



DISABILITY LAW COLORADO™

Protecting the rights of Coloradans of all ages since 1976

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At Disability Law Colorado we recognize that many restaurant owners and operators are still under a misunderstanding that service animals are not allowed in restaurants under the law. Because of this we have created a fact sheet focused exclusively on the issue of service animals in restaurants and a sample letter that can get you started on writing a letter to a restaurant that has disallowed service animals.

The following three pages are the sample letter and fact sheet. You can send the fact sheet to accompany your letter to the restaurant.

This resource sheet is for informational purposes only. Nothing herein shall be understood to be legal advice. For specific legal advice an attorney should be consulted.

Sample Letter to Restaurants for Equal Access for a person with Service or Assistance Animal

Mr. / Ms. [*Name of Restaurant Owner/ Manager OR Restaurant Name*]
[*Street Address*]
[*City*], CO [*Zip Code*]

Dear Mr. / Ms. [*Name of Restaurant Owner/ Manager OR Restaurant Name*]:

My name is [*Name*] and I recently visited your restaurant located at [*Street Address of Restaurant*] on [*date of incident*]. I was denied access to the restaurant because I was accompanied by my [*Service/ Assistance**] animal, [*describe animal i.e. "a long haired domestic cat named Charles."*].

I am a qualified individual with a disability, as defined by the Americans with Disabilities Act ("ADA") because I have a substantial limitation in one or more major a major life activity. My [*Service/ Assistance**] animal is required for my disability. [**Briefly describe how that animal assists you i.e. "I suffer from anxiety, and my assistance animal provides emotional support in which improves the effect of my disability"**].

Restaurants are considered places of public accommodation under Title III of the Americans with Disabilities Act. In accordance with Title III, [*Service/ Assistance**] animals must be allowed to accompany people with disabilities, like myself, into places of public accommodations. Furthermore, people with disabilities must be given equal access to the restaurant.

Because my animal is a [*Service/ Assistance**] animal, it is not subject to local health or other ordinances which limit normal access of animals in public spaces, so please do not worry about facing violations of local health or safety codes.

I am writing this letter today to put you on notice that your current policy of not serving customers who utilize [*Service/ Assistance**] animals is in violation of the law. My denial of service based on my [*Service/ Assistance**] animal harmed my access to a place of public accommodation. Now that you have been put on notice of your violation of the law, I encourage you to amend your policy so that myself and other who utilize [*Service/ Assistance**] animals to mitigate the effects of their disability can enjoy your restaurant. Continued denial of service or discrimination of service is a violation of the law and those who are in violation can be subject to serious legal consequences.

Optional: If this violation subsists, I will report this discriminatory policy to the appropriate local and state enforcement agencies, and to Disability Law Colorado.

Please let me know what, if any, additional information you need in order to better understand my disability and the limitations it imposes. If you have any questions about my request, you can contact me in writing or by phone, however I request that any response be made to me in writing. Thank you very much.

Sincerely,

[Your name]
[Your full address]
[Your phone number]

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Service Animals in Restaurants



- Restaurants are **generally considered public accommodations** and must follow Title III of the Americans with Disabilities Act (“ADA”), which provides that service animals must be allowed to accompany people with disabilities in places open to the public.
- Restaurants **may ask only two questions** when a person enters the restaurant with a service animal:
 - 1) “Is the animal required because of your disability?” and
 - 2) “What task does it perform?” These are the only questions that may be asked regarding the person’s disability and their need for the animal.
- If the person answers the above questions appropriately, the person and their animal **must be given equal access** to the restaurant – this means they cannot be asked to stay outside on the patio or required to sit in a certain area within the restaurant.
- Service animals **must be housebroken and must be under the person’s control**. If the animal is not housebroken or is out of control, the animal – even a legitimate service animal – can be asked to leave so long as the restaurant continues to offer their services to the person with a disability.
- Service animals are **not allowed to eat off the table** – the ADA gives a person with a disability the right to be accompanied by his or her service animal, but covered entities are not required to allow an animal to sit or be fed at the table.
- **Breed bans do not apply to service animals** – even if you are in a city that bans a certain type of dog, such as Pit Bulls, if an animal is a service animal it is specifically excluded from this ban.
- In Colorado, it is a **class two petty offense to intentionally misrepresent** an animal as a service animal, but prior to being charged, a person must have received a **verbal or written warning** regarding the fact that it is illegal to intentionally misrepresent an animal as a service or assistance animal. If the person continues to misrepresent their animal after being warned, the police may be called.
- Please note that this fact sheet pertains only to members of the public entering a restaurant and **does not cover employment situations in restaurants** – the law regarding service animals in the employment context is different and is covered by Title I of the ADA and Colorado state law specific to employment.

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