

## **FLORIDA ATLANTIC UNIVERSITY'S POLICY ON REASONABLE ACCOMMODATIONS AND ASSISTANCE ANIMALS IN UNIVERSITY HOUSING**

FAU is committed to granting reasonable accommodations to its rules, policies, practices, or services when such accommodations are necessary to afford people with disabilities an equal opportunity to use and enjoy their dwellings, as required by federal and state law. A reasonable accommodation may include a change or exception to a rule or policy that is needed because of a person's disability, or it may be a physical change to a unit or common area. It is FAU's general policy to provide reasonable accommodations to individuals with disabilities whenever that individual has a disability and there is a disability-related need for the requested accommodation. A disability-related need for a requested accommodation exists when there is an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

Requests for reasonable accommodations should be made to the Office of Student Accessibility Services, which can be contacted at 561-297-3880 or through the FAU website at [https://www.fau.edu/sas/about/contact\\_us.php](https://www.fau.edu/sas/about/contact_us.php). Reasonable accommodation request forms are available at <https://www.fau.edu/sas/forms.php>. If you require assistance in completing the form, please contact SAS and a consultant will be assigned to assist. SAS will make a prompt decision on your request. In the event additional information is needed, SAS will promptly advise you of the information needed. It is FAU's policy to seek only the information necessary to verify whether you are a person with a disability and to evaluate if the reasonable accommodation is necessary to provide you an equal opportunity to use and enjoy FAU housing. You will receive written correspondence indicating the decision on your request, including alternative accommodations, where appropriate. FAU may deny the requested accommodation if providing it would impose an undue burden on FAU or fundamentally alter the nature of FAU's services or operations.

### **Emotional Support Animals**

One common type of reasonable accommodation may be allowing a person with a disability to keep an Emotional Support Animal (ESA) in their university housing. An ESA is an animal that does not require training to do work, perform tasks, provide assistance, or provide therapeutic emotional support by virtue of its presence which alleviates one or more identified symptoms or effects of a person's disability. Unlike a service animal that has access to public places where pets are not typically allowed, an ESA has limited access to places of public accommodation. Under the Fair Housing Act (FHA), an ESA is viewed as a reasonable accommodation in a housing unit that has a no pet policy for its residents. Residence halls are considered as part of the FHA. Therefore, approved ESAs are allowed in residence halls. ESAs are not allowed in classrooms, other campus buildings or residence halls, or campus events without permission. ESAs must be under the control of their owner at all times, cannot be left alone overnight, and cannot be cared for by another student.

A resident wishing to request an ESA should follow SAS's general procedures for requesting an accommodation, which can be found on the SAS website. SAS may will require the following documentation, consistent with FHA guidelines and Florida Statute 760.27:

- **Documentation that reasonably supports that the person has a disability. supporting documentation may include:**
  1. A determination of disability from any federal, state, or local government agency

2. Receipt of disability benefits or services from any federal, state, or local government agency,
3. Proof of eligibility for housing assistance or a housing voucher received because of a disability.
4. Information from a health care practitioner, as defined ins. 456.001; a telehealth provider, as defined ins. 456.47; or any other similarly licensed or certified practitioner or provider in good standing with his or her profession's regulatory body in another state but only if such out-of-state practitioner has provided in-person care or services to the tenant on at least one occasion. Such information is reliable if the practitioner or provider has personal knowledge of the person's disability and is acting within the scope of his or her practice to provide the supporting information.
5. Information from any other source that the housing provider reasonably determines to be reliable in accordance with the federal Fair Housing Act and s. 504 of the Rehabilitation Act of 1973.

- **Documentation that reasonably supports the person's need for the particular emotional support animal being requested. Supporting information may include:**

1. Information identifying the particular assistance or therapeutic emotional support provided by the specific animal from a health care practitioner, as defined in s. 456.001; a telehealth provider, as defined in s. 456.47; or any other similarly licensed or certified practitioner or provider in good standing with his or her profession's regulatory body in another state. Such information is reliable if the practitioner or provider has personal knowledge of the person's disability and is acting within the scope of his or her practice to provide the supporting information.
2. Information from any other source that the housing provider reasonably determines to be reliable in accordance with the federal Fair Housing Act and s. 504 of the Rehabilitation Act of 1973,

- **Documentation that provides proof of compliance with state and local requirements for licensing and vaccination.**

FAU, in consultation with the resident, and other parties, as appropriate, may consider the criteria below in determining whether the presence of the animal is reasonable in the making of housing assignments for Individuals with an ESA:

- Whether the animal poses or has posed in the past a direct threat to the individual or others;
- Whether the animal causes or has caused excessive damage to housing beyond reasonable wear and tear;
- Whether the size of the animal is too large for available assigned housing space;
- Whether the animal's presence would force another individual from Individual housing (e.g. serious allergies);

- Whether the animal's presence otherwise violates individuals' right to peace and quiet enjoyment; and
- Whether the animal is housebroken or is unable to live with others in a reasonable manner. The individual must provide written consent for SAS to disclose information regarding the request for and presence of the assistance animal to those individuals who may be impacted by the presence of the animal including, but not limited to, Housing personnel and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability. FAU reserves the right to assign an individual with an assistance animal to a single room without a roommate upon availability.

If an individual with a disability believes that the request has been denied unlawfully or a response has been unreasonably delayed, they may file a complaint by writing or calling any of the following: U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity, Brickell Plaza Federal Bldg., 909 SE First Ave., Room 500, Miami, FL 33131-3028 (305) 536-4456; or Palm Beach County Office of Equal Opportunity, 301 N Olive Ave., 10th Floor, West Palm Beach, FL (561) 355-4884.