

# UNH Emotional Support Animal Housing Policy

## **Overview**

An Emotional Support Animal (ESA) is an animal that provides emotional support which alleviates one or more identified symptoms or effects of an individual's disability. The University recognizes the importance of allowing reasonable accommodations, including approved Emotional Support Animals, necessary to provide individuals with disabilities an equal opportunity to use and enjoy University housing.

Service Dogs need to be identified to SAS as part of Housing assignments. Owner responsibilities and animal behavioural expectations apply for both Service Dogs and ESAs.

Unlike a service animal, an Emotional Support Animal does not perform a task for a person with a disability relating to activities of daily living or accompany that person at all times. For more information about having a service animal at UNH, please see the [UNH SERVICE ANIMAL STATEMENT](#).

**Title XII Public Safety & Welfare Section 167-D:8 II.** It is unlawful for any person to fit an animal with a collar, leash, vest, sign, or harness of the type which represents that the animal is a service animal, or service animal tag issued under RSA 466:8 or to request a service animal tag issued under RSA 466:8 if in fact said animal is not a service animal.

An Emotional Support Animal does not necessarily need to be trained, and is not limited to any specific type of animal. An ESA is subject to restriction from any area with a no-pet policy, including:

- [University Dining policy](#)
- [UNH Laboratory Safety Plan](#) (see page 13, General Laboratory Safety Procedures)

An individual with a disability may request a reasonable accommodation for an Emotional Support Animal in University housing if the individual can establish that the ESA is necessary to afford him/her an equal opportunity to use and enjoy University housing, and the presence of the ESA in University housing is reasonable.

## **Requesting Authorization to Have an Emotional Support Animal at UNH**

All requests to have an Emotional Support Animal in University housing must be made through Student Accessibility Services (SAS). The student must contact SAS *before* bringing the Emotional Support Animal to campus and follow the process of registration. For more information on how to register for accommodations and services, visit the [Student Accessibility Services \(SAS\) webpage](#). For instructions on how to complete the SAS Online Intake Form, visit our [ClockWork webpage](#).

**Please note:** *Requests of this nature will be processed as quickly as possible allowing for contact with the student and possible follow-up with a 3<sup>rd</sup> party regarding documentation.* No ESA may be brought into University housing until a decision is made on the ESA request.

When submitting supporting documentation, ensure that the documents establish the existence of a disability and a relationship between the disability and the accommodation request (i.e. an Emotional Support Animal). Having a psychological/emotional disability does not necessarily qualify an individual to have an Emotional Support Animal in University housing as an accommodation. The student must establish that the animal provides emotional support or other assistance that would ameliorate one or more symptoms or effects of the disability.

### **Reasonableness Guidelines**

The University, in consultation with the student and other parties, as appropriate, may consider the criteria below in determining whether the presence of the ESA is reasonable in making housing assignments for students:

- Whether the animal poses (or has posed in the past) a direct threat to the individual or others;
- Whether the animal causes (or has caused) excessive damage to housing beyond reasonable wear and tear;
- Whether the size of the animal is too large for available assigned housing space; □
- Whether the animal's presence would force another individual from assigned housing (e.g. serious allergies);
- Whether the animal's presence violates other residents' right to peace and quiet enjoyment;
- Whether the animal is housebroken or is unable to live with others in a reasonable manner.

**If a request has been granted for an emotional support animal, the approval is applicable only for that specific animal and housing assignment. Requests for another animal or subsequent housing assignments must follow the same procedures, as outlined in this policy, and will be determined following the same guidelines.**

### **Conflicting Disability Accommodations**

Housing will work to address any conflicts related to an ESA and assigned housing prior to and/or during the academic term. Students should contact SAS if they have a medical condition(s), or chronic illness(es), and are concerned that exposure to an Emotional Support Animal will result in a health or safety related concern. UNH employees should contact the [Affirmative Action & Equity Office](#); 603-8622930. If not already registered with SAS for that condition, the student with the concern will be asked to provide medical documentation that illustrates the condition(s). See [Documentation Guidelines](#). SAS will conduct an evaluation process and determine if the condition is disabling and if there is a need for an accommodation. If a need for an accommodation is determined, SAS will define the appropriate accommodation and coordinate with Housing as to reasonable options.

### **Owner's Responsibilities for an Emotional Support Animal**

Students granted the accommodation of an ESA in University housing are subject to the following rules and expectations, in addition to any other University rules and regulations.

- The animal must not be unruly, disruptive, or a direct threat to the health and safety of others. The animal must be under the owner's control at all times (defined as harnessed, tethered, on a leash, or held by the student).
- The ESA is permitted in the student's room and any other common area within that specific living environment (lounges, common areas, laundry, etc.) but must be under the owner's control at all times. The animal is excluded from other areas, such as dining halls, that otherwise prohibit animals.
- ESAs need to be removed so as not to be left unattended during breaks and extended residence hall closures. In general, when the student is gone for an extended period of time the animal should be gone as well. During repairs to the residence, the student must either be present to manage the animal

or make arrangements to have it removed during the period of repair. Housing will notify the student of any such repair schedules to determine what is necessary.

