

HERITAGE LANDINGS ASSOCIATION, INC.

Service Animal Policy

*Current and Approved as of the 17 day of April, 2023

1) PURPOSE

It is the policy of Heritage Landings Condominium Association (HLCA) to afford “Reasonable Accommodation” to qualified individuals with disabilities, who require the assistance of a service animal, equal opportunity to access Common Elements, Limited Common Elements and activities at Heritage Landings.

This policy complies with the Americans with Disabilities Act (ADA) of 1990 as amended; Section 504 of the Rehabilitation Act of 1973 (P.L. 93-11) and 45 CFR Part 84; Fair Housing Act of 1968 42 U.S.C. 3601 et seq.; Chapter 49.60 RCW; and Florida Statutes F.S. Ch 413 et al and specifically F.S. Ch 413.08 and F.S. Ch 413.081.

Heritage Landings Condominium Association will review each request for “Reasonable Accommodation” to ensure compliance, privacy, non-discrimination and to protect the health, welfare and safety of all its members, renters, tenants, guests, workers and pets.

2) DEFINITIONS

Owner: Owner means any person with a qualified disability under law, having a right of possession to a service animal, or control, custody, or possession of a service animal.

Service Animal: Service animal means an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual’s disability and may include, but are not limited to, guiding an individual who is visually impaired or blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. For purposes of subsections (2), (3), and (4), the term “service animal” is limited to a dog or miniature horse. The crime-deterrent effect of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition. **[F.S. CH413.08 (1)(d)]**

3) WHERE SERVICE ANIMALS ARE ALLOWED

Generally, disabled owners of service animals are permitted to be accompanied by their service animal in all Common Elements and Limited Common Elements of Heritage Landings where the owner is allowed to go, including the Pool Enclosure, Heritage Landings Garden (Only

during meetings and scheduled Heritage Landings Events, aka Tiki Hut). Limited exceptions for service animal access are noted in Sections 4 & 6.

4) SERVICE ANIMAL OWNERS' RESPONSIBILITIES

- A)** Keeping the service animal under their direct control at all times, such as by a harness, leash, or other tether; however, if the use of a harness, leash, or other tether interferes with the service animal's safe, effective performance of work or tasks, or if the owner's disability prevents the use of such devices, then the service animal must be under the owner's control through voice control, signals, or other effective means **(Retractable lanyards or leashes are specifically prohibited)**;
- B)** Ensuring the service animal does not disturb, harm or disrupt others (including other pets) and complies with all other Heritage Landings Condominium Association animal policies;
- C)** Immediately cleaning up after the service animal and properly disposing of the service animal's waste or other debris;
- D)** Preventing the service animal from entering any pool, fountain or flower/plant bed.
- E)** Ensuring the service animal prescription is renewed annually and provided to HLCA or their agent.
- F)** Complying with any relevant city, county, and/or state license, immunization and leash laws while the service animal is on Heritage Landings premises.
- G)** The owner is responsible for damage or injury caused by the service animal.

5) REMOVAL OF SERVICE ANIMALS FROM COMMON ELEMENTS

Heritage Landings Condominium Association personnel or members may only ask service animal owners to remove their service animal from Common Element premises or from the immediate area as follows:

- If the service animal is not under the owner's direct control or the service animal is disturbing or disrupting others, then the owner must first be given an opportunity to get the animal under control. If the disruption or disturbance continues, then the owner may be asked to remove the animal
- If the presence, behavior, or actions of the service animal constitutes an immediate risk or danger to people or property, the owner can be asked to immediately remove the animal and 911 (emergency assistance) may be contacted.
- If asked to remove the service animal, the owner must be offered the opportunity to return to Heritage Landings premises or the immediate area without the service animal.
- If the service animal is not housebroken and leaves waste in undesignated areas.
- A service animal may only be excluded from an individual event based on its or the owner's behavior at that event.

5) VIOLATIONS OF POLICY

Depending on the seriousness of the animal's conduct or repeated conduct, service animals may

be excluded from Heritage Landings property temporarily or permanently.

Owners who violate this policy or disregard an instruction to remove or exclude a service animal from Heritage Landings property may be subject to additional penalties, including banning from any Heritage Landings property, or other fines or penalties under applicable city, county, or state rules, regulations, or laws.

SECTION 413.08 (9), FLA. STAT. – *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 or as a trainer of a service animal commits a misdemeanor of the second degree, punishable as provided ins. 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.*[Fines up to \$500 per occurrence and up to 60 Days in Jail]

6) RESTRICTIONS ON ACCESS FOR SERVICE ANIMALS

A service animal will/may be restricted from specific areas of Heritage Landings property when consistent with other HLCA policies, state, and/or federal laws/regulations. Such restrictions are to protect the health, welfare and safety of all its members, renters, tenants, guests, workers and pets. Additionally, the restrictions are to ensure that the “Reasonable Accommodation” would not impose a fundamental alteration to the nature of the provider’s operations or impose an undue financial and administrative burden. Restrictions are as follows but not limited to include:

- Pools, Fountains or Flower and Plant Beds.
- Food preparation areas.
- Heritage Landings Garden (Tiki Hut), except during HLCA Meetings or Events in which Pets are not allowed unless approved by the HLCA Board of Directors upon demonstrated animal conduct and waiver.
- Further, movements of those service animals not accompanied by their disabled owner are restricted to those Common Elements and Limited Common Elements immediately adjacent to the building in which they reside.

Owner Name

Owner Signature

Date