

Seaside Beach & Racquet Club

Condominium Association, Inc.

PO Box 527, Orange Beach AL 36561

SEASIDE'S POLICY REGARDING EMOTIONAL SUPPORT ANIMALS

The following information from Seaside Association's Legal Counsel outlines definition and differences between Service Animals (ADA Certified & Trained) and *Emotional Support Animals* (prescribed by a Physician). The Board of Directors requested the legal opinion for clarification on requirements for Condominium owners, Association Management, Security Service, etc., to accommodate the two categories.

SERVICE ANIMALS

Covered by Americans with Disabilities Act (ADA) and Fair Housing Act (FHA)

1. Service Animals are dogs (and in rare cases miniature horses who can pull a wheelchair) which are *trained* to assist a person with a disability. No other animal qualifies as a SERVICE Animal.
2. A Service Animal must have been trained to perform the service that the disabled person requires. For example, we are all familiar with Seeing Eye Dogs that assist the blind.
3. A Service Animal can accompany the person to any area of the complex except in the pool. There are no other restrictions unless the dog is a danger to other people, barks incessantly, or is in violation of other condominium rules. In those cases, legal advice should be sought before instituting eviction procedures.
4. The Service Animal should be under control at all times either on a leash or by voice commands if a leash is not practical (for example, the owner cannot hold a leash for various reasons).
5. The Association, a rental agency or owner of a rental unit cannot impose any weight limit on the dog, require an additional security deposit, or refuse to rent to a person based on his having a Service Animal.
6. The person owning a Service Animal must use the designated dog walk area (East fence-line toward Tradewinds), and pick up after the dog, as required by the condo rules. Disposal container is provided.

EMOTIONAL SUPPORT ANIMAL

Fair Housing Act (FHA) requires accommodation ONLY if staying **30 days or more**

7. Emotional Support Animals are animals that bring comfort to the person with the psychiatric disability.
8. The owner of a Support Animal must have documentation **from his physician** explaining he has an impairment and how the animal provides support. A document from the Internet is not valid documentation.
9. The Association, rental agency or owner of a rental unit cannot ask what the impairment is, nor deny reasonable accommodation, but can insist on seeing the physician letter.
10. An owner of record or *immediate* family is not time restricted, but a GUEST or Renter must be staying more than **30 days** (minimum required for "*usual place of abode*" qualification set by the Fair Housing Act).
11. A Support Animal must stay in the condo and designated dog walk area only. They cannot accompany their owner to other areas of the complex, as a SERVICE Animal does. No picnic area, pool deck or clubroom.
12. An Emotional Support Animal (ESA) **must be on a leash at all times**.
13. If the ESA is a danger to other people, barks incessantly, or is in violation of other condominium rules, legal advice should be sought before instituting eviction procedures.
14. The Association, rental agency or owner of a rental unit cannot impose a weight limit on the animal, require an additional security deposit, or refuse a person based on his having an Emotional Support Animal.
15. There are no exceptions to the rule that a renter must be staying 30 days or more to be eligible to bring an Emotional Support Animal (in addition, they must qualify with the criteria outlined in #7 above). Seaside Owners are not allowed to make exceptions for people who want to stay less than 30 days, saying they have a support animal. Owners of record and immediate family members who have a support animal are exempt from the 30 day minimum stay requirement, as long as they meet the criteria in #7 above. *The Owner or immediate family member *is* the one needing the ESA for emotional support, due to his/her disability.

**Legal counsel has further informed management that a person falsely claiming an animal is an ESA, or refusing to produce Physician's Prescription for the ESA, is guilty of a misdemeanor, finable by fees & jail time.*