

THE PHILADELPHIAN CONDOMINIUM

REASONABLE ACCOMMODATION POLICY FOR AN ASSISTANCE ANIMAL

The Federal Fair Housing Act and other state and local fair housing laws require that housing owners and managers provide reasonable accommodations for applicants and residents who have disabilities. The Philadelphian Owners Association (“the Association”) is committed to granting reasonable accommodations when necessary to afford persons with disabilities the equal opportunity to use and enjoy a dwelling at The Philadelphian Condominium.

Under fair housing laws, a person with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who is regarded as having such an impairment, or a person with a record of such an impairment. Reasonable accommodations may include waiving or varying Association rules or policies to allow a resident with a disability to keep an “assistance animal.” An assistance animal is an animal that does work or performs tasks for the benefit of a person with a disability, or provides emotional support or other assistance that alleviates one or more symptoms or effects of a person’s disability (“Assistance Animal”). The most common Assistance Animals are dogs, although other animals may qualify as assistance animals. Assistance Animals are not pets under the Association’s policies, and Assistance Animals will be governed by this policy and not by the Association’s no-pet policy. The Association recognizes the importance of Assistance Animals and is dedicated to ensuring that Philadelphian residents with Assistance Animals – whether owners, occupants or renters – may keep them in their units.

If a resident with a disability requests a reasonable accommodation for an Assistance Animal, the Association must determine whether the animal provides assistance needed by that resident to afford him or her an equal opportunity to enjoy living at The Philadelphian. The Association will not ask about the nature or severity of the person’s disability. Many times, both the disability and the assistance provided by the Assistance Animal is obvious – for example, a dog guiding an individual who is blind or has low vision, or a dog pulling the wheelchair of a person with a mobility impairment. If this is the case, no further inquiry will be made and the Association will grant the resident the reasonable accommodation.

In the case of a resident who requests a reasonable accommodation for an Assistance Animal that provides emotional support or other assistance that alleviates one or more symptoms or effects of the resident’s disability, the Association may require a written statement from a health or social service professional¹ indicating:

- i. That the applicant has a disability,² and

¹ “Health or social service professional” means a person who provides medical care, therapy or counseling to persons with disabilities, including, but not limited to, doctors, physician assistants, psychiatrists, psychologists, or social workers.

² Under fair housing laws, a person with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who is regarded as having such an impairment, or a person with a record of such an impairment.

- ii. That the animal would provide emotional support or other assistance that would alleviate one or more symptoms or effects of the disability.

In the case of a resident who requests a reasonable accommodation for an Assistance Animal that does work or performs tasks for the benefit of a person with a disability, the Association may require that the resident provide:

- i. A written statement from a health or social service professional indicating that the person has a disability, and
- ii. Information that the animal has been individually trained to do work or perform tasks that would alleviate one or more symptoms or effects of the disability, or information that the animal, despite lack of individual training, is able to do work or perform tasks that would alleviate one or more symptoms or effects of the disability.

In the case of an Assistance Animal that both provides emotional support or other assistance that alleviates one or more symptoms or effects of a disability and does work or performs tasks for the benefit of a person with a physical disability, the Association may require compliance with either of the two preceding paragraphs, but not both.

The Association will not require compliance with any of the following requirements:

- i. In the case of an Assistance Animal that provides emotional support or other assistance that alleviates one or more symptoms or effects of a disability, that the animal have been trained or have a certification of its efficacy, or
- ii. That the resident pay any fee, deposit, or other charge for keeping the animal, or obtain insurance as a condition of keeping the animal.

In processing requests for Assistance Animals, the Association will take reasonable measures to protect the confidentiality of any information or documentation disclosed in connection with the requests. Such measures may include limiting access to such information to persons specifically designated to deal with requests for reasonable accommodations, who will disclose information only to the extent necessary to determine whether to grant the request, and keeping all written requests and accompanying documentation in a secure area to which only those designated persons have access, except as otherwise required by law.

