

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Administration

NUMBER: 01.D.11

AREA: Legal Affairs

SUBJECT: Emotional Support Animals

1. PURPOSE

- 1.1. The University of Houston System (the “System”) or University is committed to providing an environment that affords equal access and opportunity to otherwise qualified individuals with disabilities (see [System Administrative Memorandum \[SAM\] 01.D.05, Equal Opportunity and Non-Discrimination Statement](#)), in compliance with federal and state law.
- 1.2. Generally, it is the policy of the System that animals are not allowed on campus on University premises, per [SAM 01.C.12, Animals on University Campuses](#).
- 1.3. However, the System recognizes the importance of “Service Animals” as defined by the [Americans with Disabilities Act Amendments Act \(ADAAA\)](#) and the broader category of “Assistance Animals” under the [Fair Housing Act](#) that provide physical and/or emotional support to individuals with disabilities. The System is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full-participation and equal access to the University’s programs and activities. For the purposes of this policy, the term “Emotional Support Animal” will be used.

2. POLICY

- 2.1. The System is committed to allowing Emotional Support Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy University Housing Residence Halls. This Policy does not permit Emotional Support Animals in other areas of the University; for example, dining halls, libraries, academic buildings, athletic buildings, classrooms, labs, or other residents’ rooms, even if invited. This Policy explains the specific requirements applicable to an individual’s use of an Emotional Support Animal in University Residence Halls. The System reserves the right to amend this Policy as circumstances require. This Policy applies solely to Emotional Support Animals which may be necessary in University Housing. It does not apply to “Service Animals” as defined by the ADAAA.
- 2.2. Although it is the policy, [SAM 01.C.12, Animals on University Campuses](#), of the System that individuals are generally prohibited from having animals of any type in University Housing, the System will consider a request by an individual with a

disability for reasonable accommodation from this prohibition to allow an Emotional Support Animal that is necessary because of a disability and reasonable. However, no Emotional Support Animal may be kept in University Housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

3. DEFINITIONS

- 3.1. Emotional Support Animal – “Emotional Support Animals” are a category of animals which provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual’s disability, but which are not considered Service Animals under the ADAAA and the System policy on [Service Animals](#). Some Emotional Support Animals are professionally trained, but in other cases Emotional Support Animals provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as Emotional Support Animals, but any animal may serve a person with a disability as an Emotional Support Animal.
 - 3.1.1. It is important to note that animals that may be needed because of a disability may be identified by various names. For example, an individual may identify the animal as a companion animal or comfort animal.
 - 3.1.2. The question in determining if an Emotional Support Animal will be allowed in University Housing is whether or not the Emotional Support Animal is necessary to afford the individual an equal opportunity to use and enjoy University Housing because of the individual’s disability and its presence in University Housing is reasonable. However, even if the individual with a disability establishes necessity for an Emotional Support Animal and it is allowed in University Housing, an Emotional Support Animal is not permitted in other areas of the University (e.g., dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, etc.).
- 3.2. Owner – The “Owner” is the individual who has requested the accommodation and has received approval to bring an Emotional Support Animal into University Housing.
- 3.3. University Housing – University Housing is the department that coordinates housing for students who live on campus.
- 3.4. Student Disability Services Office – An office established at each university that assists in providing accommodations and support services to Students with Disabilities.
- 3.5. ADA/504 Coordinator – The person who is designated to coordinate efforts to comply with and implement this Policy. The ADA/504 Coordinator is available to discuss options, provide support, explain University policies

and procedures and provide education on relevant issues. The ADA/504 Coordinator may designate one or more Assistant ADA/504 Coordinators. To find the ADA/504 Coordinator for each campus, please visit: <http://www.uh.edu/equal-opportunity/ADA-504/>.

- 3.6. Undue Burden/Hardship – Any academic adjustment/auxiliary aid that would result in a significant financial or administrative burden or expense. Factors to consider in determining an undue burden/hardship include the following:
 - A. the overall size of the program or activity with respect to the number of employees and students, number and type of facilities, and size of budget;
 - B. the type of operation, including the composition and structure of the workforce and student body; and
 - C. the nature and cost of the accommodation needed.
- 3.7. Fundamental Alteration – Any academic adjustment/auxiliary aid that would fundamentally affect or change the nature of a program or course being taught or that fundamentally alters the essential requirements of instruction or course requirements.
- 3.8. Direct Threat – Any action that would be deemed a threat to the health or safety of others that cannot be mitigated by appropriate modifications to policies or procedures, or by the provision of auxiliary aids.
4. PROCEDURES FOR REQUESTING EMOTIONAL SUPPORT ANIMALS IN UNIVERSITY HOUSING
 - 4.1. Each institution that has University Housing will adopt the following procedure for Owners to request accommodation(s) for Emotional Support Animals.
 - 4.1.1. **Step One:** An Owner who wants to request the use of an Emotional Support Animal in University Residence Halls must first contact the University's Student Disability Services Office to schedule a meeting. The purpose of the meeting is for the Student Disability Services Office to determine if the Owner's request to use an Emotional Support Animal in University Residence Halls is reasonable. If the request is found to be unreasonable, the Owner may appeal this decision to the component's [ADA/504 Coordinator](#).
 - 4.1.2. **Step Two:** When a request for an Emotional Support Animal is determined to be reasonable, the University's Student Disability Services Office will share the decision approving the request with the Owner who made the request and with University Housing.
 - 4.1.3. **Step Three:** Once notified of the decision, the Owner is responsible for submitting the approved [Emotional Support Animal Procedure](#)

