



**ARIZONA**  
— DEPARTMENT OF —  
**ECONOMIC SECURITY**

# Division of Developmental Disabilities

November 6, 2025

# Agenda

- Service and Support / Assistance Animals
- Assessment Updates
  - What is and what isn't changing
- Announcements

# Service animals, assistance animals and Federal Laws

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Staff Attorney Disability Rights Arizona (DRAZ)

# About DRAZ

- Designated protection & advocacy system for the state of Arizona
  - Committed to advancing the rights of individuals with disabilities
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- Practice areas
    - Healthcare
    - Civil rights
    - Education
    - Investigation / monitoring
    - Client Assistance Program/Vocational Rehabilitation
  - What we don't do
    - Family law
    - Social Security eligibility
    - Criminal law
    - Tax law
    - Traffic violations

# Before we start...

The information in today's presentation is for informational purposes only. Participation in today's presentation does not create an attorney/client relationship. If you have specific legal questions or issues, please contact an attorney.

# Agenda

- Cover the Americans with Disabilities Act (ADA)
- Cover the Fair Housing Act (FHA)
- Provide some examples
- Explore complaint options

# The Americans with Disabilities Act (ADA)

# What is a Service Animal – ADA

- A service animal is a dog, or a miniature horse that meets certain requirements, that has been individually trained to do work or perform tasks for an individual with a disability. The tasks performed must be directly related to the person's disability.
- Under the ADA, a service animal is different from an emotional support animal.

# The Americans with Disabilities Act (ADA)

- No individual shall be **discriminated** against on the basis of **disability** in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by **any person who owns, leases (or leases to), or operates** a place of public accommodation

# The ADA and Service Animals

- Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability.
  - 28 CFR § 36.302(c)(1)
- The animal must be under the individual's control. Must be leashed unless the lease interferes with the tasks the animal does.
- Applies to businesses, restaurants, doctors' offices, and other locations the individual is allowed to be
- Exceptions for instances dogs may not be permitted (sterile environments, zoos or wildlife parks)

# Under the Handler's Control

- The service animal must be under the handler's control
  - Generally leashed/harnessed, unless being leashed prevents the animal from performing its tasks
  - Must not bark, unless barking alerts the handler to take specific action (e.g., barking to alert handler that a seizure is imminent)
  - The dog must not be disruptive

# Examples of Service Animals in Public Accommodations

- Guide dogs for folks who are blind or have low vision helping them navigate buildings
- Hearing or signal dogs for folks with hearing disabilities
- Service animals who can retrieve drop items, pull wheelchairs
- Service animals who remind individuals to take medication, interrupt panic attacks
- Service animals that can detect the onset of a seizure

# The Fair Housing Act (FHA)

# The Fair Housing Act (FHA)

- Makes it unlawful to discriminate against any person in terms, conditions, or privileges, or in the provision of services because of a disability.
- Discrimination includes a refusal of reasonable accommodations in rules, policies, practices, or services when such accommodation is necessary to afford such person equal opportunity to use and enjoy a dwelling

# What is an Assistance Animal – FHA

- An assistance animal is any animal that provides assistance, performs tasks, or offers emotional support for a person with a disability.
- This definition is broader than the ADA's definition because the FHA does not limit the animal to dogs and because the FHA includes emotional support animals.

# More on the FHA and Assistance Animals

- A housing provider may not charge a deposit, fee, or surcharge for an assistance animal.
- The tenant is responsible for feeding, maintaining, and controlling the assistance animal.
- If documentation is requested, the housing provider may not insist on certain types of documentation (disclosure about the diagnosis or severity of a disability, or medical records, or a medical examination cannot be required)
- No requirement to get the assistance animal “certified”

# FHA Examples

- John is a 9-year-old child with diabetes. John has a service (assistance) animal that detects changes in blood sugar and will alert John and his parents of any dramatic changes. John's parents want to rent an apartment from Acme Apartments, but Acme has a strict no-animal policy.
- Katie is a 10-year-old child with autism. She has an emotional support animal, a Yorkie, that provides emotional support that reduces her anxiety symptoms. A housing provider that has a strict no animal policy must make reasonable accommodations to permit the animal.