It is the responsibility of a person with a disability who is a resident, tenant, or occupant of a Unit to inform the Association as to the need for an Assistance Animal for the resident, tenant or occupant of a Unit, and to request a reasonable accommodation and provide any required documentation. A person with a disability may request a reasonable accommodation orally but it will be more helpful to make it in writing. To that end, the Association has a "Form to Request An Assistance Animal" (attached to this Policy) which a person with a disability can use to make a reasonable accommodation request for an Assistance Animal.

If the applicant requires assistance in completing the form, the Property Manager or his or her designee will provide assistance or will fill out the form based on an oral request. The Association is using the form to record reasonable accommodation requests so that we obtain only the information necessary to make a reasonable accommodation decision and do not obtain confidential information that we do not need to make a reasonable accommodation decision.

Once a completed request with any required documentation is received, the Association will provide a response within fourteen days. Prior to denying a request, the Association will attempt to engage in an interactive process with the person making the request in which the parties discuss possible alternative accommodations that might effectively meet the person's disability-related needs. The Association recognizes that a person with a disability is generally in the best position to know whether or not a particular accommodation will be effective in meeting his or her needs. If a request is denied, an explanation for the denial will be included in the written notification of denial. If a person with a disability believes that a request has been denied unlawfully or that the response is delayed unreasonably, he or she may file a complaint with:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
451 Seventh Street SW
Washington, DC 20410
(800) 669-9777
<https://www5.hud.gov/Hud903/main/pagHUD903Form.jsp>

All residents, including those with and without Assistance Animals, are required to conduct themselves in a civil and courteous manner at all times, as is reasonable among neighbors living in close proximity to one another. This requires all residents to recognize and respect the federally protected rights of residents with Assistance Animals, and all residents with Assistance Animals to recognize and respect the rights of other residents and their expressed health and safety concerns regarding animals. All residents are therefore required to cooperate with each other to resolve any issues that may arise regarding such rights.

The Association also requires Assistance Animals to be registered with the Association, and to be in compliance with any applicable state or local laws and licensing requirements. The Unit Owner and the owner of the Assistance Animal will both be held liable for any damage or harm caused by the Assistance Animal.

Owners of Assistance Animals are allowed with their Assistance Animals to use the Common Areas of The Philadelphian, including all elevators. The Unit Owner, and the owner of the assistance animal, if different from the Unit Owner, are responsible for ensuring that the Assistance Animal is cared for, supervised and controlled. The owner of the Assistance Animal shall maintain full control of the Assistance Animal at all times and ensure that the Assistance Animal is well behaved (does not jump, nip, snarl or bite another person or animal), does not harm other people, does not create a nuisance, and does not cause damage to Association property or other private property. If the owner of the Assistance Animal does not comply with these requirements, then the Unit Owner will be responsible for fines assessed by the Association and other sanctions, including the potential removal of the Assistance Animal. Any fines or assessments will constitute a lien against the Unit Owner's Unit to the extent provided in the

governing documents of the Association. Responsibilities of the Unit Owner and the owner of the Assistance Animal also include ensuring that:

- i. when the Assistance Animal is in a Common Area or Limited Common Area (except the Pool area and the Fitness Rooms where no animals except qualified ADA service animals are permitted), the Assistance Animal will not be left unattended, and will be on a leash, in a carrier or otherwise under the direct control of its owner, and the Assistance Animal will not be permitted to sit, lie, lean or walk on any furniture or furnishings, counter tops or air vents;
- ii. when the owner of an Assistance Animal wishes to use an elevator at the Philadelphian, the owner of the Assistance Animal will defer to another person who objects to the close proximity of the Assistance Animal due to health reasons, if the person objecting is already in the elevator or if the person objecting is first in line waiting to use the elevator. In those instances, the owner of the Assistance Animal must wait to take the next or another elevator;
- iii. the Assistance Animal will not be allowed to bark continuously or incessantly for a period of 10 minutes or intermittently for ½ hour or more to the disturbance of another person at any time of day or night;
- iv. the Assistance Animal, if a dog or other non-housebound animal, must be taken outside the property (not on any balcony, roof deck or pool deck) to relieve itself of bodily wastes, and during winter months liquid waste from the Assistance Animal will be covered with snow so as to conceal discoloration, and during the rest of the year liquid waste should not be allowed to cause damage to grass or be allowed to go on the side of a building;
- v. feces from the Assistance Animal will be promptly picked up and taken back to the Owner's Unit or properly disposed of in a trash receptacle outside the property, and not disposed of under bushes, in other types of vegetation, or under snow, and failure to properly dispose of animal feces may result in a fine; and
- vi. the owner of the Assistance Animal is responsible for cleaning up the Assistance Animal's bodily wastes, and if assistance is needed with cleanup of the waste, this will be arranged for by the owner of the Assistance Animal at such owner's expense and will not be the responsibility of the Association.

