

THE PALM CLUB VILLAGE I CONDOMINIUM ASSOCIATION, INC.

Policy and Procedures for Person(s) with a Disability and Assistance or Service Animals; Request Reasonable Accommodation

Purpose: Under the Federal Fair Housing Act and the Florida Fair Housing Act, the Association is considered a housing provider and must make reasonable accommodations for assistance animals, including an emotional support animal. An owner or tenant who is disabled/handicapped may request reasonable accommodation(s) for an assistance animal to the Association's rules, policies, or services and the Association is obligated to respond to the accommodation request.

Objective: To establish policies, procedures and guidelines to respond to a request for a reasonable accommodation to the Association's pet restriction for assistance animals. To establish guidelines to determine if the assistance animal is a "service animal", as specifically defined by the regulations promulgated under the American Disabilities Act ("ADA"). To establish procedures for the Association to determine to grant a reasonable accommodation for an assistance animal, including emotional support animals. To establish guidelines to determine what restrictions may be placed on the assistance animal to access the common areas and facilities.

Policy: The policy of the Board of Directors of The Palm Club Village I Condominium Association, Inc. ("the Association") is to respond to requests for accommodations of its "no pets" restrictions and make reasonable accommodations for disabled or handicapped owners or tenants (and possibly guests) in accordance with the guidelines set forth by U.S. Department of Housing and Urban Development. Further, the policy will address an assistance animal which qualifies as a "service animals" because the animal performs a direct task or work for the person with the disability (i.e. "seeing eye" dog).

1. When is a Request For Reasonable Accommodation Required:

An assistance animal is not a pet. A disabled/handicapped owner or tenant (and possibly a guest) must notify the Association of the request for a reasonable accommodation to the Association pet restriction for an "assistance" animal, including an emotional support animal. Requests for an assistance animal are evaluated on a case-by-case basis. The Association prefers you make your request in writing so your request is documented.

A. Service Animals

A person with a disability who has a service animal does not need to request a reasonable accommodation to the Association's pet restriction when the direct work or task performed by the animal is readily observable, obvious and identifiable. If the disability-related service the animal performs is not readily observable, please see Section B below.

Question - Is the animal a "service" animal? Under federal law, a "service animal" means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the

benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items (each a "disability-related service"). Animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or promote emotional well-being are not service animals. If an animal is a service animal, the person does not need to request a reasonable accommodation from the Association's pet restrictions if the animal provides a readily obvious and identifiable disability related service. The Association must recognize and treat owners, tenants, and all guests with "service" animals with different procedures than a person with a disability requesting a reasonable accommodation for a different type of "assistance" animal, such as an emotional support animal. The ADA defines a "service animal" narrowly as any dog 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. The key to determining whether an animal is a "service animal" is the animal performs tasks or work directly related to the person's disability. (A "service animal" can include other animals than a dog)

To determine if an animal is a "service animal" the Association may ask two questions, as follows: (a) Is this a service animal that is required because of a disability? and (b) What work or tasks has the animal been trained to perform? These are the only two questions that can be asked and no further documentation can be requested to determine if the animal is a service dog, such as proof of training. **If it is readily apparent that the animal is trained to do work or perform tasks for the person with a disability, the Association should not ask the two questions (e.g. the dog is pulling a person's wheelchair or observed guiding a person who is blind or has low vision).**

The "service animal" cannot be denied access to any part of the Association property unless (a) the animal is out of control; (b) the animal is not housebroken; or (3) the animal poses a direct threat to the health or safety of others that cannot be reduced to an acceptable level by a reasonable modification to other policies, practices or procedures. For example, the "service animal" can access the pool area but be restricted from entering the pool.

B. Assistance Animals that are not Service Animals

An animal that provides emotional support, companionship, or comfort is not a "service animal" under federal law. A person may, however, still qualify for an accommodation of the Association's pet restrictions if the person is able to establish they suffer from a physical or mental impairment that substantially limits a major life activity, and the animal for which the person seeks an accommodation.

Question - Is the animal an assistance animal other than a "service animal"? If the animal does not meet the definition of a "service animal" set forth above, an owner, tenant, or a guest with a disability must request a reasonable accommodation to the Association's pet restriction to own, rent or for access to the Association property or dwelling unit with an assistance animal. The Association is required to evaluate an owner's, tenant's or guest's request for a reasonable accommodation from the pet restriction to possess an assistance animal in a dwelling unit or on Association property.

A reasonable and sufficient amount of time must be provided to the Association to conduct a meaningful review of the request. After the Association receives the request, it must consider the following:

(a) Does the person seeking to use and live with the animal have a mental or physical impairment that substantially limits one or more major life activities?

(b) Does the person making the request have a disability related need for an assistance animal? Does the animal work, provide assistance, perform tasks or service for the benefit of a person with a disability, or provide emotion support that alleviates one or more of the symptoms or effects of a person's existing disability?

If the disability is not readily apparent or known to the Association which would allow the Association to answer the above two questions to make a determination to approve the request for the accommodation or if the disability related need is not apparent, the Association is entitled to request under applicable law supporting documentation to further consider the request for the reasonable accommodation.

2. When Medical Documentation Can Be Requested:

If the owner's, tenant's, or guest's physical or mental disability is obvious, readily known or already known and the need for the assistance animal to alleviate, assist, work or perform tasks for the person is apparent, the Association may not ask for additional supporting medical documentation to show the disability or the need for the "assistance animal".

If the disability is readily known or obvious but the need for the "assistance animal" to alleviate, assist or perform work or tasks for the person is not, the Association can request supporting documentation to establish the nexus between the persons disability and how the assistance animal assists or alleviates the symptoms or the disability.