# Complaint Options

- First, attempt to communicate with the business or housing provider.
- If unsuccessful, you can file a charge of discrimination with the Arizona Attorney General's Office – Civil Rights Division. 180 day deadline to file with ACRD.
  - <https://www.azag.gov/complaints/civil-rights>
- If housing, you can file a complaint with HUD
  - <https://www.hud.gov/reporhousingdiscrimination#close>
- You can contact DRAZ to complete an intake
  - <https://disabilityrightsaz.org/get-help/apply-for-assistance/>



# FAQs

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- Does my service animal need a vest?
- What questions can the business ask about my service animal?
- Does my service animal need to be certified?
- If ADA, what questions is the covered entity allowed to ask?
- Are there areas that are absolutely excluded?
- What if a religious institution has a policy against service animals, can I still bring my dog in?
- Can service animals be any breed of dog?
- Does the service animal need to be professional trained?



# Resources

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- Disability Rights Arizona  
<https://disabilityrightsaz.org/resources/assistance-animals/>
- Department of Justice  
<https://www.ada.gov/resources/service-animals-2010-requirements/>
- Department of Housing and Urban Development  
<https://www.hud.gov/helping-americans/assistance-animals#close>

# Contact Information

Disability Rights Arizona

Phoenix 602-274-6287 or 800-927-2260

Tucson 520-327-9547 or 800-922-1447

Email: [center@disabilityrightsaz.org](mailto:center@disabilityrightsaz.org)

# Assessment Updates



# Assessment Changes Update

Governor's Office on October 16, 2025

- Pause use of the HCBS Needs Tool (HNT) and no reductions in ATC and HAH hours with **minor** members only until AHCCCS:
  - Completes emergency rulemaking
  - Updates the HNT to account for specialty care
  - Creates an extraordinary care review process for parents to use if they believe their child's needs require more hours than were assessed.

**NOTE: Adult assessments are unchanged including use of the HNT implemented on 10/1 are not impacted by the Governor's announcement.**

# Updated Guidance

DDD received updated guidance from AHCCCS on October 29, 2025.

Any assessments completed using the HNT after October 1, 2025, are considered invalid.

All members under age 18 will have their original hours reinstated based on the last HCBS Needs assessment tool completed for the member prior to October 1, 2025.

Support Coordinators must complete an assessment using the HCBS Needs Assessment Tool that was in use prior to October 1, 2025 in the following situations:

- When a parent/responsible person has concerns about the reinstatement of hours/ or service and prefers the hours/service assessed using the new 10/1 tool.
- To reassess members under age 18 who were assessed for the first time using the invalid HNT after October 1, 2025.
- When they identify members under age 18 who are newly eligible for ALTCS, have had a significant change in their condition, or whose health care decision maker requests an updated assessment.

**All assessed hours for members under age 18 may be subject to change once AHCCCS revises its HNT assessment policies and implements a revised HNT.**

# Planning Meetings

- Support Coordinators are completing meetings as scheduled.
- All required documentation outlined in policy on 10/1 must be completed for minors with the exception of the 10/1 HNT tool:
  - Minor Caregiver Options Discussion Guide and Decision Roadmap Instructional Guide
  - Parents as Paid Caregivers Service Model Acknowledgment of Understanding & Agreement to Follow Service Model Requirements is required for ALL members participating in PPCG
  - Home and Community Based Scheduling Tool

# Announcements



# DDD Public Comment

On Wednesday, October 29, 2025 DDD Published the Following Policies for Public Comment:

- [Eligibility Policy Manual 200 - Eligibility Criteria for DDD](#)
- [Eligibility Policy Manual 400 - Eligibility Determination Process](#)

Policies are open for public comment through November 28, 2025

[Policy Update Opt-In Request form](#) to receive notices

Click the Interpretation button at the bottom of your Zoom screen and then select either English or Spanish to hear the meeting.  
Presione el botón de interpretación en la parte inferior de su pantalla Zoom y después seleccione inglés o español para escuchar la reunión.



# AHCCCS Public Forums

On Tuesday, November 4, AHCCCS announced a series of public forums to share information and gather feedback on the Emergency Rule related to ALTCS Home and Community-Based Services (HCBS) assessments for children under age 18.

First two forums will provide an overview of the Emergency Rule

- Thursday, November 6 from 2:30 to 4:00 PM
- [Monday, November 10 from 6:00 to 7:30 PM](#)

Second set of forums will offer a deeper dive into draft policies associated with the Emergency Rule

- [Thursday, November 13 from 10:00 to 11:30 AM](#)
- [Monday, November 17 from Time: 6:00 to 7:30 PM](#)





**Thank you**  
**Next Town Hall**  
**January 8, 2026**