FORM TO REQUEST AN ASSISTANCE ANIMAL

The Federal Fair Housing Act and other state and local fair housing laws require that housing owners and managers provide reasonable accommodations for applicants and residents who have disabilities. The Philadelphian Owners Association ("the Association") is committed to granting reasonable accommodations when necessary to afford persons with disabilities the equal opportunity to use and enjoy a dwelling at The Philadelphian Condominiums.

Under fair housing laws, a person with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who is regarded as having such an impairment, or a person with a record of such an impairment. Reasonable accommodations may include waiving or varying Association rules or policies to allow a resident to keep an "assistance animal." An assistance animal is an animal that does work or performs tasks for the benefit of a person with a disability, or provides emotional support or other assistance that alleviates one or more symptoms or effects of a person's disability ("Assistance Animal").

If you or someone associated with you has a disability and you believe that there is a need for an Assistance Animal as a reasonable accommodation for the person with a disability to use and enjoy a dwelling unit at The Philadelphian, please complete this form and return it to the management office. Please check all items that apply and answer all questions. The Association will answer this request in writing within 14 days. All information provided to the Association in connection with this request will be kept confidential, except as otherwise required by law. If you require assistance in completing this form, please call the management office at (telephone number) for assistance or to make an oral request for a reasonable accommodation.

1. Do you require assistance filling out this form?

Yes No

If your answer is "Yes," and you do not have someone who can assist you, please ask [name and phone number] to assist you in filling out this form.

If your answer is "No," continue on to Question No. 2.

2. Today's Date: _____
3. The person who has a disability requiring a reasonable accommodation is (please check one):

____ Me. If you answered "Me," continue to Question 4.

____ **A person making a reasonable accommodation request on behalf of or assisting the person with a disability** who needs an Assistance Animal. After filling out the following, continue to Question 4 and fill out the information regarding the person for whom you are requesting a reasonable accommodation:

Name of person filling out form: _____

Address: _____

Telephone number: _____

Relationship to person needing Assistance Animal: _____

4. Name of person with a disability for whom a reasonable accommodation is being requested:

Phone number: _____

Address: _____

5. Are you a person with a disability requesting an accommodation of an Assistance Animal so that you can have an equal opportunity to use and enjoy a dwelling at The Philadelphian?

Yes No

6. Designate the species of animal for which you are making a reasonable accommodation request e.g., "dog," "cat," :

7. Provide the name and physical description (size, color, weight, any tag and/or license) of the animal for which you are making a reasonable accommodation request:

8. Does the animal for which you are making a reasonable accommodation request perform work or do tasks for you because of your disability?

Yes No (If "No," continue to Question 9)

9. If the animal for which you are making a reasonable accommodation request does not perform work or do tasks for you because of your disability, but provides emotional support or alleviates one or more symptoms or effects of your disability, please submit a statement from a health or social service professional stating that (a) you have a disability (i.e. you have a physical or mental impairment that substantially limits one or more major life activities); and (b) the animal would provide emotional support or other assistance that would alleviate one or more symptoms or effects of your disability and how the animal alleviates the symptoms or effects. Please attach such a statement to this application.

Signature of person making request

Date

Signature of person with disability

Date

TO BE COMPLETED BY MANAGEMENT

Form accepted by: _____

Date _____

Signature