

# UNIVERSITY HOUSING EMOTIONAL SUPPORT ANIMAL POLICY

## Rationale/Purpose of the Policy

This policy ensures compliance with UW System Board of Regent Policy and the Fair Housing Act to prohibit discrimination on the basis of disability. The university must provide reasonable modifications to policies to permit the use of an emotional support animal by an individual with a disability residing in university housing when necessary for the individual to have equal opportunity to use and enjoy campus housing.

## Definitions

### Disability

With respect to a person, under the Fair Housing Act, a disability is a:

- physical or mental impairment that substantially limits one or more major life activities (e.g., reading, writing, walking, grasping, learning, breathing, hearing, seeing, bodily functions such as cell growth, etc.);
- a record of having such an impairment, or;
- being regarded as having such an impairment.

### Emotional support animal (ESA)

Any animal, except restricted farm or wild animals or other animals that present a health or safety risk ascertained by an individualized review, which provides therapeutic emotional support to alleviate one or more identified symptoms or effects of a person's disability. ESAs are not trained to work or perform a task and are primarily approved as a reasonable accommodation for a dwelling. ESAs are not service animals or pets.

### Reasonable accommodation

A change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have equal opportunity to use and enjoy a dwelling, including public and common use spaces available to residents.

### University resident

Any student, live-in employee, program participant, family member, conference guest, or overnight guest living in a university dwelling.

### University dwelling

A room or apartment available to be occupied and under control of the university, whether on campus or located at a remote site. A university dwelling also covers any public or common housing-affiliated spaces available to a university resident, including but not limited to: lobby, laundry rooms, community center, or lounge.

## University Housing

The division that provides, oversees, and regulates university dwellings on campus.

## University Disability Authority

The following entities have disability subject matter expertise and ensure compliance to applicable laws protecting individuals with disabilities:

- ADA Coordinator in the Office of Compliance
- McBurney Disability Resource Center for students, prospective students, program participants, visitors, family members and guests of university housing.

## **Scope**

This policy applies to university residents with disabilities seeking the use of an ESA to have the same opportunity to use and enjoy a university dwelling.

This policy does not apply to residents of University Apartments seeking to use animals permitted as pets in their apartment under the terms of their lease. For more information, [visit the University Houses webpage](#).

This policy does not impose any limitations on service animals. Service animals are governed by [UW-145 – Service Animals](#).

## **Policy Details**

Living in University Housing is unique in several respects, including in some instances the mandatory assignment of roommates or the sharing of common spaces in many residence halls. To ensure that an ESA is a reasonable accommodation permitted in University Housing, the following applies:

1. The ESA must be initially approved as a reasonable accommodation by a University Disability Authority prior to moving into or visiting (for family members or guests) a university dwelling:
  - a. Students and program participants, including their family members and guests, contact the McBurney Disability Resource Center;
  - b. Employees, including their family members and guests, living in University Housing seeking an ESA as an accommodation for their dwelling unrelated to their workplace, contact the McBurney Disability Resource Center.
2. University residents may be required to provide documentation of their medical condition from a licensed health care professional for the university to determine if they have a disability that necessitates the need for an ESA. Documentation obtained from the internet, such as website certificates, registrations, or licensing, will not be accepted.
3. If the need for an ESA arises after the resident has moved into University Housing, the university cannot guarantee that the ESA request can be met during the semester in which the request is received.

4. No resident is permitted to bring a non-service animal into University Housing without it first being approved as an ESA by a University Disability Authority and the Director of University Housing, or their designee. Unapproved animals must be immediately removed.
5. After initial approval of the ESA as a reasonable accommodation by a University Disability Authority, university residents may not bring the ESA into University Housing without final approval from the Director of University Housing, or their designee, and the completion of the ESA Housing Agreement signed by the university resident.
6. University Housing reserves the right to assign an individual with an ESA to a single room without a roommate.

