



SUNY ADIRONDACK

Policy Title: Assistance/Emotional Support Animals in Residence Hall
Document #: 3001
Effective Date: 1/24/19
Category: Legal and Compliance
Responsible Office: Student and Residence Life

This policy applies to: Residential Students

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Summary:

This policy establishes guidance regarding the legal requirements surrounding the application process and acceptance of an assistance/emotional support animal for a residential student of the Residence Hall. The law that governs assistance/emotional support animals in this instance is the Fair Housing Act [FHA]. The goal of the FHA is to give disabled individuals an equal opportunity to use and enjoy their dwellings like non-disabled individuals. Reasonable accommodations are a recognized means of achieving that goal. Assistance/emotional support animals are not service animals as set forth and defined in the Americans with Disabilities Act [ADA]. As such, the College is not subject to the ADA requirements for a service animal when dealing with a request for an assistance/emotional support animal.

Policy:

In accordance with the U.S. Fair Housing Act, SUNY Adirondack does not discriminate against any person in the terms, conditions or privileges of the rental of a dwelling because of a handicap, and will make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy the dwelling.

Under the FHA, a “handicap” is defined as (1) a physical or mental impairment which substantially limits one or more of such person’s major life activities, (2) a record of having such an impairment, and (3) being regarded as having such an impairment.

In order to demonstrate the need for an assistance/emotional support animal, the residential student must show that they have an emotional and psychological dependence on the animal which requires them to keep the assistance/emotional support animal in their Residence Hall room. Reliable proof must be provided that (1) the individual has a disability; (2) the animal is necessary to afford the individual an equal opportunity to use and enjoy the Residence Hall room and (3) the animal in question will provide a disability-related assistance or emotional support. This proof can be in the form of a letter from a mental health provider, licensed therapist or a treating physician. The College is not permitted to inquire as to the specific disability or request medical records to substantiate the disability or unreasonably delay the request.

Applications for assistance/emotional support animals must follow the process and procedures outlined below. The request must include a physical description of the animal, including height and weight and also include any equipment that will be needed for the care of the animal. Supporting documentation must be provided to answer the following: (1) the individual has a disability; (2) the animal is necessary to afford the individual an equal opportunity to use and enjoy the Residence Hall room and (3) the animal in question will provide disability-related assistance or emotional support. Up-to date licenses and vaccinations must be provided with the request. If the request is approved, the residential student must acknowledge receipt of and compliance with their responsibilities by executing the Assistance/Emotional Support Animal Residential Student Responsibility Agreement.

The presence of an assistance/emotional support animal cannot unduly interfere with the enjoyment of campus living facilities by roommates, suitemates and/or members of the College community. To the extent possible, the Residence Life Office will work with residential students in order to identify options that will allow for the presence of the assistance/emotional support animal while maintaining suitable living facilities for others. Assignment of roommates in Residence Hall housing is at the discretion of the AHA for students and program administrators for other users. The AHA will make best efforts to ensure that both the individual requesting an assistance/emotional support animal and any assigned roommates are in agreement about the presence of the animal. However, to ensure that the presence of an assistance/emotional support animal is not an undue administrative burden or fundamental alteration of Residence Hall, or an undue interference with the enjoyment of Residence Hall by a roommate, the AHA reserves the right to assign the individual with the assistance/emotional support animal to a single room without a roommate at no additional cost to the individual.

Assistance/emotional support animals are to remain in the assigned Residence Hall room/suite and are excluded from all other areas of the campus. Animals determined to pose a threat of direct harm or substantial property damage can be denied. A deposit cannot be charged for an assistance/emotional support animal. However, the residential student can be charged for damage caused by the assistance/emotional support animal if a residential student without a disability would be charged for similar types of damage.

All information related to requests for assistance/emotional support animals will be kept confidential and secured in the Director of Student and Residence Life’s office. Information will be destroyed six years after the residential student has left Residence Hall.

