

Policies and Procedures for Disabled/Handicapped Owner, Tenant or Guest to Request a Reasonable Accommodation for a Service/Support Animal

Background: Under the Federal and State Fair Housing Acts, an Owner, Tenant or Guest who is disabled/handicapped may request reasonable accommodation(s) to the Association's rules, policies, practices, or services when such accommodation(s) may be necessary because of his/her disability/handicap. For more information on the rules pertaining to requests for reasonable accommodation, please review the "Joint Statement of the Department of Housing and Urban Development and the Department of Justice on Reasonable Accommodations under the Fair Housing Act" at https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf, along with Florida Statutes Sections 760.27, 817.265 and 413.08(9).

Objective: To establish policies and procedures for meeting the requirements of applicable state and federal law relating to disabled or handicapped individuals as they pertain to Service/Support Animals in units and the common areas in the community.

Policy: The policy of the Board of Directors of FLANDERS D Association, Inc., ("Association") is to make reasonable accommodations for disabled or handicapped Owners, Tenants and Guests, in accordance with applicable state and federal fair housing laws, to Article XIII which prohibits pets on property.

Procedure For Making a Request For Accommodation

Submittal of Request: A disabled/handicapped Owner, Tenant or Guest must notify the Association of the request for a reasonable accommodation to allow a service and/or support animal in a Unit and the common areas in the community and/or to avoid a restriction on pets, and provide adequate documentation supporting the request in compliance with the Florida and federal Fair Housing Acts. This applies to Owners, Tenants, and/or Guests visiting or residing on the property. It is the Owners' responsibility to ensure that Owner(s), Tenant(s), and Guest(s), advise anyone who may require a reasonable accommodation to comply with the stated guidelines herein, prior to bringing an animal on the property, and to provide the Association with sufficient time to conduct a meaningful review of the request. For emotional support animals ("ESA"), the requested information must include a statement from a treating health care practitioner stating that the requesting party is physically or mentally disabled; explaining which major life activities are substantially impaired; and explaining the particular assistance or specific therapeutic support the identified animal will provide. The statement from the professional should also include: the license number of the physician or medical professional; the state of licensure; the medical professional's name, business address, city, state and phone number, signature and the date of the signature. If the requesting party receives Social Security Disability benefits, provide a copy of the summary page with personal information redacted reflecting whether the disability is mental or physical. Additionally, the requesting party is asked to provide the signed acknowledgement on page six (6) of this document. The signed form and documentation can be delivered, emailed or mailed to the Association's office. Use of the

supplied Forms will expedite the evaluation process. The documentation should be submitted **30 days in advance** of the animal's arrival to allow the Association and/or Association's legal counsel sufficient time to conduct a meaningful review of the request.

If the animal is a service animal, and the disability is not obvious, the Association will ask for the same information referenced above for emotional support animals, but the statement must identify the specific tasks the dog is trained to perform instead of the therapeutic support the animal provides.

Please be advised that Florida Statute Section 413.08(9), states, in relevant part:

A person who knowingly and willfully misrepresents herself or himself, through conduct or verbal or written notice, as using a service animal and being qualified to use a service animal... commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and must perform 30 hours of community service for an organization that serves individuals with disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than 6 months.

Further, Florida Statute Section 817.265, states:

A person who falsifies information or written documentation, or knowingly provides fraudulent information or written documentation, for an emotional support animal under s. 760.27, or otherwise knowingly and willfully misrepresents himself or herself, through his or her conduct or through a verbal or written notice, as having a disability or disability related need for an emotional support animal or being otherwise qualified to use an emotional support animal, commits a misdemeanor of the second degree, punishable as provided in s.775.082 or s. 775.083. In addition, within 6 months after a conviction under this section, a person must perform 30 hours of community service for an organization that serves persons with disabilities or for another entity or organization that the court determines is appropriate.

Florida Statute Section 456.072(1)(pp) provides that it is grounds for discipline against a medical professional for:

Providing information, including written documentation, indicating that a person has a disability or supporting a person's need for an emotional support animal under s. 760.27 without "personal knowledge" of the person's disability or disability-related need for the specific emotional support animal.

