



Loyola Marymount University

GUIDELINES REGARDING EMOTIONAL SUPPORT ANIMALS FOR STUDENTS WITH DISABILITIES

LMU is committed to compliance with state and federal laws regarding individuals with disabilities. The following is a guide for students who request the presence of an emotional support animal (ESA), as defined by applicable law, in their campus residence. LMU abides by both state and federal law regarding its housing policies

Under the Fair Housing Act (FHA) and Section 504, individuals with a disability may be entitled to keep an ESA as a reasonable accommodation in housing facilities that otherwise impose restrictions or prohibitions on animals. The ESA must be necessary to afford the individual an equal opportunity to use and enjoy a dwelling or to participate in the housing service or program. Further, there must be a relationship, or nexus, between the individual's disability and the emotional support that the animal provides.

What is an ESA and how is it different from a service animal? ESAs, which are defined under the FHA, provide necessary emotional support to individuals with disabilities, and alleviate one or more identified symptoms or effects of a person's disability, who have established the need for such an animal. ESAs are not required to have special training for work or tasks. The regulations permitting ESAs pertain only to places of residence.

Service animals, which are generally limited to dogs, are defined under the American with Disabilities Act (ADA) and have special training to provide services or tasks for individuals with disabilities. Unlike ESAs, they are allowed to accompany the individual with a disability in public places. If you require a service animal, please refer to the separate guidelines "Service Animals for Students with Disabilities."

How do I qualify for an ESA in my residence? There are three questions that need to be answered in evaluating a request for an ESA. First, you need to establish that you have a disability that limits you in a major life activity as defined under state and federal law. Individuals who do not have a disability are not eligible for an ESA. Second, the animal must be necessary to afford you with an equal opportunity to use and enjoy your campus residence. Third, you need to provide information that demonstrates why an ESA is a reasonable accommodation for your disability. In other words, there needs to be an identifiable connection between your disability and the emotional support that the animal provides.

These three questions can often be best answered by an appropriate professional who is familiar with your condition. However, DSS will also consider information from other sources. For example, if an ESA is needed because of a psychiatric disability, DSS recommends you provide information from a psychiatrist, psychologist, social worker, or other person who is qualified to diagnose and assess your disability. They should be familiar with you and able to identify the

major life activity or activities in which you experience a limitation or limitations. These professionals should also describe the connection between your disability and your need for an ESA and describe how the ESA is of benefit.

If your disability is not considered permanent, you may need to reapply after a specified period for continued permission to have an ESA.

What rules and expectations pertain to ESAs? There are some rules that apply to assistance animals, and failure to follow them can result in the loss of permission to keep an ESA in your residence. The rules include:

ESAs must comply with State and local animal regulations, including license and vaccination requirements depending on the type of animal. This includes animals from other countries as long as they meet any customs/federal regulations concerning animals entering the U.S.

ESAs should always be under effective control and may not pose a danger or threat to the health or safety of other students, staff, faculty, or guests.

ESAs cannot fundamentally alter the nature of the University's programs, activities or operations.

ESAs cannot create a nuisance to or distract from other students' use of the residence. Residence halls are places of study, so animals should not make excessive noise or cause disruption.

ESAs need to be kept in clean, sanitary and safe conditions. This responsibility falls on the student and the university does not accept liability for the animal. All animals must be properly cared for which includes food, medical treatment, clean living space, etc. Abuse and neglect of animals may result in formal complaint and possibly ultimate removal from your campus residence.

Students are responsible for complying with all applicable laws and regulations concerning their ESA, including vaccination, licensure, leash control laws, cleanup rules, and animal health.

ESAs do not require a deposit, but you are responsible for costs associated with any damage caused by your animal. Damage can be defined as pests (fleas, ticks) and additional wear and tear on carpets, furniture and university property.

ESAs are not permitted general access to campus areas other than your residence and the residence common areas. ESAs may use a designated area to relieve themselves provided they are leashed.

ESAs may not be left in the care of another student for an extended period, including

overnight and/or during university breaks.

ESAs may not be allowed to go on university sponsored international trips. Many countries do not have disability laws similar to the U.S., and the laws regarding ESAs pertain only to U.S. housing accommodations and may not necessarily extend to other situations.

Students who are approved to have an ESA on campus must sign an agreement with DSS, which will be on file with the DSS Office and The Student Housing Office. The agreement will incorporate the rules and expectations with caring for an ESA on campus. It will also provide an emergency contact and will name a person responsible for the animal should the student be unable to take care of the animal.

Student must still follow general rules as to access on campus for the animal. ESAs are only allowed in campus residences, not on campus generally.

If the student fails to comply with the policies, then the Student Housing Office will investigate any complaints and will work with DSS to resolve any issues or concerns. If a determination is made that the animal should be removed, a joint letter will be sent to the student from the Student Housing Office and the DSS Office. If the student refuses to remove the animal from his or her campus residence after such a determination has been made, the issue will be referred to the Office of Student Conduct & Community Responsibility for proceedings under the Student Conduct Code.

How do I begin the application process? Students will need to contact the DSS Office at dsslmu@lmu.edu to request an ESA application. To apply, students will need to provide a completed application, a personal narrative, and a supporting letter from their treating clinician. DSS will determine, on a case by case basis, and in accordance with applicable laws and regulations, whether your request for an ESA is a reasonable accommodation.

DSS generally can review your application within 15 business days. Sometimes, additional information is requested if what was submitted is not sufficient for DSS to reach an eligibility determination. If a student wants to have an ESA live in campus housing, we recommend that the student notify DSS at least 60 days prior to the move in date so that DSS can coordinate with the Student Housing Office and campus community, to best accommodate the student.

The DSS appeals and grievance process is also available on the DSS website and provides guidance should you disagree with the DSS determination regarding your eligibility for or management of an ESA.

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