- The student is responsible for any damage(s) caused by the animal. A toileting area and receptacle may be established outside the building if appropriate for the type and size of animal. Students should check with their hall director or apartment manager for disposal directions.
- As with Service Animals, the owner is responsible for the care and supervision of the animal, which includes toileting, grooming, feeding, and veterinary care. Housing/Res Life is not obligated to care for or otherwise supervise the animal. In addition, if the ESA is out of control and the student is unable to control/manage it, or if it is not housebroken, the animal may be removed from University housing.
- The ESA will be held to the same behavioral standards as residents (i.e., noise, disruption, destruction). The student will be held responsible for the animal's behavior and subsequent consequences. The ESA may be removed and prohibited from University housing if the student is unable to control the animal's behavior.
- The owner must abide by any applicable local or state ordinance, law or regulation pertaining to licensing, vaccination, and other requirements for animals residing in housing. The University may require documentation demonstrating compliance with such regulations.

The student is responsible for any damage caused by the Emotional Support Animal to University property or to the property of others. The University has the right to bill the student's account for any unmet obligations.

The student should request that others avoid petting or addressing his/her Emotional Support Animal, feeding the ESA, deliberately startling the ESA, or separating or attempting to separate the student from the ESA. To the greatest extent possible, the animal should not:

- Make contact with others or their personal belongings;
- Display any behaviors or noises that are disruptive or aggressive to others; and
- Block an aisle or passageway for fire and/or emergency egress.

### **Removal of an Emotional Support Animal**

The University may require the Owner to remove the ESA from University housing if:

- The animal's behavior is disruptive, threatening, aggressive, or not under control;
- The animal poses a direct threat to the health or safety of others;
- The animal causes substantial property damage to others, including University property;
- The owner does not comply with the Owner's Responsibilities set forth above; or
- The animal or its presence creates an unreasonable disturbance or interference with the University community.

Any incidents must be immediately reported to the Director of SAS, who will consult with UNH Housing and Residential Life staff, the ESA owner, and other parties as appropriate and render a decision on a case-by-case basis. After an animal has been removed from University housing, the student must submit a new request through SAS to have an ESA in University housing.

Animals that are ill or in poor health should not be taken into common areas within the Residence Hall or out in public. Additionally, an animal displaying poor hygiene or consistent ill health may be asked to leave campus until the situation can be remedied.

In order to request that the Emotional Support Animal can return to campus:

1. Submit a letter to the Director of SAS clearly illustrating the readiness of the animal to return. Indicate how the behavior was extinguished and what is being done to ensure continuing appropriate behavior if able to return.
2. Meet with the Director of SAS.
3. The Director of SAS will conduct an evaluation process in order to make a final determination. UNH Housing and Residential Life will be consulted, along with any other necessary parties.

### **Acknowledgement & Release of Information**

As part of the accommodation request for an ESA, the student gives permission to Student Accessibility Services (SAS) and UNH Housing/Residential Life to disclose to others impacted by the presence of the Assistance Animal (e.g., Residence Services staff, potential and/or actual roommate(s)/neighbor(s)) regarding the presence of an animal as an accommodation. The student understands that this information will be shared with the intent of preparing for the presence of an Assistance Animal and/or resolving any potential issues associated with the presence of the Assistance Animal.

### **Emergency Situations**

Animals can become disoriented and confused from the smell of smoke, fire or from sirens. University personnel and first responders are not responsible for removing an ESA during emergency evacuation for events such as a fire alarm and may not be held responsible for the care, damage to, or loss of the animal. Keep in mind the first priority of emergency personnel is the student and there may be situations that may necessitate leaving the animal behind in an emergency situation.

### **UNH Grievance Procedure**

The University of New Hampshire is committed to providing appropriate accommodations and services to qualifying individuals with disabilities under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 including changes made by the ADA Amendments Act of 2008. Contact the [Affirmative Action and Equity Office](#), EEO/ADA Compliance Officer (603-862-2930 or 711 TTY) if you believe your rights have been violated or you are dissatisfied with a decision concerning an Emotional Support Animal.

### **Resources:**

#### **Americans with Disabilities Act**

[http://www.ada.gov/regs2010/titleIII\\_2010/titleIII\\_2010\\_withbold.htm](http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_withbold.htm) **Fair**

#### **Housing Act**

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/progdsc/title8](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdsc/title8)

[https://portal.hud.gov/hudportal/documents/huddoc?id=servanimals\\_ntcfheo2013-01.pdf](https://portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntcfheo2013-01.pdf)