

Emotional Support Animal Policy & Registration

UC Hastings College of the Law (Hastings) is committed to building a vibrant, diverse and connected community, and recognizes the importance of Service Animals and Emotional Support Animals to individuals with disabilities. In compliance with applicable laws such as the Americans with Disabilities Act (ADA), Hastings provides reasonable accommodations to qualified individuals with disabilities to ensure equal access to its classrooms, facilities, public spaces and housing for all of its community members, including students, faculty, staff and visitors. With respect to a request for an emotional support animal, Hastings' Disability Resource Program (DRP) will determine, on a case-by-case basis, and in accordance with applicable laws and regulations, whether the animal is a reasonable accommodation.

Applicable Laws¹

The right of an individual with a disability to a service or emotional support animal depends on the type of animal, the function that the animal performs, and the setting in which the right is asserted. Different state and/or federal laws will apply to different situations. Under federal law, service animals are covered by the Rehabilitation Act, the amended Americans with Disabilities Act (ADAAA), the Fair Housing Amendments Act (FHAA), and the Air Carriers Access Act (ACAA). Emotional support animals are covered by the FHAA and the ACAA. The California Fair Employment and Housing Act (FEHA) and Unruh Act offer equal or greater protection than federal law for people using service or emotional support animals. Under the FHAA, FEHA, and the Unruh Act, landlords and homeowners' associations must make reasonable accommodations for people with disabilities. Reasonable accommodations are exceptions to rules or policies necessary in order to allow persons with disabilities to have an equal opportunity to use and enjoy a dwelling as compared to persons without disabilities. The obligation to make reasonable accommodations includes a requirement that housing providers make exceptions to a "no-pets" policy to permit persons with disabilities to use and live with either a service or emotional support animal.

Definitions

Individual with a Disability: A person with a disability is someone who has a "physical or mental impairment that substantially limits one or more major life activities."² Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, reading, learning, thinking and concentrating.

Service Animal: Under the 2010 ADAAA regulations, a "service animal" is defined as "any dog [or in some cases, miniature horses may be considered a service animal as a reasonable

¹ This information is taken from Disability Rights California's Publication [# 5483.01](#), and is accurate as of June 2014

² 42 U.S.C. § 12102 (1)(A) (2008)

UC Hastings College of the Law Emotional Support Animals Policy

DRP Policy 2

accommodation] that is individually trained to do work or perform tasks for the benefit of an individual with a disability.”³ Any other species of animal, wild or domestic, trained or untrained, are not considered service animals under the ADAAA. Examples of trained work or tasks include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks; alerting individuals who are deaf or hard of hearing to the presence of people or sounds; providing minimal (non-violent) protection or rescue work; pulling a wheelchair; assisting an individual during a seizure; fetching dropped items; alerting an individual to the presence of allergens; retrieving items such as medicine or the telephone; providing physical support and assistance with balance and stability to individuals with mobility disabilities; and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purpose of this definition. See Hastings Service Animal policy for more information.

Emotional Support Animals: An "emotional support animal" (ESA) is an animal prescribed to an individual with a disability by a mental health professional (e.g., a psychologist, psychiatrist, or licensed psychotherapist) to provide emotional support to persons with disabilities who have a disability-related need for such support in their home.⁴ An emotional support animal is not trained to assist a person with a disability with activities of daily living, but rather its role is to live with the individual and alleviate the symptoms of his or her disability within the context of equal access, use and enjoyment of the residence.

Pet: A “pet” is an animal kept for ordinary use and companionship unrelated to a disability. A pet is not considered a service animal or an emotional support animal, and therefore, it is not covered by this policy. Hastings has a “No Pets” policy for students, and pets are not allowed on Hastings property, including in the Tower. As an employer, Hastings has [a separate policy regulating dogs on campus for faculty and staff, only](#).

Emotional Support Animal as an Accommodation in Housing

An emotional support animal is **NOT** a service animal, nor is it a pet. Unlike a service animal, an emotional support animal is not specially trained to perform tasks to assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times. An emotional support animal may, however, be incorporated in a treatment process to assist in alleviating the symptoms of that individual's disability within the person’s residence. Given the applicable laws, the distinction between a service animal and an ESA, and the fact

³ 28 C.F.R. §§ 36.104 (Implements Title III), 35.104 (Implements Title II).

