

Emotional Support Animals: What Changed, What Didn't, and What Colleges Must Decide Now

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Presenters



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What's The Buzz?

- September 2025:
 - The Office of Housing and Urban Development (HUD), that oversees the Fair Housing Act (FHA), withdrew two guidance documents used to evaluate emotional support animal (ESA) requests
 - The guidance documents from April, 2013 and January, 2020 are non-binding and should no longer be relied on as authoritative
- Withdrawing the guidance documents changed the playbook on how to assess requests
 - Institutions no longer need to follow HUD guidelines regarding assistance animals
 - Institutions have greater latitude to establish campus-specific standards
- This created uncertainty between Americans with Disabilities Act (ADA) service animal standards and FHA assistance animal standards in housing

What Changed?

- Actually, not much:
 - The current regulations state ESAs are *allowed* as an accommodation
 - HUD **backed off their emphasis of automatically accepting an ESA as the accommodation** based on request only
 - HUD dropped the ESA title and uses the broader “assistance animal” standard
- Since the University of Nebraska-Kearney case (2011), the law has recognized educational residential facilities as “dwellings” and subject to the FHA
 - This means that consideration of “assistance animals” as a disability-based accommodation in living environments remains a requirement

Why is this Important?

- There is confusion about standards under FHA, that apply to “assistance animals” in dwellings and the ADA, Title II, and Title III that apply to “service animals”
- HUD emphasized that while the FHA applies, **it only applies to housing**, and institutions are not required to allow assistance animals in classrooms, dining halls, or athletic facilities
 - This *does not* apply to service animals
- Institutions must make informed policy decisions grounded in risk management, equity, and operational reality

Assistance Animal Defined

- An assistance animal can be a service dog **or** an animal that is not specifically trained to complete work or task(s) but **supports a qualified individual with a disability**, most commonly as a therapeutic ESA
- **Limited to housing only** (not provided for under Section 504 or the ADA)
- Institutions may request information regarding both the disability and the disability-related need for the assistance animal
 - Documentation from a health care provider
 - Seek clear connection between the disability and the need for the assistance animal
- **Must engage in the interactive process**
 - This is an accommodation, not an entitlement

What About Service Dogs?

- Service animals are working animals, not pets
- The work or task a service dog has been trained to provide must be directly related to the individual's disability
- Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA
- This definition does not affect or limit the broader definition of “assistance animal” under the FHA

Practical Implications for Institutions

- **Residential facilities can still maintain no-pet policies**
- HUD emphasized **institutions may deny a request for an assistance animal** if they can show it creates an undue burden, fundamental alteration, direct threat, or creates significant property damage
 - Should be assessed with the specific assistance animal in question
- **Institutions should assess:**
 - Animals commonly kept in households (e.g., dogs, cats, bunny, rabbit, hamster) **vs.**
 - Unique animals – substantial burden on requestor to demonstrate a disability-related therapeutic need for the specific type of animal

Assistance Animal Policy Considerations

- Identify the office to evaluate a request for an accommodation
- Establish accommodation request requirements
 - Must be tied to a disability
 - Documentation of the mental health-based disability
 - Engage in the interactive process to determine if an assistance animal is an appropriate accommodation
- Establish and publish appropriate and manageable enforcement policy and protocol
- How will the institutions handle roommate conflicts and/or allergies?
 - Apply "rights to room" policy

Standards for All Animals in Residence

- Vaccination and licensing consistent with local laws
- Owner/Handler expectations (e.g., appropriate waste disposal)
- Animal may not disrupt living environment
- Assistance animals must be caged when owner not in room
- Assistance animals must not be left alone overnight or for extended periods of time
- Service animals must always accompany handler
- May not charge an additional fee or deposit
- May charge for associated damages

Behavioral Intervention Team (BIT) Role

- BITs are not responsible for decisions about ESAs or service animals on campus
- BITs should be familiar with these processes to appropriately refer and support students
- Connect with Accessibility/Disability Support Services office to clearly understand how the request and evaluation process
- Trained BIT members can provide important insights on the support needs of individuals

Assistance Animal Benefits

Mental Health

- May help with anxiety reduction, emotional grounding, and comfort, especially during stressful transitions
- Students report largely positive outcomes across self-rated mental health and intrapersonal functioning
- Broader research related to pet ownership links having a companion animal with greater social support and well-being

Academic Success and Belonging

- Can support routine and self-regulation for students (e.g., sleep/wake structure, daily tasks)
- Can help students maintain stability and sense of community belonging while living on campus

Assistance Animal Challenges

- Health and safety concerns (e.g., allergies, asthma, risk for bites/scratches)
- Animal welfare concerns if the student cannot provide adequate care or the environment is stressful for the animal
- Policy and legitimacy friction
 - Students describe a lack of education about ESAs/assistance animals in the campus community as a challenge
- Can lead to conflict with roommates/others regarding noise, cleanliness, care for the animal

Considerations

- Assistance animals should be only one component of a broader mental health support plan
- Having an animal can increase stress, financial strain, and housing conflict
- The clearer the policies and expectations, the better the outcomes for both the students with animals and the campus community
- Throughout the interactive process, discuss with students the potential benefits, risks, and practical considerations



A person is sitting and reading a book. A grey tabby cat is resting on their lap, nestled against a white knitted blanket. The scene is warm and cozy, with soft lighting. The title "Questions and Discussion" is overlaid in the center in a bold, dark blue font with a white outline.

Questions and Discussion

References

- Brooks, H. L., et al. (2018). *The human–animal bond: A systematic review of benefits and risks*. BMC Psychiatry.
- Ferrell, J., & Crowley, C. (2025). *Emotional support animals on campus: A narrative inquiry*. Journal of College & University Student Housing.
- Kogan, L. R., et al. (2016). *Counseling center perspectives on emotional support animal letters*. Journal of College Student Psychotherapy.
- Poindexter, C., & Marconi, K. (2022). *Institutional processes for ESA accommodations in higher education*. Journal of Postsecondary Education and Disability.
- Smith, R. A., Ballard, S. M., & Willis, J. M. (2021). *Emotional support animals in college students' lives*. Georgia Journal of College Student Affairs.