



Service Animal or Emotional Support Animal Registration

Overview

Lake Clarke Gardens Condominium, Inc. (“Association”) is a pet-free community, and several owners purchase here because of that restriction. However, Lake Clarke Gardens Condominium, Inc. (“Association”) makes reasonable accommodations under the Fair House Act requirements to those who have a Service Animal and/or Emotional Support Animal on Association Property, while also considering the safety, security, and quality of life of all residents. In line with these objectives, the Association has defined a Pet Policy that applies to residents who are granted reasonable accommodation. This policy outlines our standard rules and reasonable accommodations for Service and Assistance Animals by applicable state and federal laws.

Pet Policy

Article XIII of the Amended Declaration prohibits all pets on the condominium property at any time. Owners must inform their renters, guests, or visitors that their pets are not allowed on the property.

However, under Fair Housing Amendments Act and ADA, the Association offers reasonable accommodations for those individuals in need of a Service Animal or Emotional Support Animal, provided that appropriate documentation is presented to the Association.

- **Service Animals:** Under the ADA, “service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability”. (*See* 28 C.F.R. §§ 35.104; 36.104)
- **Assistance Animals:** Under the Fair Housing Act, persons with observable disabilities or persons who have provided information that reasonably supports that the person seeking the accommodation has a disability are entitled to have an Assistance Animal on Condominium Property.
- **Guest Animals:** Guests of residents are not permitted to bring their Guest Animals onto Association Property unless the Animal is appropriately registered as a Service or Assistance Animal. Before visiting, guests submit any appropriate documentation for their Service or Assistance Animal to the Association’s Property Management Office to avoid any violation or possible fines to the unit owner.

The Association requires that any person occupying a condominium at LCG who needs a Service Animal Or Emotional Support Animal must complete an application process. This shall include owners, members of an owner’s household, renters, and guests. The application process must be completed and approved by the LCG Board of Directors before allowing the animal to be present or housed at the condominium.

Maintaining an Emotional Support/Service Animal

Should a request for a reasonable accommodation to the pet restriction be granted, the Association reserves the right, under 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);



Service Animal or Emotional Support Animal Registration

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. Additionally, 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 Owner, Tenant, or Guest must maintain complete control over the leashed animal at all times when outside the unit. Should the animal become a nuisance to others, the Owner, Tenant, or Guest will be asked to remove the animal from the premises and may be prohibited from bringing the animal back. 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 the Owner's, Tenant's, or Guest's control at all times. The animal may not roam or wander. No animals are permitted inside the pool. If in the clubhouse, the animal must remain on the floor.

Further, should a request for a reasonable accommodation to the pet restriction be granted the Owner, Tenant, or Guest is required to provide updated medical information concerning his/her disability/handicap (if the disability/handicap is not permanent); current and annual vaccination, immunization, and veterinarian records for the animal; a picture of the animal; and to maintain all required Palm Beach County animal tag(s)/license(s). Failure to comply with any of these requirements is grounds to withdraw the approval of the animal. The owner, Tenant, or Guest is solely responsible for any damage caused by the animal, whether to the person or property.

To clarify, and in addition to those restrictions stated above, should an emotional support animal and/or service animal be approved, the animal must be walked on a non-retractable leash providing no more than six (6) feet of slack and may not be tied or tethered to any object on the property. The owner of the animal must immediately pick up and dispose of all animal waste and excrement. The owner, Tenant, or Guest is responsible for supplying his/her waste removal bags. All fecal waste deposited by the

The animal must be immediately removed and disposed of within the Owner's, Tenant's, or visiting Guest's

unit or immediately taken to the outside dumpster. All service and emotional support animals must be free of parasites, including fleas. 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 (except swimming in the pool), the Association requests that the requesting party be courteous to others and avoid areas or situations which may cause other owners, tenants, occupants, and/or



Service Animal or Emotional Support Animal Registration

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, the Owner, Tenant, or Guest must immediately and thoroughly clean the affected area.