Definitions:

Assistance/Emotional Support Animal: An assistance/emotional support animal is not a pet. An assistance/emotional support animal provides therapeutic benefit to an individual with a mental or psychiatric disability. They alleviate one or more identified symptoms or effects of a person's disability but are not trained to perform specific tasks to assist the person with a psychiatric disability. These animals do not accompany the person at all times. Under the FHA, a person may keep an assistance animal in the person's dwelling unit as a reasonable accommodation, if there is an identifiable relationship or nexus between the disability and the assistance the animal provides. These animals may not be permitted in other areas of the College (e.g. libraries, classrooms, labs, dining halls). Assistance/emotional support animals do not qualify as service animals under the Americans with Disabilities Act.

College. Use of this term explicitly refers to Adirondack Community College and/or the College's legal acceptable short name, SUNY Adirondack.

Service Animal: Dogs are recognized as service animals under Titles II and III of the ADA and are individually trained to work or perform tasks for the benefit of an individual with a disability and accompany people with disabilities in all areas where members of the public are allowed to go. Miniature horses that meet certain criteria may also be categorized as a service animal.

Other Related Information:

Residence Life Handbook

<http://sunyacc.edu/sites/default/files/2018-2019%20Residence%20Life%20Handbook.pdf>,

U.S. Fair Housing Act <https://www.justice.gov/crt/fair-housing-act-2>

American with Disabilities Act: Title II: Service Animals

https://www.ada.gov/service_animals_2010.htm

Mental illness has been recognized as a "handicap" under the FHA.

In 2013 a federal court determined that student housing and dormitories are considered dwellings and subject to the FHA and its non-discrimination policies related to emotional support animals.

SUNY Adirondack Board Policy Section 8.02(H) Animals on Campus

[N:\Policies, Processes, Procedures and Guidelines\Board of Trustees\Board of Trustees Policy Manual 2015-12-17](#)

What is the difference between a service animal and an emotional support animal? Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. These tasks can include things like pulling a wheelchair, guiding a person who is visually impaired, alerting a person who is having a seizure, or even calming a person who suffers from Post-Traumatic Stress Disorder. The tasks a service dog can perform are not limited to this list. However, the work or task a service dog does must be directly related to the person's disability. Service dogs may accompany persons with disabilities into places that the public normally goes. This includes state and local government buildings, businesses open to the public, public transportation, and non-profit organizations open to the public. The law that allows a trained service dog to accompany a person with a disability is the Americans with Disabilities Act (ADA).

An emotional support animal is an animal (typically a dog or cat though this can include other species) that provides a therapeutic benefit to its owner through companionship. The animal

provides emotional support and comfort to individuals with psychiatric disabilities and other mental impairments. The animal is not specifically trained to perform tasks for a person who suffers from emotional disabilities. Unlike a service animal, an emotional support animal is not granted access to places of public accommodation. Under the federal Fair Housing Act (FHA), an emotional support animal is viewed as a "reasonable accommodation" in a housing unit that has a "no pets" rule for its residents.

There are only two questions SUNY Adirondack may consider when making a determination regarding a request for an assistance/emotional support animal:

- (1) Does the person seeking to use and live with the animal have a disability — i.e., a physical or mental impairment that substantially limits one or more major life activities?
- (2) Does the person making the request have a disability-related need for an assistance animal? In other words, does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, **or** provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability?

Processes and Procedures:

1. Residential students requesting authorization for an assistance/emotional support animal should complete the Assistance/Emotional Support Animal Accommodation Request Form and submit with supporting documentation in writing via mail or fax to the Director of Student and Residential Life. Housing Accommodation Requests should be submitted by the required submission date if the student is requesting for the following academic semester. This is to provide reasonable notice to the Office of Student and Residential Life for making housing modification and other room placement arrangements.

Submission dates:

Returning Students = April 1

New Incoming Students = June 1

Spring Admissions = December 1

If an application is submitted past the submission deadline, the College will handle each submission on a case-by-case basis. If the need for the accommodation arises when an individual already resides in College housing, they should contact the Office of Student and Residential Life and complete the Request form as soon as practicably possible. The College cannot guarantee it will be able to meet the accommodation needs of a request made in the middle of an academic semester, but will convene the work group to review applications on a case-by-case basis.