Procedure for Reviewing a Request for Reasonable Accommodation: Upon receipt of the requested form or request for accommodation, including the Registration Form, and documentation (or information supplied) for a disabled/handicapped Owner, Tenant or Guest's request for a reasonable accommodation(s) to the Association's pet restrictions for an ESA or service animal, every effort will be made to have the request forms reviewed by the Association and/or association legal counsel as quickly as possible, and the Owner, Tenant or Guest will be notified in writing of the Board's decision. If additional information is required by the

Association and/or association legal counsel, the review may take longer, and the submitting Owner, Tenant or Guest will normally be so advised in writing. Additionally, legal counsel's review of the documentation submitted in support of a request for a reasonable accommodation, may require additional time to review and respond to the request. The Association and/or association legal counsel will engage in the interactive process to obtain the necessary information to conduct a meaningful review of all requests.

If the request for a Service or Support animal is approved, any condition(s) of approval will be provided in writing. If disapproved, the reason for disapproval will be provided in writing.

Guidelines as to when medical documentation is required for an ESA and/or Service Animal and what type of medical documentation is required. The Association is entitled to obtain information that is reasonably necessary to evaluate whether a requested accommodation is medically necessary because of the requesting party's disability/handicap.

If a person's disability/handicap is obvious and if the need for the requested accommodation is also apparent, then the Association and/or Association's legal counsel will not normally request any additional information about the requester's disability/handicap or the related need for the requested accommodation.

If the requester's disability/handicap is not obvious, after reviewing the submitted request form, the Association and/or Association's legal counsel may request reliable information that is necessary to verify that the requester 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 the particular assistance or specific therapeutic support the identified animal provides or the tasks the animal is trained to perform. If information concerning the requester's disability/handicap is requested by the Association and/or association legal counsel, he/she must provide information verifying that he/she meets the foregoing definition of "handicap," for example, by submitting proof that he/she is receiving Social Security Disability benefits, or private disability benefits. Information regarding the nexus between the disability and the animal may still be necessary but information concerning the disability will generally not be requested.

If the requester's disability/handicap is obvious, but the need for the accommodation is not apparent, the Association and/or Association's legal counsel will request information that is necessary to evaluate the disability/handicap-related need/nexus for the requested accommodation. In this case, the Association and/or the Association's legal counsel will request reliable disability/handicap-related information from a medical professional that is necessary to evaluate the disability/handicap-related need for the accommodation (the nexus). The medical professional must have personal knowledge of the individual. The Association, may, if necessary, contact the medical professional to confirm the medical professional issued the letter.

The Association will not accept tags, certificates, or any other items purchased online or from any other source that purport to "certify" or "register" an animal as an emotional support or service animal. These items can be purchased by answering certain benign questions. The websites contain a disclaimer that none of the information provided by the requesting party is verified. Accordingly, these items are not sufficient to establish that someone is disabled or that

an animal is a service or emotional support animal. Likewise, the Association will not accept a medical statement from a health care practitioner or company that advertises to write these letters after a one-time consultation or test.

As part of the normal review process/procedure, the Association may request advice from legal counsel concerning any Owner's, Tenant's or Guest's request for a reasonable accommodation. The requesting party consents to the disclosure of all documentation in support of the request to the Association's legal counsel.

Maintaining an Emotional Support/Service Animal

Should a request for a reasonable accommodation to the pet restriction be granted, the Association reserves the right, pursuant to Florida law addressing nuisances and/or safety and health concerns, to withdraw this approval at any time should the emotional support/service animal become:

- A nuisance to, or a threat to the health and safety of, others, which includes, but is not limited to: excessive barking; biting; aggressive behavior (including nipping and lunging); attacking persons or other animals; animal Owner's, Tenant's or Guest's failure to immediately and properly dispose of excrement or waste (so long as the disability permits it); or properly disinfect and clean urine from hard surfaces inside and outside of the building; should the Association be required to clean animal waste or urine, there will be a charge for cleaning assessed to the animal Owner and may result in removal of the animal; failure to comply with all state and local ordinances and statutes related to the animal (including any required licenses or tags);
- Not maintaining the animal on a maximum, non-retractable six foot hand held leash at all times when outside of the home so long as the disability permits the use of a leash; insect/extermination problems; sanitation/odor problems; and/or Owner's, Tenant's or Guest's inability to control the animal. If the requesting party is unable to use a leash because of the disability, the handler must have control over the animal by voice control or some other means. This requires the Owner, Tenant or Guest to ensure that the animal is properly controlled and to take extra precautions when confined in small spaces.
- The approval of the animal may be withdrawn if the requesting party is no longer disabled/handicapped.
- The animal may not be left unattended when outside the home and may not be tied or tethered to any objects outside. The animal may not be left unattended on a balcony or lanai.
- In the pool area, the animal must be held or remain on the ground under or next to the Owner, Tenant or Guest and under Owner's, Tenant's, or Guest's control at all times. The animal is not permitted on furniture. The animal may not roam or wander. No animals are permitted inside the pool.

