



Loyola Marymount University

GUIDELINES REGARDING EMOTIONAL SUPPORT ANIMALS FOR STUDENTS WITH DISABILITIES

Loyola Marymount University 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. Loyola Marymount University 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 Service Guidelines.

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

These three questions can often be best answered by a qualified licensed professional who is familiar with the student and has expertise in evaluating and diagnosing their condition. For example, if an ESA is needed because of a psychiatric disability, DSS recommends the student provides information from a psychiatrist, psychologist, social worker, or other person who is qualified to diagnose and assess the disability. The professional should be familiar with the student and able to identify the major life activity or activities in which they experience a limitation or limitations.

This professional should also describe the connection between the student's disability and their need for an ESA.

If the student's disability is not considered permanent, they 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 ESAs, and failure to follow them can result in the loss of permission to keep an ESA in the student's 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 the student's 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 the student is responsible for costs associated with any damage caused by the 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 the student's residence and the residence common areas. ESAs may use a designated outdoor 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 their 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 is a service animal cared for during a campus/building emergency? The student is responsible for animal care, supervision, control, and emergency planning, at all times. During a campus or building emergency, the student should evacuate or shelter with the animal when it is safe to do so and must follow the instructions of Public Safety and other emergency personnel.

If the animal is inside an affected building when the student is not present, the student is responsible for notifying Public Safety and/or Student Housing of the animal's last known location. The student may not enter or re-enter an affected building until authorized by emergency personnel.

Loyola Marymount University personnel, including Public Safety personnel, are not responsible for searching for, retrieving, evacuating, transporting, feeding, sheltering, supervising, or otherwise caring for the animal. Emergency personnel may attempt to assist an animal when conditions and resources permit, but such assistance cannot be guaranteed and will not take priority over the protection of human life or emergency-response operations.

How may a student 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 the request for an ESA is a reasonable accommodation.

The DSS review process may take up to 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, it is recommended that the student apply with 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, <https://academics.lmu.edu/dss/informationforstudents/appealcomplaintresolutionprocedure/>, and provides guidance should a student disagree with the DSS determination regarding eligibility for or management of an ESA.

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