

Office of Student Disability Support

Emotional Support Animals in University Housing Guidance

Applicable laws: Americans with Disabilities Act of 1990
Section 504 of the Rehabilitation Act of 1973
Fair Housing Act
District of Columbia Human Rights Act of 1977

The Emotional Support Animal in University Housing Guidance (Guidance) sets forth American University's ("AU" or "University") process for addressing the presence of Emotional Support Animals (ESAs) on or in campus housing in alignment with University policies and applicable law. In accordance with the University's Animals on Campus Policy and reasonable accommodation policies and procedures, the University recognizes that ESAs may be permitted in indoor areas owned or controlled by the University as reasonable accommodation for individuals with disabilities. Accordingly, ESA disability-related accommodation for students in housing and non-housing educational settings are requested and processed through the Office of Student Disability Support (OSDS) under the University's reasonable accommodation process for students. The reasonable accommodation process is interactive and requires communication between the University and the individual to assess disability-related needs and identify appropriate accommodations. Both parties share responsibility for engaging in good faith and providing timely information to support an effective determination. OSDS may revise this Guidance as circumstances require.

This Guidance applies to ESAs approved as a disability-related reasonable accommodation in student housing, specifically. It does not apply to "Service Animals" as defined by the Americans with Disabilities Act of 1990 (ADA), or other animals whose presence on campus is addressed in the University's Animals on Campus Policy.

A. Emotional Support Animal Definition

In accordance with applicable federal and local law and guidance, an Emotional Support Animal is an animal that provides emotional or cognitive support or some other assistance for the benefit of a person with a disability but does not perform work or tasks that qualify them as a Service Animal under the ADA. ESAs may be approved as a reasonable accommodation for students with disabilities. With respect to University residence halls, ESAs are typically domesticated animals commonly kept in households, such as dogs or cats (most common), small birds, rabbits, hamsters, gerbils, turtles, or other small, domesticated animals that are traditionally kept in the home for pleasure. Requests for non-domesticated animals, such as reptiles (other than turtles), will be considered on a case-by-case basis utilizing the established student reasonable accommodation framework. All ESAs must comply with University policies and applicable health and safety requirements. Animals prohibited under the laws of the District of Columbia are not eligible for accommodation and will not be permitted in University housing.

B. Request for an Emotional Support Animal as a Reasonable Accommodation

1. Students with disabilities seeking ESAs in University housing should register and initiate a request under the three-step reasonable accommodation process administered by OSDS. As necessary, students must provide appropriate documentation supporting the need for accommodation. The exchange of information is interactive and an important component of the reasonable accommodation process, where the University and the student work together to identify housing solutions, such as ESA placement, that addresses the student's disability-related needs while avoiding undue administrative or financial burden or fundamental alteration of the housing program.
2. To determine whether an ESA will be permitted in University housing, the University considers whether the animal is necessary, because of the individual's disability, to afford that individual with an equal opportunity to fully participate in University housing, and whether the ESA's presence in University housing is reasonable. Additional information regarding this evaluation is provided in this Guidance in the section titled "Factors Considered in Evaluating ESA Housing Requests."
3. Students seeking ESAs in non-housing educational contexts also must submit a request to OSDS under the University's reasonable accommodation process for students. OSDS will evaluate such requests under the three-step reasonable accommodation process, engaging in the interactive process consistent with applicable disability accommodation standards.
4. Students are strongly encouraged to submit ESA housing accommodation requests prior to the University's published housing priority deadlines to allow sufficient time for review and placement.
5. Requests for an ESA accommodation submitted after these deadlines will be reviewed on a rolling basis as they are received and evaluated through the University's interactive accommodation process. The OSDS will review the request and respond with a determination in a timely manner. Approved Emotional Support Animal accommodations will be implemented as soon as reasonably practicable and without undue delay. However, due to factors including the timing of the request and appropriate administration of the reasonable accommodation process, housing availability, and the need to notify and coordinate with other residents, the University cannot guarantee that ESA accommodations will be placed during the same academic term in which they are approved.
6. Information about the reasonable accommodation procedures, including the submission of reasonable accommodation requests, the need for supporting documentation showing a disability and the disability-related need for the animal, and applicable housing priority deadlines is available on the OSDS website.

C. Emotional Support Animals in University Housing

1. Emotional Support Animals are not permitted in University housing until the student has been granted approval for the presence of the animal as a reasonable accommodation in accordance with the University's reasonable accommodation policies and procedures, Animals on Campus Policy, and this Guidance.

2. When a student with a disability has established the need for an ESA and the ESA has been approved as a housing accommodation, the ESA is permitted within the approved residential areas of the building, such as the assigned individual living space. The ESA may be taken outside of the approved area(s) as needed for natural relief. Unless otherwise approved as a disability-related accommodation, ESAs are not permitted in non-housing spaces, including common areas, restrooms, dining facilities, libraries, academic buildings, classrooms, labs, and similar environments.