- Animals are not permitted in a kitchen where food is prepared. No animal may create a health or safety risk. The animal must be under the handler's control at all times. **Owner, Tenant, or Guest is solely responsible for any and all damage caused by the animal, whether to person or property.**
- A violation of any of these reasonable restrictions is also grounds for immediate revocation of any approval requiring the immediate and permanent removal of the animal. The Board may amend these policies and procedures as necessary at any time and without notice. While emotional support and service animals are permitted on all parts of the Association property (with the exception of swimming in the pool or in a kitchen where food is prepared), the Association requests that the requesting party be courteous of others and avoid areas or situations which may cause other owners, tenants, occupants and/or guests, discomfort or create unsanitary conditions. Animals are not permitted to relieve themselves on the pool deck, sidewalks, parking lot or other hard surfaces in the community. Should this occur, Owner, Tenant or Guest must immediately and thoroughly clean the affected area.
- You must provide a current picture of the animal along with current and annual vaccination records thereafter.
- Often times, there are competing requests for reasonable accommodations that must be balanced. In order to accommodate a person's request to maintain an emotional support/service animal and to accommodate those with animal allergies and/or phobias. This may include designating certain elevators as animal friendly and others as animal restricted and requiring the animal owner and the person(s) with allergies or phobias to try to avoid contact with one another. Further restrictions may be necessary depending upon the circumstances at any given time. You will be notified if any additional restrictions are necessary.
- An approval of an emotional support animal and/or service animal is limited to the requesting party and his/her needs. If the requesting party no longer resides in this community, is no longer visiting or temporarily vacates the property, for whatever reason, the emotional support/service animal is not permitted to remain. The approval of an emotional support/service animal does not apply to a residence generally, but rather, is only approved for a particular person. If that person is not in residence, the animal may not be in residence.
- All information received by the Association and/or association legal counsel in conjunction with a disabled/handicapped Owner's, Tenant's and/or Guest's request for reasonable accommodation will be kept confidential in compliance with Florida and federal law. If any other tenant or owner inquires as to why a special accommodation appears to have been made, the Association representative's response will be: "a reasonable accommodation has been granted as a matter of Florida and Federal law" or words of similar import. No additional information will be provided regarding the nature of the disability/handicap.

Acknowledgement

I have received and read a copy of the Policies and Procedures for Disabled/Handicapped Owner, Tenant or Guest to Request a Reasonable Accommodation and I agree to abide by the policies and procedures stated herein. I bear full responsibility for the service/support animal and for damage caused by the animal, whether to person or property, whatsoever arising from owning or keeping a service/support animal in the home.

Requesting Party's Signature

Date

Printed Name of Requesting Party

Address

E-mail Address

Phone Number

ASSISTANCE ANIMAL REGISTRATION FORM

ASSISTANCE ANIMAL OWNER'S NAME _____

EMAIL ADDRESS OF ASSISTANCE ANIMAL OWNER

ARE YOU AN OWNER, TENANT OR GUEST? _____

PROPERTY ADDRESS OF ANIMAL OWNER:

PROPERTY OWNER'S EMAIL AND PHYSICAL ADDRESS:

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

ANIMAL'S NAME _____ TYPE OF ANIMAL _____

BREED _____ COLOR/DESCRIPTION _____

MALE FEMALE WEIGHT _____ HEIGHT _____

NAME _____

DATE _____

ATTACH:

- DOCUMENTATION IN SUPPORT OF REQUESTED ACCOMMODATION
- VETERINARY RECORDS/RABIES SHOT
- CURRENT PICTURE OF ANIMAL