⁴ The FHAA and comparable state laws contemplate the use of ESAs in a housing context as a “reasonable accommodation” or “reasonable modification” for an individual with a disability.

UC Hastings College of the Law Emotional Support Animals Policy

DRP Policy 2

that said treatment occurs within the individual's residence, **access for emotional support animals will be limited to UC Hastings' McAllister Tower individual residences (the Tower.)** Since an ESA is not a pet, it is not subject to the Tower's general No Pets policy. Students with emotional support animals who do not live in the Tower may not bring their animal on campus.

A student may keep an emotional support animal in their apartment in the Tower as a reasonable accommodation if:

- The student has a disability;
- The animal is necessary to afford the student with a disability an equal opportunity to use and enjoy Hastings' housing (the Tower); and
- There is an identifiable relationship (nexus) between the disability and the assistance that the animal provides.

In order to make the above determinations in a manner that preserves the individual's confidentiality, **the student must complete the process to register with Hastings' Disability Resource Program (DRP) prior to bringing said animal to his/her apartment.** Please see the DRP webpage for more information about [registering with DRP](#).

[Registering your Emotional Support Animal with the Department of Public Safety](#)

Tower residents who are approved to keep an emotional support animal in their apartment as a reasonable accommodation for a disability are requested to register their animal with the Department of Public Safety. The purpose is three-fold: (1) to advise relevant staff (Public Safety officers, Tower concierge staff, etc.) that the dog has already been determined to be a service animal **so no further questioning is necessary**, (2) to ensure **compliance with local animal control and public health requirements** (Emotional Support Animals are not exempt from these requirements), and most importantly, (3) to alert Public Safety and/or first responders to **look for your dog in case of an emergency evacuation**. You will be required to submit a copy of the animal's license and proof of current vaccination for rabies, as well as a photo of the service animal, and agree to conform to the expectations outlined below. Registration is voluntary.

In order to respect the individual's privacy and maintain confidentiality, if a student/resident approaches Public Safety prior to DRP, Public Safety will forward a copy of any forms or proof of vaccination to DRP. The Director of Hastings Disability Resource Program is the person who makes the determination whether an emotional support animal is a reasonable accommodation for a disability.

UC Hastings College of the Law Emotional Support Animals Policy

DRP Policy 2

Notice to Campus Community:

The Disability Resource Program (DRP) and/or Public Safety, McAllister Tower management, or the General Counsel's office may need to provide notice to certain members of the campus community living or working in close proximity to the animal. This information will be limited to notice about the animal's presence as an accommodation for a student with a disability, and will not include information about the student's disability or the specific reason the animal is required. Such notice will only be provided to specific individuals who have a legitimate need to know for health and safety purposes.

I. Guidelines for Emotional Support Animals & Owners

- To be allowed to have an emotional service animal reside in the Tower, the student must **first** contact the DRP and complete the registration process, including providing appropriate documentation and meeting with the Director.
- The emotional support animal must be contained within the student's apartment at all times, except when transported outside the private residential area.
- Emotional support animals will not be permitted if they pose a direct threat to the health and safety of others, cause substantial physical damage to the facilities or the property of others, pose an undue financial or administrative burden, or fundamentally alter the nature of Hastings' Tower operations.
- If the animal causes damage to the student's unit or common areas of the Tower beyond ordinary wear-and-tear, the student may be charged for the cost of repairing the damage.
- Emotional support animals should demonstrate a good temperament and reliable, predictable behavior.
- The owner of the emotional support animal must be in full control of his or her animal at all times, including taking measures to ensure that the animal does not exhibit disruptive or aggressive behavior or block an aisle or passageway.
- The student must notify the DRP as well as Tower management in writing if the animal is no longer needed as an emotional support animal or is no longer in residence. To replace one animal with a different animal, the student must file a new request with DRP.

UC Hastings College of the Law Emotional Support Animals Policy

DRP Policy 2

- UC Hastings is not responsible for loss, damage to, or death of the animal.

