



Emotional Support Animal Considerations for Housing and Residential Life

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INTRODUCTION:

This document was created to be a resource in the construction of policies and practices related to emotional support animals (ESA) knowing that it regularly intersects with the law and institutional policies. The intended audience is housing officers that create policy or professionals who adjudicate conduct related to ESAs. Reviewing various perspectives around the creation of policies toward ESAs will assist professionals in managing conflicts that naturally occur when competing values are present.

DEFINITION OF EMOTIONAL SUPPORT ANIMAL:

For the purpose of this document, comfort and therapeutic companion animals will be referred to as emotional support animals (ESA). This document is not intended to address service animals. An ESA is a companion animal that a medical professional has determined provides benefit for an individual with a disability. ESAs alleviate one or more identified effects of a person's disability.

HOUSING AND URBAN DEVELOPMENT (HUD)/FAIR HOUSING ACT REGULATIONS:

HUD/Fair Housing regulation provides that ESAs be considered a reasonable accommodation in campus housing. Since HUD/Fair Housing regulations only apply to housing facilities, the ESA often may not be allowed in other areas of campus. In order for an ESA to be considered for a reasonable accommodation there should be documentation of the following:

1. The existence of a disability
2. A relationship between the disability and the relief the ESA provides
3. ESA registration if applicable
4. The ESA is necessary in order for the student to use and enjoy an on-campus residence

ESA LIMITATIONS:

Residence halls are diverse in their construction, layouts, age, and building materials. The result is that not all facilities can support every animal a student requests for an ESA. Guidelines should be provided regarding the permitted size of the ESA to limit the ESA's interference with the functionality of the building in severe ways or structural damage being caused by the ESA's presence. Local ordinances should also be considered for compliance related to the size of an animal.

Statements should be placed in the policy that restrict dangerous ESAs (based on state law or city ordinance) that create liability for an institution (i.e. a venomous snake). Maintaining a safe environment for all students living in the hall is a priority. Reasonable restrictions for inherently dangerous ESAs should be stated in the institution's policy based on objective standards.

WORKFLOW PROCESS:

The following recommendations should be used for implementing the approval of an ESA:

- The student submits a completed form(s) requesting for an accommodation including a statement from the student's health care practitioner regarding the specific accommodation required to a Disability Services professional on campus.
- The student provides completed applicable veterinarian records and copy of any applicable ESA license(s).
- Student meets with a residential life staff member to review the ESA guidelines and expectations.
- Residence hall professional staff are notified about the ESA and are provided with expectations for engagement.
- All roommates and/or suitemates of the ESA owner sign an agreement form acknowledging that the ESA will be living with them and associated expectations.

LOCAL ORDINANCES:

When creating policies for your campus, housing professionals should look at state and city laws that may require action by students. The following are categories of laws that should be considered.

- Physical abuse
- Licensing
- Physical mistreatment
- Care and maintenance
- ESA waste disposal on public and privately owned property
- An ESA to unreasonably obstruct the use and enjoyment of property held by others in the community
- Unsanitary conditions exist on any premises where an ESA is kept
- ESA to engages in menacing behavior

ESA RECOMMENDED POLICY CONSIDERATIONS:

Control:

The student is responsible for ensuring that the ESA does not unduly interfere with the routine activities of the residence halls or of the residential students. Reported behaviors that are not conducive to the community should be adjudicated through a conduct process.

The student must comply with all state laws and local animal ordinances, as well as recommended Residence Life policies and guidelines including, but not limited to, the following:

- An ESA may reside in the residence hall only in the assigned space after the approval process has been completed.
 - Within the residence hall, ESAs are not permitted in any public common spaces including community/shared spaces, lounges, recreational rooms, study rooms, prayer rooms, computer labs, laundry rooms, conference rooms, bathrooms or staff offices. The ESA is not permitted in other students' residence hall rooms.[C22]
- The student is solely responsible for the ESA's care, restraint, control, and supervision at all times.
- In the event the ESA no longer resides in the residence halls, the student should contact Residential Life staff.

Unattended ESAs:

ESAs shall not be left alone for extended periods of time in a student's room and should never be left overnight without the owner. The ESA is not permitted to be left in the care of another student. In the event an ESA is left for an extended period of time without proper care, Residential Life will attempt to contact the student or their

emergency contact to remove the ESA . If these parties are unable to be reached, Residential Life may notify ESA control and have the ESA removed. Any costs for removal of the ESA if the student is not present shall be the responsibility of the student.

Emergency Contact:

The student must provide Residential Life with contact information for an alternative caregiver if the student is unable, or unwilling, to provide adequate care. Residential Life will assume no responsibility or liability for the care of a student's ESA.

ESA Containment:

ESAs must be contained within the assigned residential room at all times except when transported outside. When outside, the ESA must be in an animal carrier or restricted by leash or harness. The ESA must be under the control of the student, and the student is responsible at all times for the actions of their ESA. When the ESA is left alone in the residential room, it must be stored in a crate or carrier to allow Residential Life and/or Facilities access to the space for maintenance or other routine tasks without posing risk to the ESA or staff members.

