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## **Comment on NPRM, “Discrimination on the Basis of Disability in Health and Human Service Programs or Activities”**

Office for Civil Rights (OCR), Office of the Secretary, HHS

RIN 0945-AA15

Docket ID# *HHS-OCR-2023-0013*

November 7, 2023

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Office for Civil Rights:

With respect to service animals, we write with wholehearted support of the proposed section 504 regulations that mirror Title II of the Americans with Disabilities Act (ADA).

Unlike most service animal nonprofits, we are peer-based and run exclusively by disabled volunteers. We have been effectively advocating with lived expertise for over a decade. Our interest is in reasonably securing the rights of our disabled community members who may choose to use a service animal to assist with their disabilities.

OCR’s straightforward plan is the best path forward. The treatment of service animals under section 504 in case law has already relied on Title II regulations, yet the absence of parallel regulations has resulted in confusion and departures that have harmed our community. We are beyond ready for it to be easier for those in power to “do no harm” when it comes to service animals, through the clarity that Title II-mirroring section 504 regulations should provide.

Service animal law invites controversy and strong opinions—it is a field where many feel able to offer new solutions that will create a utopian system. However, attempts to revise Titles II and III of the ADA from the current versions tend to be ill-advised and counter-productive if the point is to safeguard disability rights. We would strongly caution against any such attempts here, which have historically been either designed to promote organizations’ interests over disabled individuals’, or created with insufficient regard for systemic consequences.

It does seem clear to us that OCR recognizes the wisdom in the Department of Justice’s Title II ADA regulations, forged through years of experience, foresight, and a duly compassionate outlook. We appreciate your efforts and similarly praiseworthy wisdom in replicating the regulations that enable our community members to flourish. We are happy to support you in other ways in this endeavor, should you wish to contact us.

Earnestly,

Bradley W. Morris, MA, CPhil  
Director of Government Relations  
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