

BECKLEY WOODS RESIDENTS' ASSOCIATION ADA POLICY

1. Purpose and Scope

- **Purpose:** The Beckley Woods Residents' Association's (HOA) approach to handling requests for emotional support animals in compliance with the Fair Housing Act (FHA) and other applicable laws.
- **Scope:** Covers residents' rights to keep ESAs, the process for requesting accommodations, and the HOA's responsibilities.

2. Definitions

- **Emotional Support Animal (ESA):** Define what constitutes an ESA, distinguishing it from service animals.

Service Animals:

- **Definition:** Under the ADA, a service animal is defined as a dog that is individually trained to perform tasks for a person with a disability. The tasks performed must be directly related to the person's disability.
- **Purpose:** Service animals assist individuals with disabilities by performing specific tasks or work that the individual cannot perform themselves. For example, a service dog might guide a person with visual impairment, alert someone to a medical condition, or provide mobility support.

Emotional Support Animals:

- **Definition:** Emotional support animals are not defined under the ADA but are covered under the Fair Housing Act (FHA). They provide comfort or emotional support to individuals with mental health conditions or emotional disabilities. Unlike service animals, ESAs do not need specific training to perform tasks.
- **Purpose:** ESAs provide emotional comfort and support to help alleviate symptoms of mental health conditions, such as anxiety or depression. They are not trained to perform specific tasks related to a disability.

3. Requesting an Emotional Support Animal

- **Procedure:** The process for residents to request an ESA accommodation should include:
 - Submitting a written request to the HOA board.
 - Providing a letter from a qualified healthcare professional that verifies the need for the ESA due to a disability.
- **Documentation:** The documentation needed to substantiate the need for an ESA (e.g., a letter from a licensed mental health professional).

4. Verification and Approval Process

- **Review Process:** The HOA may verify the disability and the need for the ESA but cannot inquire about the specific nature of the disability. The request must be approved by the HOA Board of Directors and recorded in the meeting minutes.
- **Timelines:** Notifying the resident of the decision will be made within thirty (30) days after the HOA next scheduled meeting following submission of all required documentation from the applicant to the HOA.

5. Rules and Restrictions

- **Behavioral Expectations:** ESAs must be well-behaved and not pose a threat or nuisance to others.
- **Common Areas:** ESAs are restricted to the residence of the applicant.

6. Responsibility and Costs

- **Resident Responsibility:** The residents are responsible for the care and maintenance of their ESAs, including cleaning up after them and any damages they may cause.
- **Costs:** The HOA is not responsible for any costs associated with the ESA, except as required by law.

7. Exceptions and Denials

- **Grounds for Denial:** Possible reasons for denying an ESA request, such as if the animal poses a direct threat or causes significant property damage. Likewise ESAs must be well-behaved and not pose a threat or nuisance to others.
- **Appeal Process:** Residents may appeal a denial or address disputes related to their ESA by submitting a written request to the HOA for further considerations citing newly obtained documentation for the need for the ESA in a form compliant with Section 3 of this policy

8. Non-Discrimination and Confidentiality

- **Non-Discrimination:** The HOA will not discriminate against residents based on their need for an ESA.
- **Confidentiality:** Any information related to a resident's disability and ESA request will be kept confidential.

9. Training and Awareness

- **Staff Training:** The HOA board members will review ESA policies and ADA/FHA requirements as they become available.
- **Resident Education:** ESA policies and their rights under the FHA, are provided on the HOA's website, www.beckleywoods.com

10. Review and Updates

- **Policy Review:** The policy will be reviewed and updated annually, if needed, to ensure it remains in compliance with the FHA and other relevant laws.
- **Feedback Mechanism:** Resident feedback to improve the policy and its implementation must be made to the HOA Board of Directors in written format.

11. Contact Information

- **Inquiries:** Contact information for the person or committee responsible for handling ESA requests and related issues:

President, Beckley Woods Residents Association
Post Office Box 43884
Louisville KY 40253-0884

By implementing this clear and comprehensive policy, the Beckley Woods Residents' Association can effectively manage requests for emotional support animals while ensuring compliance with the Fair Housing Act and promoting an inclusive community.