ESA Identification:

The ESA must meet legal requirements for licensing. Residential Life reserves the right to request documentation showing that the ESA has been licensed. Cats and dogs must wear current vaccination and identification tags at all times. Additionally, dogs and cats shall wear a collar with a tag identifying the ESA and its owner with name and telephone number.

ESA Behavior:

Students are responsible for any odors, noise, damage, or other conduct that disturbs others or damages the premises. Reported actions of an ESA that violate Residential Life policies, such as, but not limited to, a noise violation, will result in a conduct hearing with the student. Excessive violations of policies could result in removal. Removal of the ESA and/or cancelation of the contract should be listed explicitly as a potential outcome.

ESA HEALTH AND WELL-BEING:

To reside on campus, the ESA must be in good health and be licensed in compliance with city, county, and state laws. ESAs housed in the residence halls should be spayed or neutered prior to entering the residence hall. ESAs must have all veterinarian-recommended vaccinations and proof of absence of communicable diseases, fleas, and parasites before entering the residence halls. Residential Life reserves the right to request that an ESA receive veterinary attention or request updated verification, clean bill of health, and spay/neuter procedure at any time during the ESA's residency.

Unannounced fire drills are scheduled to test building systems and student compliance with building evacuation expectation. All students present at the time of a fire drill are required to leave the building until the drill is over.

- The student should be mindful that fire alarms will ring for an extended period of time often in excess of five minutes as part of the drill.
- As no advanced warning is provided, be aware of how the continuous alarm may affect your ESA left alone in your living space.

While it is expected that the student may be away from their living space and ESA for hours at a time, the student must provide any extended care requirements for the ESA's physical and dietary needs. The student may not leave unattended for any extended period an ESA beyond its unique physical and dietary needs.

- ESA must be provided with appropriate food, water, shelter, and health care.
- The ESA may not be transferred to another room assignment not covered by the original agreement.
- The student should make arrangements with Residential Life for an exception to permit the use of the student's room key by the emergency caregiver.

CLEANLINESS AND SANITATION:

The student agrees to weekly cleaning, or as needed, of their living space to minimize the accumulation of ESA fur/dander. The student is responsible for providing equipment necessary to clean their living space (i.e. broom, vacuum, duster, etc.).

ESA food should be kept in a closed container within the student's room.

Students are responsible for properly containing and disposing of the ESA's waste, which will necessitate different handling precautions and responsibilities based on the ESA species (e.g. feces in or not in cat litter, bird droppings, soiled wood shavings, et al.).

- Indoor ESA waste, used litter, wood shavings, etc. must be disposed of in a sealed plastic bag. Used litter should be disposed of daily, placed in a plastic bag and securely tied before being disposed of in an outside trash dumpster as ESA waste may not be deposited in hallway, lounge or bathroom trash containers. ESA waste, litter, shavings, et al. may not be flushed down toilets or urinals.
- All outdoor ESA solid waste must be immediately retrieved by the student, placed in a plastic bag, and securely tied before being disposed of in an outside trash dumpster. This material may not be placed in the small site trash containers found along walkways and at seating areas.
- If the ESA vomits or becomes incontinent, it is the responsibility of the student to make sure the contaminated area is cleaned up immediately, and the affected surfaces cleaned by the student with appropriate disinfectant.

ADDITIONAL ACCOUNTABILITY/CONSIDERATIONS:

Residential Policies:

The owner agrees to abide by all other residential policies. Though this reasonable accommodation constitutes an exception to the prohibition of ESAs in the residence halls, this does not constitute an exception to any other residential policies.

Removal of an ESA:

Any violation of the policies outlined in this document may be considered grounds for immediate removal of the ESA. The owner will be afforded all rights of due process and will have the case heard by a hearing officer as outlined in the Code of Conduct. Should the approved ESA be removed from the premises for any reason, the owner is expected to fulfill their housing obligations for the remainder of the housing contract period.

- The ESA may be removed in the event it causes or poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation.

Damages:

The student is solely responsible for any damage to persons or property caused by the ESA. The student shall be financially responsible for the action of the approved ESA including bodily injury. The student is responsible for any expenses incurred for cleaning above and beyond a standard cleaning or for repairs to the residential space that are assessed after the student and ESA vacate the residence including, but not limited to, replacement of furniture, carpet or floor tile, dry wall or wall covering, and closet or room doors. If fleas, ticks, or other pests are detected in

the residence hall as a result of the ESA, Residence Life reserves the right to treat the building using approved fumigation methods and bill the student for the expense of any necessary pest control treatments.

ESA Missing, Damage, or Death:

The student is responsible for immediately notifying Residential Life if their ESA dies or goes missing. Residential Life is not responsible for loss, damage to, or death of the ESA.

Roommate Conflict:

If one or more roommates or suitemates do not approve of the ESA, then residential life professionals should evaluate the information and make accommodations without discrimination related to the disability. Residence Life also reserves the right to provide other reasonable accommodations as necessary dependent on circumstance.

ACKNOWLEDGEMENTS:

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