#### Reasonable accommodation determination

The following factors will be considered by the University Disability Authority or University Housing in determining if the requested animal is approved as an ESA:

1. A need for the animal is directly related to one's disability.
2. The animal is necessary to provide a university resident with a documented disability an equal opportunity to use and enjoy University Housing.
3. The animal will not fundamentally alter the University Housing program.
4. The animal will not pose an undue burden to University Housing.
5. The animal will not pose a direct threat to the health or safety of other individuals, including roommates and other residents.
6. The animal will not cause substantial damage to the property of University Housing or others.
7. While every request will receive an individualized review, animals not commonly kept in households and/or typically eating live or frozen animals or insects (i.e., reptiles other than turtles, barnyard animals, monkeys, and kangaroos) will require extensive analysis, and the requester has the substantial burden of demonstrating a disability-related therapeutic need for the specific type of animal. Documentation from a health care professional confirming the need for that specific animal may be requested.
8. The size of the animal is appropriate for the assigned University Housing space.
9. The animal's presence will not violate other individuals' right to peaceful and quiet enjoyment of University Housing.
10. The animal is housebroken and able to live with others in a reasonable manner.
11. The animal's required licenses and vaccinations are up to date.

#### University Housing Requirements

After an animal has been initially approved as a reasonable accommodation, and prior to the animal taking residence, University Housing will do the following to finalize approval:

1. Arrange a meeting with the resident to review the resident's responsibilities pertaining to having an ESA in University Housing.
2. Review the University Housing Resident ESA Agreement form.
3. Ensure all roommates of a resident initially approved for an ESA are notified.

4. Verify the animal's licenses and vaccinations are up to date, as applicable to that type of animal.

### University Resident Requirements

After initial approval of the ESA by a University Disability Authority and prior to University Housing approving the animal as an ESA, the university resident will do the following:

1. Participate in a meeting with University Housing to review their responsibilities pertaining to having an ESA in their university dwelling.
2. Complete the University Housing Resident ESA Agreement form and any other forms required by University Housing (e.g., Roommate Agreement form and/or University Apartments Assistance Animal Lease Addendum).
3. Submit to University Housing the following animal health verifications:
  - a. Clean bill of health as determined by a licensed veterinarian.
  - b. Verification by a licensed veterinarian that the animal is current with all necessary vaccinations, including rabies, as applicable to that type of animal, to maintain the animal's health and prevent contagious disease.
4. Affix a collar along with owner identification information tag (for cats and dogs only).

Failure to complete these requirements will result in University Housing not being able to finalize approval for the animal.

After final approval by University Housing, the resident is responsible for:

1. Maintaining full control of the ESA at all times, including crating, kenneling, or caging when the ESA is unattended.
2. Ensuring the ESA does not disturb, annoy, or interfere with routine activities of the dwelling or cause difficulties for other roommates or residents.
3. Containing the ESA in their dwelling.
4. Leashing, caging, or crating the ESA when taking the ESA outside of their room.
5. Maintaining a clean and healthy living environment including, but not limited to, waste disposal, property damage, pest control, non-standard cleaning, and any other health or safety issues.
6. Providing appropriate food, water, and shelter for the animal at all times, including weekends and university breaks.
7. Ensuring proper cleanup (e.g., no disposing of waste in the bathroom or internal trash cans) of all ESA waste, both indoors and outdoors, in a timely and effective manner.
8. Appropriately caring for and supervising the ESA to ensure it is not abused or neglected.
9. Ensuring the ESA is not left unattended overnight. The ESA must be taken with the resident or be cared for off-campus. An ESA may not become the responsibility of another university resident, including roommates (if applicable).
10. Staying current with all animal health and vaccination requirements as recommended by a licensed veterinarian.
11. Informing the appropriate University Disability Authority (e.g., McBurney Disability Resource Center) if there is a change in disability symptomology, or if there is a change in the ESA or species of the ESA, which will trigger a new accommodation request.