[Acknowledgement and Information Form](#) to University Housing, along with any other required documentation and payments for final approval.

- 4.2. University Housing will then share with any roommates/suitemates that the Owner has an animal classified as an Emotional Support Animal.
- 4.3. With rare exception, students are allowed only one Emotional Support Animal in University Residence Halls.
5. CRITERIA FOR DETERMINING IF THE PRESENCE OF THE EMOTIONAL SUPPORT ANIMAL IS DEEMED REASONABLE
 - 5.1. University Residence Halls are 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. To ensure that the presence of Emotional Support Animals is not an undue administrative burden or fundamental alteration of University Residence Halls, UHS reserves the right to assign an Owner with an Emotional Support Animal to a single room without a roommate.
 - 5.2. However, for all requests for Emotional Support Animals, the Student Disability Services Office shall nonetheless consult with University Housing in making a determination on a case-by-case basis of whether the presence of an Emotional Support Animal is reasonable. A request for an Emotional Support Animal may be denied as unreasonable if the presence of the animal:
 - A. Imposes an undue financial and/or administrative burden;
 - B. Fundamentally alters University Housing policies; and/or
 - C. Poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including University property.
 - 5.3. The University may 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 Owners with Emotional Support Animals:
 - A. The size of the animal is too large for available assigned housing space;
 - B. The animal's presence would force another individual from individual housing (e.g., serious allergies);
 - C. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
 - D. The animal is not housebroken or is unable to live with others in a reasonable manner;
 - E. The animal's vaccinations are not up-to-date;

- F. The animal poses or has posed in the past a direct threat to the Owner or others such as aggressive behavior towards or injuring the Owner or others; or
 - G. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.
- 5.4. The University will not limit room assignments for Owners to any particular University Residence Hall.
- 5.5. When a request for an Emotional Support Animal is determined to be reasonable, the Student Disability Services Office will share this decision with the Owner who made the request and University Housing. University Housing will then share with any roommates/suitemates that the Owner has an animal.
- 5.6. If any roommates/suitemates have concerns about sharing their living quarters with the Emotional Support Animal, University Housing will mediate this situation to determine which student may need to shift to an alternative living arrangement. Such decisions will be made on a case-by-case basis.
- 6. ACCESS TO UNIVERSITY FACILITIES BY EMOTIONAL SUPPORT ANIMALS
 - 6.1. An Emotional Support Animal must be contained within the privately-assigned individual living accommodations (e.g., room, suite, or apartment) except to the extent the individual is taking the animal out for natural relief. When an Emotional Support Animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Emotional Support Animals are not allowed in any University facilities other than University Residence Halls (excluding any dining hall found therein) to which the Owner is assigned.
 - 6.2. Notwithstanding the restrictions set forth herein, the Emotional Support Animal must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the Emotional Support Animal to go loose, run at large, or otherwise fail to be restrained. If an Emotional Support Animal is found loose, running at large or is not restrained, the Emotional Support Animal is subject to capture and confinement and immediate removal.
- 7. OWNER'S RESPONSIBILITIES FOR EMOTIONAL SUPPORT ANIMALS
 - 7.1. If the University grants an Owner's request to live with an Emotional Support Animal, the Owner is solely responsible for the custody and care of the Emotional Support Animal and must meet the following requirements documented in the sections below.
 - 7.2. 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 University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed and vaccinated.