D. Factors Considered in Evaluating Emotional Support Animal Housing Accommodation Requests

1. University housing has unique requirements, including the assignment of roommates and the requirement to share a room or suite in certain residence halls. To ensure the presence of an ESA does not create an undue administrative burden or fundamentally alter University housing, AU may assign a student with an ESA to a single room without a roommate. Additionally, if a roommate or suitemate has disability-related needs that may conflict with sharing a space with the ESA, they must register with OSDS and participate in the reasonable accommodation process so the University can evaluate and address the needs of all parties. The University may determine that alternative living arrangements are the most appropriate solution, which can include reassignment of one or more students to different rooms, spaces, or housing facilities to ensure individual disability-related needs are reasonably accommodated. All such decisions will be determined individually through the reasonable accommodation process.
2. OSDS may consult with Housing and Residence Life and other relevant offices, on a case-by-case basis, to determine whether the presence of an ESA is reasonable. A request for an ESA may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters University housing operations; (3) poses a direct threat to the health and safety of others; and/or (4) would cause substantial property damage to the property of others, including University property.
3. The factors listed below are illustrative and not exhaustive. The University evaluates each request for an ESA on an individual basis. The following are examples of factors that may be considered in determining whether the presence of the specific animal requested in housing is reasonable. The University may consider additional relevant factors in accordance with University policy. Pertinent factors may include:
 - a. The space needed for the carrier/crate in which the animal will be housed is too large for available assigned housing space;
 - b. The animal's presence would force another individual from their assigned housing (e.g., disabling allergies);
 - c. The animal's presence otherwise violates individuals' right to peaceful and quiet enjoyment;
 - d. The animal is not housebroken or is unable to live with others in a reasonable manner;

- e. The animal does not meet city, county, and/or state ordinances (e.g., in the District of Columbia, dogs and cats must have up-to-date vaccinations and dogs over 4 months of age must be properly licensed);
- f. The animal poses or has previously posed in the past a direct threat to the safety or health of an individual or others, including through aggressive behavior or by causing injury that cannot be mitigated by reasonable measures;
- g. Potential transmission of zoonotic diseases exist that cannot be effectively mitigated;
- h. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear;
- i. The age and developmental stage of the ESA may be considered in evaluating whether the residence hall is appropriate for the animal and consistent with the residential setting, including the level of care or supervision required and the residence hall environment; and
- j. Property management concerns including space constraints, threatening behavior posed by the animal, damage to residential space, and legitimate health risks or safety issues due to factors such as the number of ESAs in a particular housing unit and/or their spay/neuter status.

E. Responsibility of Person with an Emotional Support Animal

A student who owns or controls an ESA (“handler”) assumes responsibility for its presence in housing and is subject to the requirements within applicable University policy, including the Animal’s on Campus Policy.

1. The handler must agree to and ensure the following:
 - a. The care or supervision of an ESA animal.
 - b. The ESA is housebroken and remains under their control at all times.
 - c. The ESA is present in approved space(s) as a disability-related accommodation and must remain within that space, except as necessary when entering or exiting the building.
 - d. The animal is not bathed in student housing facilities.
 - e. When entering or exiting the building, the animal is under the handler’s control. This means the animal must be on a leash or in a carrier/crate.
 - f. Full control and restraint of the ESA at all times. The handler is liable for all actions of the animal.

- g. Possession of an ESA Animal AUID when entering or exiting their building with the animal or when in an approved common space. The ESA Animal AUID is issued by the AU One Card Office upon request from OSDS and provided to the student who has been approved for the ESA.
- h. Immediate clean up all animal waste. Any waste, including litter, must be placed in a plastic bag and disposed of in an outdoor trash receptacle. Indoor trash cans should not be used for this purpose.
- i. Proper care and nourishment of the ESA.
- j. Liability for the actions of the animal (bites, scratches, running away, etc.) is the handler's responsibility. The University encourages handlers to consider appropriate liability insurance.
- k. Responsibility for all reasonable precautions to protect the property of the University and the safety of its residents with respect to their ESA.
- l. Removal of the ESA from the residence hall if the owner takes a vacation or has planned an extended leave of more than 24 hours.
- m. If the animal escapes the student's assigned university housing space, the handler will notify the Community Director immediately.
- n. Necessary precautions are made for Facilities Management and other University personnel to enter the assigned student housing space when the handler is not present. The ESA must be caged, crated, or removed from the room while the University personnel are present. The University is not liable if the animal escapes during such visits.
- o. OSDS is provided with emergency contact information for an individual who will care for the ESA in the event the handler is unable to do so. The individual should live within one hour of American University, reside off-campus and sign the ESA Emergency Contact Agreement form. If a handler does not have a local emergency contact, they should arrange for a local animal boarder to act in this role.
- p. Assumption of responsibility for any damage to University property caused by the ESA. This includes, after the owner vacates the premises, any cleaning or repairs necessary to correct the damage beyond what is routinely performed for student housing rooms. Such cleaning measures may include, but are not limited to, steam cleaning of carpets and drapes, pest or flea abatement, and odor remediation. If furniture requires replacement to correct damage, that cost is the responsibility of the handler. Any such fees will be posted to the handler's individual student account.
- q. The ESA's behavior is not disruptive or does not pose an immediate threat to individual health or safety. The University reserves the right to immediately exclude or remove an ESA whose behavior is disruptive or threatens the health or safety of any individual or direct the removal of the animal by the handler.

2. An ESA that is disruptive, poses an immediate threat to individual health or safety, and/or is not properly cared for, supervised, restrained, or controlled by their handler may be removed from the University campus. Handlers may appeal such removals according to the procedures within this section.
 - a. The Executive Director of Housing & Residence Life, or their designee, is responsible for making the final determination regarding an appeal of an ESA removal from University student housing.
 - b. The Senior Director, Enterprise Risk Management, their designee, is responsible for making the final determination regarding the appeal of an ESA removal from non-housing campus property.
3. The handler will receive written electronic notice of the University's removal of the ESA, if applicable, or notice directing the removal of the ESA within 48 hours.
 - a. The handler may appeal the removal of an ESA, in writing and within 48 hours, to either the Executive Director of Housing & Residence Life or the Senior Director, Enterprise Risk Management, as appropriate.
 - b. A decision will be made by the Executive Director of Housing & Residence Life or the Senior Director, Enterprise Risk Management, or their respective designee, within three business days of receipt of a timely appeal.
 - c. The decision of the Executive Director of Housing & Residence Life or the Senior Director, Enterprise Risk Management, or their respective designee, shall be final.