If a support or service animal passes away or is no longer able to perform its intended function(s), the requesting party is permitted to replace the support or service animal so long as the requesting party remains disabled but he/she must notify the Association of replacement of the animal and provide proof of proper vaccinations, a current Palm Beach County tag/license for the replacement animal, a current picture and proof of annual vaccinations thereafter. All replacement animals must comply with the reasonable restrictions contained herein.

Oftentimes, there are competing requests for reasonable accommodations that must be balanced. For example, there may be individuals residing in this community with severe animal allergies and/or phobias. To accommodate a disabled person's request to maintain an emotional support/service animal and to accommodate those with animal allergies and/or phobias, further restrictions may be necessary depending upon the circumstances at any given time. You will be notified of any additional restrictions that are necessary.

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 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 Statute Section 718.111(12)(c)(3)(d). 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.

Upon approval of the requested accommodation, an Animal Registration form will be provided and must be returned to the Association office within five (5) days of receipt.



Service Animal or Emotional Support Animal Registration

Animal Registration Guidelines

Pet ID Tags

All properly registered Animals will receive an ID Tag upon approval of registration from the Associations Management Office. Animals are expected to wear this ID Tag on their collar at all times.

- An annual re-registration process will be required for all Service Animals or Emotional Support Animals. This may require a new tag to be issued to a registered animal.
- Service Animal or Emotional Support Animal owners must register their Animals with the Property Management Office **before** bringing the Animal onto Association Property.
- Please refer to our **Service or Assistance Animal Registration Form** for detailed registration requirements.

- **Cat & Dog** owners are required to provide the Association with the following updated documentation every year or every three years as appropriate:
 - Copy color photographs of the Animal from the front, side, and back.
 - Veterinarian's certification of up-to-date rabies vaccination.
 - Negative heartworm test results from within the last twelve months.
 - Dogs Only – (DAPP/DHPP) – Distemper/Adenovirus/Parainfluenza/Parvovirus Vaccination. (Yearly for puppies and then every 3 years.)
 - Cats Only – (FVRCP) – Feline Viral Rhinotracheitis, Calicivirus, and Panleukopenia Vaccination. (Yearly for kittens and then every 3 years.)

Appropriate Animal Behavior & Maintenance

To ensure the safety, security, and quality of life for all residents, all Service Animal Or Emotional Support Animal owners are expected to properly restrain and clean up after their Animals. This includes the following:

- **ID Tag:** All properly registered Service Animals or Emotional Support Animals will receive an ID Tag from the Association. Animals are expected to wear this ID Tag on their collar at all times.
- **Restraints:** All Animals outside a resident's Unit must be properly restrained with a leash or Animal carrier (e.g., pet stroller, pet travel carrier).
- **Clean Up:** Owners must clean up after their Animals.
 - All Animal defecation on Association Property must be picked up and disposed of properly.
 - Residents also have a reasonable expectation of not stepping in pet urination in certain public locations such as elevators, walkways, common recreation areas, etc. If your Animal urinates in one of these locations, please be considerate and clean it up.



Service Animal or Emotional Support Animal Registration

- **Nuisance:** Animals that are constantly barking in a manner that reasonably disrupts the quality of life for other residents is not permitted. An Animal that barks when someone knocks on the door or leaves a package by the door is not a nuisance.
The animal may also be considered to be creating a nuisance to others under but not limited to any of the following conditions:
 - Not always maintaining the animal on a leash when outside of the unit
 - Failure to comply with all state and local ordinances and statutes
 - Insect/extermination issues and/or sanitation/odor problems
 - If allowed by the owner to enter the swimming pool
 - Failure to keep the animal's shots/inoculations up to date and provide a veterinarian's certification of same.
- **Injury to Others:** Any Animal that causes injury to another Animal, a resident, or a guest may be subject to removal. An injury would involve biting, jumping on a resident or guest, causing this person to fall, or something similar. The circumstances around such an event would need to be closely reviewed using witness statements and camera recordings to determine how and why the event occurred to ensure fairness. For example, an Animal that is defending itself or a person from injury would not be automatically subject to removal.