- 7.3. The Owner is required to clean up after and properly dispose of the Emotional Support Animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by the University.
- 7.4. The Owner is required to ensure the Emotional Support Animal is well cared for at all times. Any evidence of mistreatment, abuse, or neglect may result in immediate removal of the Emotional Support Animal and/or discipline for the individual.
- 7.5. The University will not ask for or require an Owner to pay a fee or surcharge for an approved Emotional Support Animal.
- 7.6. An Owner may be charged for any damage caused by his or her Emotional Support Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear to University Housing. The Owner's living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of the University'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 university-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 University shall have the right to bill the Owner's account for unmet obligations under this provision.**
- 7.7. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Policy and procedures related to the care of the Emotional Support Animal (e.g., cleaning the Emotional Support Animal, feeding/watering the Emotional Support Animal, designating an outdoor relief area, disposing of feces, etc.).
- 7.8. In accordance with the [Family Educational Rights and Privacy Act \(FERPA\)](#), University staff members can share the fact the Owner has an Emotional Support Animal with other University personnel who have either a need to know or a legitimate educational interest.
- 7.9. Emotional Support Animals may not be left overnight in University Residence Halls to be cared for by any individual other than the Owner. If the Owner is to be absent from their residence hall overnight or longer, the Emotional Support Animal must accompany the Owner. The Owner is responsible for ensuring that the Emotional Support Animal is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities.

- 7.10. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability, such as assuring that the Emotional Support Animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.
 - 7.11. The Emotional Support Animal is allowed in University Residence Halls only as long as it is necessary because of the Owner's disability. The Owner must notify the Student Disability Services Office in writing if the Emotional Support Animal is no longer needed or is no longer in residence. To replace an Emotional Support Animal, the new Emotional Support Animal must be necessary because of the Owner's disability and the Owner must follow the procedures in this Policy when requesting a different Emotional Support Animal.
 - 7.12. The Owner shall provide the University with emergency contact information for an individual should the Owner be unable to care for the Emotional Support Animal at any time. A current student or University personnel are not appropriate choices for an emergency contact. In the event that the University cannot reach the emergency contact, then the University will collaborate with a contracted third party to care for the Emotional Support Animal until the Owner is able to resume these responsibilities. The Owner will be responsible for incurring all costs associated with this temporary care.
 - 7.13. University personnel shall **not** be required to provide care or food for any Emotional Support Animal including, but not limited to, removing the Emotional Support Animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the Emotional Support Animal and may not be held responsible for the care, damage to, or loss of the Emotional Support Animal.
8. REMOVAL OF EMOTIONAL SUPPORT ANIMALS
- 8.1. The University may require the Owner to remove the Emotional Support Animal from any property owned or controlled by the University if:
 - A. The Emotional Support Animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
 - B. The Emotional Support Animal's presence results in a fundamental alteration of a University program;
 - C. The Owner does not comply with the Owner's Responsibilities set forth above; or
 - D. The Emotional Support Animal or its presence creates an unmanageable disturbance or interference with the university community.

- 8.2. The University will base such determinations upon the consideration of the behavior of the particular Emotional Support Animal at issue, and not on speculation or fear about the harm or damages an Emotional Support Animal may cause. Any removal of the Emotional Support Animal will be done in consultation with the Student Disability Services Office and may be appealed to the [ADA/Section 504 Coordinator](#). The Owner will be afforded all rights of due process and appeal as outlined in that process.
- 8.3. Should the Emotional Support Animal be removed from the premises for any reason, the Owner is expected to fulfill their housing obligations for the remainder of the housing contract.
- 8.4. If University personnel determines that the Emotional Support Animal will be removed, and the Owner does not take immediate possession of it, the University will follow the process outlined in Section 7.12 and Section 7.13.
- 8.5. Each University must provide the Owner with the location of their animal within 24 hours of their removal. The Owner will be responsible for any cost associated with their Emotional Support Animal's removal, including but not limited to, its temporary care.

9. NON-RETALIATION PROVISION

The System will not retaliate against any person because that individual has requested or received a reasonable accommodation in the University Residence Halls, including a request for an Emotional Support Animal.

10. REVIEW AND RESPONSIBILITY

Responsible Parties: Vice Chancellor for Legal Affairs and General Counsel

Vice Chancellor for Student Affairs and Enrollment Services

Assistant Vice Chancellor for Equal Opportunity Services

Review: Every five years on or before February 1

11. APPROVAL

Approved: Richard Walker
Vice Chancellor for Student Affairs and Enrollment Services

Dona Cornell
Vice Chancellor for Legal Affairs and General Counsel

Renu Khator
Chancellor

Date: April 4, 2019

12. REFERENCES

[System Administrative Memorandum \(SAM\) 01.C.12 – Animals on University Campuses](#)

[SAM 01.D.05 – Equal Opportunity and Non-Discrimination Statement](#)

[SAM 01.D.12 – Service Animals](#)

[ADA/Section 504 UHS Coordinators](#)

[Family Educational Rights and Privacy Act \(FERPA\)](#)

[Emotional Support Animal Procedure Acknowledgement and Information Form](#)

REVISION LOG

Revision Number	Approval Date	Description of Changes
1	04/04/2019	Initial version