Service and Emotional Support Animal Guidelines

I. Purpose of the Guidelines

These guidelines address animals utilized for disability purposes. It is the purpose of these guidelines to articulate the conditions under which animals be permitted access to University grounds and/or facilities.

II. Definitions

Service Animal

Service animal means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of 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, pulling a wheelchair, assisting an individual during a seizure, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Emotional Support Animal (ESA):

Animals utilized by individuals with disabilities for emotional support, well-being, or comfort. Because they are not individually trained to perform work or tasks, ESA’s are not service animals. Unlike a service animal, ESA animals do not assist with daily living tasks. Therefore, ESA’s stay only in residence: they do not accompany the individual with a disability at all times (i.e. they do not attend class, enter the library or visit other residence halls or dining halls). An ESA must be a legal NYC pet.

Individual with a Disability

An individual with a disability is a person who 1) has a physical or mental impairment that limits one or more of a person’s major life activities or 2) has a record of having, or being perceived as having, a physical or mental impairment.

III. Guidelines and Policies

In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 ("ADA"), and state and local law, New York University will accommodate persons with disabilities who require the assistance of a qualified service animal or emotional support animal. The following procedures apply:

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Service Animal:

The University has the right to request/ask for:

- Affirmation that the service animal is required due to disability
- A description of the specific tasks or work the animal has been trained to perform
- If needed, documentation that the service animal is in compliance with all required New York State and New York City requirements associated with licensing, vaccinations, and other health regulations

Important Note Regarding Service Animals: The University may prohibit the use of service animals in certain locations because of health and safety restrictions (e.g. where the animals may be in danger, or where their use may compromise the integrity of research). Restricted areas may include, but are not limited to, the following areas: custodial closets, boiler rooms, facility equipment rooms, research laboratories, classrooms with research/demonstration animals, areas where protective clothing is necessary, wood and metal shops, motor pools, rooms with heavy machinery, and areas outlined in state law as being inaccessible to animals.

ESA (Emotional Support Animal):

- Students who are requesting an ESA must submit a completed Request for Reasonable Housing Accommodation(s) to Moses CSD to be reviewed by the Housing Accommodations Committee (https://www.nyu.edu/students/communities-and-groups/students-with-disabilities/housing.html). A request for Reasonable Housing Accommodation(s) must be completed for each new academic year.
- Any documentation accompanying the Request for Reasonable Housing Accommodation(s) must be current and state how the animal will impact the ability of the student to participate in University housing
- If the Committee approves the ESA request, documentation that the animal is in compliance with all required New York State and New York City requirements associated with licensing, vaccinations, and other health regulations will be required
- The Office of Residential Life and Housing Services will be notified and may contact the student to review these guidelines. The Office of Residential Life and Housing Services will notify other residents within the housing assignment (as well as maintenance and security staff, as needed) that the approved animal will be residing in a shared assigned living space. If all parties do not agree to live with an animal, Moses CSD and the Office of Residential Life and Housing Services will work together to determine a resolution.

IV. Responsibilities of the Owner of Service and Emotional Support Animals:

Standards for Maintaining a Service or Approved Emotional Support Animal

- The approved animal is the sole responsibility of the owner
- The owner is responsible for the overall health and well-being of the animal. This includes but is not limited to:
  - Vaccinations: In accordance with local ordinances and regulations, the animal must be immunized against diseases common to that type of animal. Dogs must have current vaccination against rabies and wear a rabies vaccination tag. Cats should have the normal shots required for a healthy animal. Students are responsible for determining local licensing requirements for an animal. Proof of health and immunizations must be provided to the
Moses Center before the animal arrives on campus and can be requested as necessary. An updated statement of health may be requested annually.
  o The university has the authority to direct that the animal receive veterinary attention if it is deemed necessary
  o The university reserves the right to request documentation showing that the animal has been licensed (e.g., New York law requires that every dog be licensed and provides that service dogs are exempt from the license fee)

- Service Animals may travel freely with their owner throughout University Housing and other areas of the University unless otherwise specified (i.e. an area that is deemed unsafe). A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control (e.g., voice control, signals, or other effective means)

- ESA’s must be contained within the privately assigned residential area (room, suite, apartment) at all times, except when transported outside the private residential area in an animal carrier or controlled by leash or harness

Standards for Interaction with Roommates and the Community

- The owner is responsible for assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for students who reside there. Excessive noises and behaviors such as barking and whining, chewing and scratching and aggression will not be permitted. The animal should not have access to another person’s belongings or private space and should be kept clean.
- The owner is responsible for instructing others on appropriate interactions with the animal and setting clear expectations.
- The owner is financially responsible for the actions of the animal, including bodily injury or property damage. The owner’s responsibility covers but is not limited to replacement of furniture, carpet, window, wall covering, and the like. The owner is expected to cover these costs at the time of repair.
- The owner is responsible for any expenses incurred for cleaning above and beyond a standard cleaning or for repairs to University premises that are assessed after the student and animal vacate the residence. The University shall have the right to bill the student owner’s account for unmet obligations.
- The owner is responsible for ensuring the cleanup of the animal’s waste and, when appropriate, must toilet the animal in areas designated by the University consistent with the reasonable capacity of the owner. Indoor animal waste, such as cat litter, must be placed in a sturdy plastic bag and securely tied up before being disposed of in outside trash dumpsters. Litter boxes should be placed on mats so that waste is not tracked onto carpeted surfaces. Outdoor animal waste must follow New York City laws regarding outside waste.
- Approved animals may not be left overnight in University Housing to be cared for by another student. Animals must be taken with the student if they leave campus or external arrangements for care must be planned in advance of their departure/absence. Dog walkers and other non NYU personnel may not enter the residence when the owner is not present. Keys may not be transferred.
Additional Agreements

- The owner agrees to continue to abide by all other residential policies. Reasonable accommodation which may constitute an exception to a policy that otherwise would prohibit having an animal does not constitute an exception to any other policy.
- A student may be ordered to remove their ESA/Service Animal by an appropriate NYU representative for the following reasons:
  - Out of control animal: A student owner may be directed to remove an animal that is out of control and the owner does not take effective action to recover control. If the improper animal behavior happens repeatedly, the Owner may be prohibited from keeping the animal in University housing until the Owner can demonstrate that they have taken significant steps to mitigate the proper behavior.
  - Non-housebroken animal: An Owner may be directed to remove an animal that is not housebroken. When the animal is one that is kept in a cage or other small enclosure, the owner may be directed to remove the animal if the owner repeatedly fails to maintain a clean, healthy environment for it.
  - Direct Threat: An owner may be directed to remove an animal that NYU determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, threatening or aggressive behavior of the animal or substantial lack of cleanliness of the animal.
  - Mistreated/neglected animal: A student owner may be directed to remove an animal if they demonstrate the inability to adequately care for the animal and prompt corrective action is not taken.

- Any violation of the above rules or incidence of other violations may result in immediate removal of the animal from the University and may be reviewed through the Residential Judicial Process. Should the approved animal be removed from the premises for any reason, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.