## 12. Communicating with University Housing if the ESA is no longer in residence.

### Removal of the ESA

The resident may be required to remove an ESA from University Housing at any time for the following reasons:

1. There are any violations of resident responsibilities.
2. The animal poses a direct threat to the health or safety of others.
3. Any other situations that arise in which the ESA fundamentally alters the university environment or poses an undue administrative burden to the university.

The removal of an ESA from University Housing does not alter the resident's obligation to fulfill their housing contract or lease.

### University Housing Restrictions

1. University Housing will not limit dwelling assignments for individuals with an ESA to any particular building or buildings because the individual needs an ESA on the basis of disability.
2. University Housing will not apply any surcharge or fees for ESAs but reserves the right to bill the resident's account for any of the following situations, including but not limited to:
  - a. bodily injury
  - b. property damage
  - c. pest control
  - d. non-standard cleaning.
3. University Housing will not provide any personal equipment, items, or supplies needed for the care or use of an ESA (e.g., refrigerator, cage, carrier, food, humidifier, etc.).
4. University Housing is not responsible for the care or evacuation of an ESA during an emergency (e.g., fire alarm), or any harm, stress, or death caused to an animal in the event of an emergency.

### Roommate Conflicts

When the initial approval or presence of an ESA results in conflict between residents, the following applies:

1. Where the roommate of a resident with an ESA has a physical or mental health condition that meets the definition of a disability under federal law, University Housing may move either resident to a different location based on space availability.
2. When the roommate of a resident with an ESA does not have a physical or mental health condition that meets the definition of a disability under federal law, University Housing will, to the greatest extent feasible, move the roommate to a different location based on space availability.

## Appeal Rights

Individuals with disabilities who have been denied the use of an ESA as a reasonable accommodation may appeal the decision. The appeal must be filed in writing with the ADA Coordinator in the Office of Compliance within 30-calendar days from the date of accommodation denial regardless of attempts to resolve matters through the [alternative dispute resolution process](#). Further information about the [appeals process is available through the Office of Compliance](#).

## Non-retaliation

It is against UW System Board of Regent Policy 14-6 and federal and state laws to retaliate against any individual requesting a reasonable accommodation in terms of their opportunities to enjoy equal terms, benefits, privileges, or conditions of the university's programs, including social, academic, or recreational activities.

## **Related UW-Madison Policies**

[Access for Students with Disabilities](#)

[UW Madison Emotional Support Animal Policy](#)

[UW Madison Service Animal Policy](#)

## **Related UW-Madison Documents, Web Pages, or Other Resources**

[Alternative Dispute Resolution Process](#)

[Emotional Support Animal Request form](#)

[Office of Compliance Assistance and Service Animal webpage guide](#)

[Office of Compliance Reasonable Accommodations and Appeals information](#)

[Undergraduate Housing Emotional Support Animal Agreement form](#)

[University Apartments Assistance Animals Lease Addendum webpage](#)

## **External References**

[Fair Housing Act](#)

[U.S. Department of Housing and Urban Development Fair Housing Rights and Obligations](#)

[U.S. Department of Housing and Urban Development - Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs](#)

[U.S. Department of Housing and Urban Development - Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act](#)

[Wis. Stat. § 95.21\(2\)\(a\)](#)

[Wis. Stat. § 95.21\(2\)\(f\)](#)

[Wis. Stat. § 174.07\(1\)\(a\)](#)

[Wis. Stat. § 174.07\(1\)\(e\)](#)

[Wis. Admin. Code § UWS 18 \(2016\)](#)

## **Policy Administration**

### Approval Authority

Associate Vice Chancellor for Housing and Dining / Vice Chancellor for Legal Affairs

### Policy Manager

ADA Coordinator, [ada\\_coordinator@wisc.edu](mailto:ada_coordinator@wisc.edu), (608) 265-4508

### Policy Contact

McBurney Disability Resource Center, [info@mcburney.wisc.edu](mailto:info@mcburney.wisc.edu), (608) 263-2741

### Policy History

Last Updated: 03.28.2024

Date Issued: 05.2017