Procedures for Pet Policy Violations

To ensure the safety, security, and quality of life for all residents, the Association will enforce appropriate measures in the event an Animal owner does not adhere to any aspect of the Pet Policy. If an issue occurs while the Animal is in the custody of another resident or a resident's guest, any inappropriate behavior will still be the responsibility of the Animal's owner and any associated enforcement measures (violation notices, fines, restitution for property or personal injury damages, Animal removal, etc.) will be the responsibility of the Animal's owner.

- Any perceived violation of the Pet Policy should be reported to the Property Management Office in writing, by email, or by typed letter. Please do not confront someone you believe is violating the Pet Policy.
- Alleged violations will be reviewed by the Rules & Regulations Committee ("Committee"), and it will be the Committee's responsibility to decide the appropriate action to be taken – within the following guidelines:
 - **First Violation:** The first violation will be handled with a warning unless the violation involves injury to others. If an animal injures a person or another Animal, the Committee may vote for immediate removal of the Animal.
 - **Second and Third Violation:** The Committee may choose to issue a warning or a \$100 fine for any violation other than one related to Clean Up. A Second Violation for Clean Up should incur a \$100 fine. The Third Violation for Clean Up can result in the Committee voting for the removal of the Animal since this negatively impacts the health and well-being of all residents.
 - **Fourth Violation or Greater:** The Committee may choose to issue a \$100 fine or vote for the removal of the Animal unless the violation is related to Clean Up. The Fourth Violation for Clean Up should result in an automatic vote for the removal of the Animal since this negatively impacts the health and well-being of all residents.



Service Animal or Emotional Support Animal Registration

Procedures for Disabled/Handicapped Owner, Tenant, or Guest to Request Reasonable Accommodation; Service/Support Animals -Lake Clarke Gardens Condominium, Inc.

Submittal of Request: A disabled/handicapped Owner, Tenant, or Guest must notify the Association of the request for a reasonable accommodation to allow service and/or support animals in 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, before bringing an animal on the property, and to provide the Association with sufficient time to conduct a meaningful review of the request.

Additionally, the requesting party should provide the signed acknowledgment on the last page of this document. The signed form and documentation should be delivered or mailed to Lake Clarke Gardens Condominium, Inc., c/o Board of Directors, 2981 Florida Mango Rd., Lake Worth, FL 33461. Use of the supplied form will expedite the evaluation process but is not required.

Please be advised that Florida Statute Section 817.265, states, in the relevant part:

A person who falsifies information or written documentation, or knowingly provides fraudulent information or written documentation, for an emotional support animal ... or otherwise knowingly and willfully misrepresents himself or herself, through his or her conduct or 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 and within 6 months after a conviction under this section, 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.

If the animal is a service animal, and the disability is not obvious, the Association will ask these questions:

- 1.) Is the service animal a dog?
- 2.) If the task the animal is trained to perform is not obvious, is the animal required because of a disability?
- 3.) What work or task has the animal been trained to perform?

Please be advised that Florida Statute Section 413.08(9), states, in the 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.



Service Animal or Emotional Support Animal Registration
REGISTRATION FORM

Please note a separate registration form must be submitted for each Animal

Required Documents

Animal Registration will not be approved without the following:

1. A statement from a medical professional that has a treating relationship and personal knowledge of the requester's disability-need for the animal and is duly licensed to provide a diagnosis and treatment stating that the requesting party is physically or mentally disabled; explaining which major life activities are substantially impaired; explaining how the animal will ameliorate the effect(s) of the disability. The statement from the professional should also include the certification or 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.
2. Copy color photographs of animals from the front, side, and back.
3. Cats & Dogs
 - a. Copy of Certificate of Vaccination showing up-to-date rabies vaccination.
 - b. Document showing heartworm test conducted within the last 12 months.
4. Cats – Copy of (FVRCP) or Feline Viral Rhinotracheitis, Calicivirus, and Panleukopenia Vaccination. (Yearly for kittens and then every 3 years.)
5. Dogs – Copy of (DAPP/DHPP) or Distemper/Adenovirus/Parainfluenza/Parvovirus Vaccination. (Yearly for puppies and then every 3 years.)

