

# LAFAYETTE COLLEGE

*Academic Resource Hub • Accessibility Services*

Easton, Pennsylvania 18042-1773 USA • TEL 610-330-5098 • FAX 610-330-3065 • [hub.lafayette.edu](http://hub.lafayette.edu)

## **LAFAYETTE COLLEGE EMOTIONAL SUPPORT ANIMAL POLICY**

Lafayette College recognizes the importance of Emotional Support Animals (ESA) supported by the Fair Housing Act and is also committed to allowing ESAs, necessary to provide individuals with mental health disabilities an equal opportunity to use and enjoy College housing. This policy explains the specific requirements applicable to an individual's use of an ESA in College housing. Lafayette College reserves the right to amend this policy as circumstances require. This policy applies solely to ESAs that may be necessary in College housing. It does not apply to service animals as defined by the Americans with Disabilities Act (ADA) and whose presence is explained in the Lafayette Service Animal Policy.

It is the policy of Lafayette that individuals are generally prohibited from having animals of any type in College housing. Lafayette will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an ESA that is reasonable and necessary because of a disability. However, no ESA may be kept in College housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this policy.

### **Definition: Emotional Support Animal (ESA)**

An Emotional Support Animal (ESA) is an animal that provides therapeutic emotional support for an individual with a diagnosed mental health disability. Unlike Service Animals that are trained to perform specific tasks that are important to the independence or safety of their disabled handler, ESAs are generally not trained to perform disability-specific tasks. Their therapeutic support is a function of their presence and interaction with the person with a disability.

ESAs are not pets, but they typically are domesticated animals commonly kept in households as pets. Under guidelines from HUD, reptiles (other than turtles), barnyard animals, monkeys, and other non-domesticated animals are not considered common household animals. Exceptions to these guidelines regarding animals serving as ESAs will be considered on a case-by-case basis.

An ESA will be considered in College housing if it is determined that the ESA is necessary because to afford the individual with a disability an equal opportunity to use and enjoy College housing and its presence is reasonable.

However, even if the individual with a disability establishes necessity for an ESA and it is allowed in College housing, an ESA is not permitted in other areas of the College (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).

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## **Procedures For Requesting Emotional Support Animals in College Housing**

The process for requesting ESAs follows the general procedures set forth by Accessibility Services.

### **Criteria for Determining If Presence of the Emotional Support Animal is Reasonable**

College housing is unique in several aspects including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or suite in certain residence halls.

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 College housing policies; and/or (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including College property.

Lafayette may also consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with an ESA:

- The space needed for the cage/crate in which the animal will be housed is appropriate (size, type of cage/crate etc) for available assigned housing space;
- The age of the animal. Cats and dogs under the age of one year are generally not permitted;
- The animal's presence would force another individual from individual housing (e.g. serious allergies);
- The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
- The animal poses health risks from zoonotic diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting;
- The animal is not housebroken or is unable to live with others in a reasonable manner;
- The animal's vaccinations are not up-to-date;
- The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others; or
- The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

Lafayette will not limit room assignments for individuals with an ESA to any particular building or buildings because the individual needs an ESA because of a disability.

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## **Owner/Student Responsibilities**

If the College grants an Owner's request to live with an ESA, the Owner is solely responsible for the custody and care of the ESA and must meet the following requirements:

- The Owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals.
- It is the Owner's responsibility to know and understand these ordinances, laws, and regulations. The College has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The College reserves the right to request documentation showing that the animal has been licensed.
- The ESA must be house trained, which includes litter box training and/or trained to relieve itself outside. Any accidents must be cleaned immediately using appropriate cleaning products. Litter boxes, crates, kennels, and any other device in which the animal is kept must be cleaned daily. Waste must be bagged in plastic bags and securely tied. Waste must be disposed of in outdoor trash receptacles. Litter, bedding, etc of any type may not be disposed of anywhere in the residence, such as in a trash can, or in toilets or drains.
- The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the ESA and/or discipline for the responsible individual.
- An ESA must be contained within the Owner's privately assigned individual living accommodations (e.g., room, suite, apartment) and not any space shared with another resident or outside the residence hall. The ESA is not permitted in common spaces in the building (such as lounges, bathroom) except to the extent the individual is taking the animal out for natural relief. When an ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. ESAs are not allowed in any College facilities other than College residence halls (e.g. dormitories, suites, apartments, etc.) to which the Owner is assigned.
- If the ESA is in the room when the Owner is not in the room, the ESA must remain in its crate/cage/or similar product to allow for safe entry of College personnel who may need to enter your residence for maintenance or safety purposes.
- The ESA is not to leave the residence except with the Owner for, as applicable, walks, visits to the veterinarian, etc. While on College property, the ESA must be under the Owner's control at all times, whether in the room in the residence or outside. When transporting the ESA outside, the Owner must use a leash or carrier.
- The Owner may not leave the animal in the residence if leaving the residence for 24 hours or more. For example, the ESA may not remain in residence if the Owner leaves the room for an extended period, such as: (1) for longer than a day of classes, (2) a trip which will last overnight or longer, and (3) during break periods. The ESA has been approved to live in the residence with the Owner and under their care. Therefore, the Owner cannot leave the ESA with other students in the residence or have anyone else

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come to their room with the intent to take care of the ESA. If the Owner is not able to bring the ESA with them, they are expected to find a non college owned off-campus location to provide care.

- The Owner may be charged for any damage caused by their ESA beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of the College's standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a College-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The College shall have the right to bill the Owner's account for unmet obligations under this provision.
- The Owner must fully cooperate with College personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
- The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the ESA does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.
- The Owner must notify Accessibility Services in writing if the ESA is no longer needed or is no longer in residence.
- To replace an ESA, the new animal must be necessary because of the Owner's disability and the Owner must follow the "Steps to Request an Emotional Support Animal" outlined on the Accessibility Services website when requesting a different animal.

## **College Obligations**

Lafayette personnel shall not be required to provide care or food for any ESA including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

The individual must provide written consent for Accessibility Services to disclose information regarding the request for and presence of the ESA to those individuals who may be impacted by the presence of the animal including, but not limited to, Residence Life personnel and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

Lafayette will not ask for or require an individual with a disability to pay a fee or surcharge for an approved ESA.

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## **Removal of ESA**

The College may require the individual to remove the animal from College housing if:

- the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
- the animal's presence results in a fundamental alteration of a College program;
- the Owner does not comply with the Owner's Responsibilities set forth above; or
- the animal or its presence creates an unmanageable disturbance or interference with the College community.

Should the 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.

The College will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in consultation with Accessibility Services.