If the physical or mental disability is not obvious the Association can request supporting documentation to indicate the disability and why the animal is necessary to alleviate or assist the symptoms or the disability.

3. What Type of Medical Documentation is Necessary:

The Association may request reliable information that is necessary to verify that the person has a physical or mental impairment that substantially limits one or more major life activities (which is the definition of a "handicap" under the Fair Housing Acts) and an explanation of how the animal ameliorates the effects of the disability.

Documentation from a physician, psychiatrist, social worker or other mental health professional that the animal provides emotional support that alleviates one or more of the identified symptoms or effect of an existing mental or physical disability.

In addition, the requester's medical provider, preferably the treating physician with expertise in the area of the person's proposed disability/handicap, must provide verification of the disability/handicap, a description of the major life activities that are substantially impaired, explain the nexus between the animal and the disability/handicap, state whether the condition is temporary or permanent, and provide the credentials of the physician or medical provider providing the statement.

The treating physician or medical provider must state whether the disability/handicap is temporary or permanent. To the extent a disability/handicap is not permanent, the Association will request additional updated medical information as it deems necessary to determine if there is a continued need for the requested accommodation, but not more than once annually.

The Association will not accept tags, certificates, or any other items purchased on-line or from any other source that purport to "certify" or "register" an animal as an emotional support or service animal as conclusive evidence of same.

The Association will review requests for accommodation within a reasonable amount of time after it is in possession of all of the information it is entitled to request under applicable law to conduct a meaningful review of the request. The Association may seek the advice of its legal counsel in performing its review and determining whether to approve or deny a request for accommodation of its pet restrictions.

4. Responsibilities of the Owner When a Request for Accommodation Is Granted

Should a request for a reasonable accommodation to the pet restriction be granted, the Association's rules, policies, or practices must be modified to permit the use of an assistance animal as a reasonable accommodation to afford the person the same use and enjoyment of his or her unit, including use of the common areas or facilities. However, a "service animal" or "assistance animal" is still subject to limitations, restrictions and requirements, which includes but is not limited to the following:

- The animal cannot be a threat to the safety or health of others.
- The animal is required to be housebroken.
- The owner, tenant or guest must comply with ordinances and statutes relating to licensing and vaccinations. This includes maintaining a dog on a non-retractable six foot or less hand held leash when outside of the unit so long as the disability permits the use of a leash.
- The owner, tenant or guest must be able to reasonably control the animal.
- The animal cannot create a nuisance.

A "service animal" has access to all portions of the common area and facilities, except areas where the animal poses a direct threat to the health or safety of others that cannot be reduced to an acceptable level by a reasonable modification to other policies, practices or procedures.

Access for other types of assistance animals to the common areas and facilities must be considered on a case-by-case basis. The Association will consult legal counsel to determine, on a case by case basis, restrictions imposed upon assistance animals and access to common areas or facilities. This may include restrictions imposed on areas the assistance animal can access because often times there are competing interests or rights that must be balanced to assure all owners can enjoy access to common areas or facilities. For example, the Association may need to establish guidelines to address access to common areas or facilities because other owners, tenants, or guest may have allergies and/or phobias. Guidelines regarding the use of elevators when the assistance animal is present may also be necessary.

5. Additional Information

The following is additional information to be aware of:

- Evaluating a request for a reasonable accommodation is done on a case-by-case basis.
- All information received by the Association in conjunction with a request for reasonable accommodation is not an official record subject to inspection pursuant to Florida Statutes, Section 718.111 (12)(c).
- Disclosure of the personal or medical information should not be disclosed to other owners or residents if they ask why the person has the animal. The Association should limit the response to indicate a reasonable accommodation was granted according to the Fair House Act.
- The Association shall not charge a pet deposit or any related fee for an assistance animal.
- An individual's need for an accommodation may change over time if the person's disability/handicap or impairment is not permanent or subject to improvement or full resolution. The Association may request updated information on the individual's impairment from the individual or the individual's current treating healthcare provider over reasonable intervals of time.

**THE PALM CLUB VILLAGE I CONDOMINIUM ASSOCIATION, INC.
ASSISTANCE ANIMAL REGISTRATION FORM
FOR REASONABLE ACCOMMODATION**

The Board of Directors of The Palm Club Village I Condominium Association, Inc. ("Association") responds to requests for reasonable accommodations of its pet restriction and makes a determination to approve or disapprove the request for reasonable accommodation in accordance with the guidelines set forth by U.S. Department of Housing and Urban Development. Please provide the information below and submit supporting documentation as requested by the Association so it can consider the request for accommodation.

REQUESTING PARTY'S NAME _____

PROPERTY OWNER'S NAME _____

ADDRESS OF PROPERTY OWNER _____

IF A PART-TIME RESIDENT, OR TENANT, OR GUEST, DATES YOU WILL BE ON PROPERTY:

IF TENANT OR GUEST, FULL NAME _____

ANIMAL'S NAME: _____ TYPE OF ANIMAL _____

BREED _____

COLOR/DESCRIPTION _____

MALE FEMALE WEIGHT _____ HEIGHT _____

PALM BEACH COUNTY LICENSE NUMBER: _____

NAME _____

DATE _____

ATTACH:

1. Photograph of animal;
2. Copy of Veterinarian's Certification that all Shots/Inoculations are current and date next Shots/Inoculations are due; and
3. Copy of Current Palm Beach County License.

ATTACH IF REQUESTED BY ASSOCIATION:

4. Documentation from a physician, psychiatrist, social worker or other mental health professional that the animal provides emotional support that alleviates one or more of the identified symptoms or effect of an existing mental or physical disability.
5. Other information that may verify a physical or mental impairment that substantially limits one or more major life activities (which is the definition of a "disability" under the Fair Housing Acts) and an explanation of how the animal ameliorates the effects of the disability.