II. Agreement for Emotional Support Animals

Once a student has been determined by the DRP to qualify to have an emotional support animal in the Tower, the following additional requirements must be met:

1. Health Certificate/License: A student requesting to have an emotional support animal reside with him or her on in the Tower must submit a statement regarding the animal's health from a licensed veterinarian dated within the past year. The statement should include proof that the animal has received all required vaccinations. Proof of good health and vaccination must be provided on an annual basis. In addition to receiving appropriate vaccinations, emotional support animals should have routine maintenance for fleas and tick prevention, de-worming, and have annual veterinary examinations. Students must submit the records to Public Safety, prior to bringing their emotional support animal to their Tower apartment. UC Hastings reserves the right to request an updated verification at any time during the animal's residency.

2. Pest Control/Cleanliness: Cleanliness of the emotional support animal is mandatory. Preventative measures must be taken at all times for flea and odor control, and consideration of others must be taken into account when providing maintenance of hygiene to emotional support animals. Daily grooming and occasional baths (at a veterinarian, pet store or owner's home) should keep animal odor to a minimum. Flea control is essential and adequate preventative measures should be taken. Animal owners may take some precautionary measures such as: flea medications prescribed by veterinarians, flea and tick collars, or taking the animal to the veterinarian for flea and tick baths. If a flea problem develops, it should be dealt with immediately and in an effective manner, which may include, but is not limited to, regular cleaning of yourself and your animal with appropriate treatment for the respective flea or infestation problem. The student residence may be inspected for fleas, ticks, or other pests as needed. Hastings Tower and/or Public Safety staff will schedule the inspection. If fleas or ticks are detected, the unit will be treated using approved fumigation methods by a Hastings-approved pest control service. Students will be billed for expense of any pest treatment. When the resident vacates the unit, the Tower will bill the resident for any cleaning over and above the norm that must be undertaken because the unit housed an animal. Students will not be billed for cleaning or maintenance of the unit for ordinary wear-and-tear.

3. Property Damage: Students will be charged for any damage caused by the emotional support animal to the unit or furnishings that exceeds normal wear-and-tear.

UC Hastings College of the Law Emotional Support Animals Policy

DRP Policy 2

4. Cleanup of Animal Waste: Emotional Support Animals must be housebroken. Animal feces/waste must be disposed of properly. It is the resident's responsibility to immediately pick up feces from Hastings and public property. Feces must be picked up (in a baggie) and deposited in the outside garbage dumpsters. If the animal has an accident indoors, it is the owner's responsibility to immediately and appropriately clean the area.

5. Nuisance to Residents: The resident must take responsibility to ensure that the ESA does not create persistent odor, noise, or disturbance. The student is responsible for assuring that the animal does not unduly interfere with the routine activities of the Tower or cause difficulties for students who reside there. Sensitivity to residents with allergies and to those who fear animals is important to ensure the peace of the residential community.

6. Liability: The resident is responsible for the actions of his or her emotional support animal, including any personal injury or property damage the animal causes. The resident must take all reasonable precautions to protect other residents and Hastings' property. It is highly recommended that the student carry renter's insurance should the animal cause property damage or personal injury. The student is financially responsible for the actions of the animal involving bodily injury or property damage. This includes, but is not limited to, any replacement of furniture, carpet, window, or wall covering as well as cleaning costs considered above the normal cleaning provided for apartments.

7. Picture: A picture of the animal must be submitted to Public Safety when registering an animal.

NOTE: From time to time, Hastings may reassess these terms and conditions for residents with emotional support animals living in the Tower. Should that occur, Hastings will provide timely notice of any change.

Any violation of the above rules may result in legal or disciplinary actions by UC Hastings. Infractions will be handled on an individual basis and consequences may include, but are not limited to: billing the student for expenses incurred by Hastings above normal maintenance and cleaning of usual wear-and-tear, mandating animal behavior training at the student's expense, and immediate removal of the animal from the Tower. Should the animal be removed from the premises for any reason, the student is expected to fulfill her/his housing obligations for the remainder of the lease. The student must continue to abide by all other residential policies, as outlined in the Tower Lease Agreement. An exception to the lease that otherwise would prohibit having an animal does not constitute an exception to any other policy. Hastings Tower management has the authority to relocate a student and the support animal as necessary per current contractual agreements.

UC Hastings College of the Law Emotional Support Animals Policy

DRP Policy 2

By signing below, I verify that I have read and agree to abide by all the guidelines outlined above.

Student Name (Please Print)

Date

Student Signature

Disability Resource Program (DRP)

Date

DRP Signature