2. Pursuant to other disability accommodations in the Residence Life Handbook, a work group consisting of the Director of Student and Residence Life, the Director of Accessibility Services and the Dean for Student Affairs will review the accommodation request to make an individualized determination of whether the possession of an assistance/emotional support animal is reasonable. A request for an assistance/emotional support animal may be denied as unreasonable if the presence of the animal:
 - a. Imposes an undue financial and/or administrative burden to the College;
 - b. Fundamentally alters College housing policies;

- c. 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.
3. All decisions rendered by the work group will be final unless a student appeals, in writing, to the Vice President Enrollment and Student Affairs within ten business days of the work group's decision. The Vice President, after receipt of such appeal, shall make a final determination in the matter within fifteen business days from the date that the written appeal is submitted.
4. If the accommodation request is approved, the residential student must comply with and acknowledge requirements and responsibilities by executing the Assistance/Emotional Support Animal Residential Student Responsibility Agreement.
5. Documentation provided will be kept confidential and secured in the Director of Residence Life's office. Records will be destroyed six years after the residential student has left Residence Hall.

Forms:

Assistance/Emotional Support Animal Accommodation Request Form

<N:\Forms and Applications\Legal and Compliance\Assistance.Emotional Support Animal Accommodation Request Form.pdf>

Authority:

Authority to Approve: Vice President for Enrollment and Student Affairs

Responsible for Oversight: Director of Student and Residential Life

History:

This is the first Assistance/Emotional Support Animals in Residence Hall policy. This policy was approved by the President on 1/4/19. The term tenant was changed to residential student, deadlines were added for requests and required documentation was clarified when the policy was revised and approved in August 2023.

Pursuant to Section 5.08 of the Operating Agreement, the Board of Managers of the Adirondack Housing Association may delegate functions relating to day to day operations. A contract was executed in March 2012 between the Adirondack Housing Association (AHA) and Adirondack Community College\SUNY Adirondack (College). The College agreed to provide management services to the AHA including housing applications and Residence Hall contracts. The AHA is responsible to assign student rooms and roommates.

Review:

Annually in May.

Appendices:

Appendix A - Assistance/Emotional Support Animal Residential Student Responsibility Agreement

Appendix A



Assistance/Emotional Support Animal Residential Student Responsibility Agreement

1. As the residential student, I am solely responsible for the custody and care of the assistance/emotional support animal. Staff have no responsibility to provide care or food, including removing the animal during an emergency evacuation.
2. An assistance/emotional support animal must be confined to my assigned room/suite and properly restrained or otherwise under my control as its owner at all times. I will not permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture, confinement or immediate removal from Residence Hall.
3. The animal is housebroken. I am responsible for cleaning up after the animal and properly disposing of the animal's waste in a safe and sanitary manner.
4. The animal has required licenses and vaccinations which are up-to-date; evidence of vaccination status and current licenses have been provided with my Accommodation Request form. I will provide updated documents to the Office of Residence Life should they expire.
5. I agree to be financially responsible if my animal causes or has caused excessive damage to housing or other property beyond reasonable wear and tear, I will be charged for costs of repair or replacement. My living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the room/suite will be treated by an approved pest control service. I will be billed for the expense of any pest treatment above and beyond standard pest management in Residence Hall. My account will be billed by Residence Life for unmet obligations under this provision.
6. Assistance/emotional support animals may not be left overnight in Residence Hall to be cared for by any individual other than me. If I am absent from my room overnight or longer, the animal must accompany me.
7. The animal is allowed in Residence Hall only as long as it is necessary because of my disability. To replace an assistance/emotional support animal, I will submit a new Accommodation Request form and follow the procedures in the related policy for the new animal.
8. I am consenting to Residence Life staff disclosing information regarding the request for and presence of the assistance/emotional support animal to those individuals who

may be impacted by the animal including, but not limited to, relevant College and AHA personnel and potential and/or actual roommate(s)/neighbor(s). Such disclosure shall be limited to information related to the animal and shall not include information related to my disability.

9. Violation of any of these requirements and responsibilities may result in the immediate removal of the animal from Residence Hall.

I understand I must abide by all policies, requirements, responsibilities, regulations and procedures while my assistance/emotional support animal is in Residence Hall.

Residential Student Signature: _____

Name [print]: _____

Banner ID Number (if applicable): _____

Date: _____

Director of Student and Residence Life Signature: _____

Name [print]: _____

Date: _____