EMOTIONAL SUPPORT ANIMALS IN UNIVERSITY HOUSING

California State University, Chico (Chico State or University) recognizes the importance of Service Animals as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of Emotional Support Animals under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. Chico State 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. Chico State is also committed to allowing Emotional Support Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy University Housing. This protocol explains the specific requirements applicable to an individual’s use of an Emotional Support Animal in University Housing. Chico State reserves the right to amend this protocol as circumstances require. This protocol applies solely to Emotional Support Animals that may be necessary in University Housing. This protocol does not apply to Service Animals as defined by the ADAAA. Although it is the policy of Chico State that individuals are generally prohibited from having animals of any type in University Housing, Chico State 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 protocol.

I. Definitions

A. Emotional Support Animals

Emotional Support Animals (ESA) are a category of animals that 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 Chico State’s Service Animal Policy. Some ESAs are professionally trained, but in other cases ESAs provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as ESAs, but any animal may serve a person with a disability as an ESA.

The question in determining if an ESA will be allowed in University Housing is whether or not the ESA is necessary because of the individual’s disability to afford the individual an equal opportunity to use and enjoy University Housing, and its presence in University Housing is reasonable. However, even if the individual with a disability establishes necessity for an ESA and it is allowed in University Housing, an ESA is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).
B. Owner
The Owner is the individual who has requested the accommodation and has received approval to bring an ESA into University Housing.

C. Accessibility Resource Center
The Accessibility Resource Center (ARC) collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all Chico State programs and activities.

II. Procedures for Requesting ESAs in University Housing
The procedure for requesting ESAs follows the general procedures set forth in the University Housing Reasonable Accommodations Guide (Reasonable Accommodations Guide) and the requirements set forth below. However, to the extent the requirements and procedures in this protocol conflict with the Reasonable Accommodations Guide, this protocol takes precedence.

III. Criteria for Determining If Presence of the ESA is Reasonable
A. University 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. To ensure that the presence of ESAs is not an undue administrative burden or fundamental alteration of University Housing, Chico State reserves the right to reassign an individual with an ESA.

B. However, for all ESA requests, ARC shall nonetheless consult with University Housing in making a determination on a case-by-case basis of 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 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 University property.

C. Chico State 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 individuals with ESAs:
1. The size of the animal is too large for available assigned housing space;
2. 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;
3. The animal is not housebroken or is unable to live with others in a reasonable manner;
4. The animal's vaccinations are not up-to-date;
5. The animal poses, or has posed in the past, a direct threat to the individual or others such as aggressive behavior or injuring the individual or others; or
6. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.
IV. Access to University Facilities by ESAs

A. ESAs

An ESA must be contained within the Owner’s privately assigned individual living accommodations (e.g., room or studio) except to the extent the individual is taking the animal out for natural relief or exercise. 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 University facilities other than University residence halls (e.g. room or studio) to which the individual is assigned.

B. Dominion and Control

Notwithstanding the restrictions set forth herein, the ESA must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from University Housing.

V. Owner’s Responsibilities for ESA

If the University 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:

A. General Responsibilities

1. The Owner must abide by current city, county, and state ordinances, laws, and 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 regulations, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed.

2. The Owner is required to clean up after and properly dispose of the animal’s waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by Chico State.

3. 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.

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

5. An individual with a disability may be charged for any damage caused by his or her 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 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.

The Owner must fully cooperate with University personnel with regard to meeting the terms of this protocol and developing procedures for care of the animal (e.g., cleaning the animal, feeding and watering the animal, designating an outdoor relief area, disposing of feces, etc.).

6. ESAs may not be left overnight in University Housing 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 animal must accompany the Owner. The Owner is responsible for ensuring that the ESA is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities.

7. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual’s disability, such as ensuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.

8. The animal is allowed in University Housing only as long as it is necessary because of the Owner’s disability. The Owner must notify ARC 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 procedures in this protocol and the Reasonable Accommodation protocol when requesting a different animal.

9. Chico State 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.

10. The individual must provide written consent for ARC 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, University Housing personnel and potential or actual roommate(s) and neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual’s disability.

VI. Removal of ESA

The University may require the Owner to remove their animal from University Housing if:

A. The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;

B. The 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 animal or its presence creates an unmanageable disturbance or interference with the University community.
The University 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 the ARC Coordinator and may be appealed to the Chico State ADA/Section 504 Coordinator following the procedure set forth in Section II.5 of the Reasonable Accommodation Protocol. The Owner will be afforded all rights of due process and appeal as outlined in that process.

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 License Agreement.

VII. Non-retaliation Provision

Chico State will not retaliate against any person because that individual has requested or received a reasonable accommodation in University Housing, including a request for an ESA.