The Beresford Condominium Association, Inc.
Pet Policy - Addendum to the Beresford Rules and Regulations dated April 2013

Overview

1. A condominium pet policy is one of the most controversial issues facing Florida condominiums and has become a major issue for litigation against Condominium Associations that infringe on an Owner's legal rights. The Board wishes to ensure the legal rights of all Owners are properly protected.

Beresford Association "No Pet" Policy

2. The Beresford Declaration of Condominium, as amended, states that *"No pets shall be allowed."* All Owners are expected to comply with this restriction except where they may obtain Board approval for a Service Animal or an Emotional Support Animal as permitted by federal and State law.

Exemptions from the "No Pet" Policy

3. A Service Animal (SA) means 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. An Emotional Support Animal (ESA) is an animal (typically a dog or cat though this can include other species) that provides a therapeutic benefit to its owner through companionship. Owners may seek Board approval to permit owning a SA or ESA to support a valid and verified health issue. The Association will make every effort to make a reasonable accommodation for Owners who may need a SA or an ESA.

Fraudulent Claims

4. Unfortunately, there have been an increasing number of fraudulent claims to obtain an ESA approval presented to various Condominium Boards, particularly through the use of dubious on-line documentation. The Beresford Board will exercise due diligence to ensure all requests for exemptions to the Association's "No Pet" Policy are vetted and verified to ensure compliance with the law.

Approval Process and Requirements

5. Owners must submit a request to the Manager for Board approval for a SA or an ESA Animal. If the need for the assistance animal is not readily apparent or known to the Association The request must include reliable documentation of the disability and the person's disability-related need for the assistance animal. The documentation and information must 1) verify that the person has a disability (but the Association cannot ask for medical records or details about the disability); 2) describe the needed accommodation and 3) show the relationship between the disability and the requested accommodation (i.e. how the assistance animal alleviates one or more of the identified symptoms). The information can come from a doctor, medical professional, peer support group, non-medical service agency, or a reliable third party.

The Board will review the request and advise the Owner if it is approved or provide the reason for a denial. Approved SA and ESA requests must be revalidated annually through the same process as an individual's health situation may change. The Manager will maintain a confidential file on each request along with a photo of the animal and a DNA sample to assist in compliance requirements and to help respond to any complaints.

6. SA and ESA animal approvals apply only to the individual Owner with a medical or emotional issue. The approval ends after the Owner permanently departs the building for reasons such as divorce, death or relocation.

Compliance Requirements

7. The following applies to SAs and ESAs:

a. May access any of the Association common areas;
b. Not allowed to roam free in the common areas and cannot be tethered except as per paragraph 8 below;
c. Must be carried, leashed or carried in an animal carrier when in the common areas except as per paragraph 8 below;
d. Must not be left unattended on balconies or patios;
e. Must not make unacceptable noise;
f. Must not physically harm other residents;
g. Not permitted in the pool ;

h. Animal owners will indemnify the Association and hold it harmless against any loss or liability of any kind arising from their SA or ESA; and

8. The Department of Justice has supplied the following insight that applies to service animals. The American Disability Act (ADA) requires that service animals be under the control of the handler at all times. In most instances, the handler will be the individual with a disability or a third party who accompanies the individual with a disability. The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal. For example, a person who uses a wheelchair may use a long, retractable leash to allow her service animal to pick up or retrieve items. She may not allow the dog to wander away from her and must maintain control of the dog, even if it is retrieving an item at a distance from her. Or, a returning veteran who has PTSD and has great difficulty entering unfamiliar spaces may have a dog that is trained to enter a space, check to see that no threats are there, and come back and signal that it is safe to enter. The dog must be off leash to do its job, but may be leashed at other times. Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control. The Beresford has adopted these same guidelines to be applied to Emotional Support Animals. They are not be deemed to be discriminatory.

9. Animal owners are responsible to ensure their animal does not become a nuisance or create an unreasonable disturbance. Examples of nuisance behavior are:

a. Animals whose unruly behavior causes personal injury or property damage;
b. Animals who make noise continuously and/or incessantly for a period of 10 minutes or for one hour or more to the disturbance of any person at any time of day or night;
c. Animals in common areas who are not under the complete physical control of their owner;
d. Animals who relieve themselves on walls or floors of common areas;
e. Animals who exhibit aggressive or other dangerous or potentially dangerous behaviour; and
f. Animals who are conspicuously unclean or parasite infested.

10. ESA owners need to be aware that dogs are not permitted on the beach at any time in accordance with the City of Boca Raton laws except in a City identified Beach Dog Park.

Complaint/Enforcement Process

11. Any resident or managing personnel observing an infraction of any of these rules shall discuss the infraction in a neighborly fashion with the animal owner in an effort to secure voluntary compliance. If the complaint is not resolved, it must be put in writing, signed and presented to the Manager. If the

Manager cannot resolve the complaint, it will be forwarded to the Board for action. If the Board is in agreement with the complaint, the animal owner will receive written notice of the violation.

12. If upon two violation(s) the problem is still unresolved, arrangements will be made for a hearing. (At the Board's discretion immediate arrangements for a hearing may be made if the nature of the complaint involves personal injury or the imminent threat thereof.) The Board of Directors may require the permanent removal of an animal, if such animal is determined by the Board to be a nuisance or a danger to the community and its residents.

13. If so determined, the animal owner will have 30 days to remove the animal from the premises. The Board of Directors also has the authority to assess and collect fines for violations of the Beresford's condominium rules pertaining to animals and to assess and collect amounts necessary to repair or replace damaged areas or objects.

Voluntary Actions

14. Residents may decide to voluntarily act as follows:

a. Animal owners may elect to use the Service Elevator for their SAs or ESAs, despite their right to use any elevator, in consideration of their neighbors who may have allergies to animals or a fear of animals;
b. Residents may exercise their personal judgement whether to enter or remain in an elevator when an SA or an ESA is present; and
c. Owners with an SA or ESA may wish to take another elevator as a courtesy if a neighbor is in the elevator and they know they have an allergy problem or have a fear of animals.

Conclusion

15. SAs and ESAs are a legal right when properly approved by the Board and where the animal owners adhere to reasonable communal rules. It is hoped that all Beresford Owners will demonstrate an understanding for each other's needs and requirements so that we can all live collegially together.

The Board of Directors