1. Post a laminated or similar copy of the two permissible questions (or checklist below) at the host stand and in the break room, so that employees remain aware of their obligations.
2. Role-play common scenarios during pre-shift meetings, including the emotional support animal conversation.
3. Designate a manager as the point person for any service animal questions or disputes.
4. Teach the difference between service animals and emotional support animals in onboarding.
5. Emphasize what staff cannot ask — this is where most violations occur.
6. Remind staff that a guest does not have to provide any documentation with respect to their service animal. If it looks official, it is still irrelevant.
7. Review these policies at least twice a year and whenever new staff are hired.
8. Document any incidents involving service animals for your records, but do so after the interaction, not during.

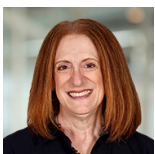
Quick-Reference Checklist for Front-of-House Staff

Post this at the host stand.

Situation	What to Do
A guest arrives with a dog.	Is it obvious the dog is performing a task (e.g. guiding someone who is visibly blind, pulling a wheelchair)?
If YES	Seat the guest. Do not ask any questions about the dog.
If NOT OBVIOUS	Ask: (1) “Is this animal required because of a disability?” and (2) “What task has the dog been trained to perform?”
Guest answers both questions.	Seat the guest with the dog. Full stop.
Guest says it is an Emotional Support Animal.	Ask: “Has the dog been trained to perform a specific task?” If no, politely explain that only task-trained service animals can be accommodated inside. Offer to seat the guest without the dog.
Dog is misbehaving.	Ask the handler to bring the dog under control. If the handler cannot or will not, you may ask that the dog be removed. The guest may stay.
Dog has an accident.	You may ask the handler to remove the dog. The guest may stay.
Guest has no paperwork.	Irrelevant. No paperwork is ever required.
Dog is a pit bull or large breed.	Irrelevant. No breed restrictions apply to service animals.
Guest asks for special seating.	Accommodate the request. Offer a booth-end or corner table if available.

Final Thoughts

The law here is not complicated, but it requires consistency and training. Every member of your front-of-house team — from the host to the busser — should understand the basics. A well-trained staff handles service animal situations smoothly, avoids legal liability and sends a powerful message to every guest: this restaurant welcomes everyone.



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