Owner & Animal Information

Building # _____ Unit #: _____

Animal Owner 1: _____ Mobile Phone #: _____

Animal Owner 2: _____ Mobile Phone #: _____

Animal Name: _____ Animal Breed: _____

Animal Color: _____ Animal Gender: Male Female

Animal Weight: _____ Animal Spayed/Neutered? Yes No

Date Animal was Acquired: _____

Emergency Contact: _____ Mobile Phone #: _____



Service Animal or Emotional Support Animal Registration
REGISTRATION FORM

Veterinarian Information

Name: _____ Phone #: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Person Requesting a Reasonable Accommodation: _____

If the person requesting a reasonable accommodation is not the Animal Owner(s), please indicate the person's relationship to the Animal Owner(s):

Reasonable Accommodation for Service Animal Information

If it is not readily apparent that the Service Animal is trained to do work or perform tasks for the benefit of the person requesting a reasonable accommodation, please answer the following questions:

Is the Service Animal required because of a disability? _____

What work or task has the Service Animal been trained to perform? _____



Service Animal or Emotional Support Animal Registration

Procedure for Reviewing a Request for Reasonable Accommodation

Upon receipt of the requested 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 petrestrictions for an ESA, every effort will be made to have the request forms reviewed by the Association 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, the review may take longer, and the submitting Owner, Tenant, or Guest will normally be so advised in writing. Additionally, it may be necessary for the Association's legal counsel to review the documentation submitted in support of a request for a reasonable accommodation, which in turn, may require additional time to review and respond to the request. The Association will engage in the interactive process to obtain the necessary information to conduct a meaningful review of all requests.

If the request for an ESA 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 and what type of medical documentation is required.

About ESA, the Association is entitled to obtain information that is reasonably necessary to evaluate whether a requested accommodation is 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 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 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 how the animal ameliorates the effects of the disability. If information concerning the requester's disability/handicap is requested by the Association, 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. Absent disability benefits, the requesters medical professional shall verify that the requesting party is

disabled/handicapped, describe 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 professional providing the statement.



Service Animal or Emotional Support Animal Registration

To the extent a disability/handicap is not permanent, the Association may 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.

If the requester's disability/handicap is obvious, but the need for the accommodation is not apparent, the Association will request information that is necessary to evaluate the disability/handicap-related need/nexus for the requested accommodation. In this case, the Association 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 source that purports 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 medical professional or company that advertises to write letters after a one-time consultation or test.

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.

Unique Animals

Common household animals are considered to be dogs, cats, small birds, rabbits, hamsters, gerbils, other rodents, fish, turtles, or other small, domesticated animals traditionally kept in the home for pleasure, rather than commercial purposes. Reptiles, other than turtles, barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals.

If a requesting party is seeking to keep a unique type of animal that is not commonly kept in households, then the requesting party, through his/her medical professional, has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal.

Additional Information

An individual's need for accommodation may change over time as a result of changes in the individual's level of disability/handicap or impairment, treatments available to mitigate a disability/handicap, and/or other circumstances affecting the individual. What qualifies as reasonable in one set of circumstances may not be reasonable or necessary in another. If and when circumstances change, it is your responsibility to notify the Association **if** you need, or no longer need, a reasonable accommodation.



Service Animal or Emotional Support Animal Registration

Acknowledgment Form

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 damage caused by the animal, whether to a person or property, whatsoever arising from owning or keeping a service/support animal in the home.

I understand that seeking accommodation is a process that must be followed and adhered to by all parties. Misrepresentations will be addressed as a violation of the governing documents which may result in fines being levied and/or other legal action.

I understand that it is a second-degree misdemeanor for a person to 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.

I understand that it is a second-degree misdemeanor for a person to knowingly and willfully misrepresents herself or himself, through conduct or verbal or **written notice**, as having a disability or disability-related need for an emotional support animal or being qualified to use an emotional support animal.

Requesting Party's Signature

Date

Printed Name of Requesting Party

Full Address

Email Address

Building & Unit Number