

SUMMER HOUSE IN OLD PONTE VEDRA CONDOMINIUM
POLICY RESOLUTION
GUIDELINES FOR EMOTIONAL SUPPORT ANIMAL (ESA) APPROVAL

Rules and Regulations Regarding:
Acceptance of Emotional Support Animals

WHEREAS, Part C. Powers and Duties, Section 1. of the Bylaws states that *“The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Condominium and may take all such acts, through the proper officers of the Association, in executing such powers, except such acts which by law, the Declaration, the Articles or these Bylaws may not be delegated to the Board of Directors by the Unit Owners. Such Powers and Duties of the Board of Directors, shall include, without limitation (except as limited elsewhere herein), the following: d. Adopting or Amending rules and regulations concerning the details of the operation and use of the Condominium and Association Property, subject to a right of the Unit Owners to overrule the Board as provided in Article 14 hereof.*

The following excerpt was taken from the Declaration of Condominium, page 41:

No Owner or Occupant may keep any animals on any portion of the Condominium except as expressly permitted in this Section. An Owner or Occupant may keep no more than two (2) dogs and/or cats per Unit and a reasonable number of other generally recognized household pets, as determined in the Board’s sole discretion, weighing less than two (2) pounds each (including by way of example, but not limitation, fish gerbils and small bird(s).

No Owner or Occupant may keep breed or maintain any pet for any commercial purpose, and no structure for the care, housing or confinement of any pet shall be constructed or maintained on any part of the Common Elements, including Limited Common Elements, without prior written approval by the Board of Directors. No pets are allowed on any portion of the Common Elements excepts for the designated dog walk area, if any; provided, however, an Owner or Occupant may walk a pet across the Common Elements to reach such dog walk area, if any, or to enter or exit the Condominium Property. Notwithstanding the foregoing, pets must be kept on a leash and be under the physical control or a responsible person at all times while on the Common Elements; provided, however, pets need not be leashed within balconies when attended by a person; provided further than such pets shall not create a nuisance to other Unit Owners. Pet litter left by pets upon the Common Elements or in any dog walk area must be immediately removed by the owner of the pet or the person responsible for the pet.

No Potbellied pigs, snakes, pit bull dogs, rotweillers, doberman pinchers or other animals determined in the Board’s sole discretion to be dangerous may be brought onto or kept on the Condominium at any time. The Board may require that any pet which, in the Board’s opinion, endangers the health of any Owner or Occupant or creates a nuisance or unreasonable disturbance, be permanently removed from the Condominium upon seven (7) days written notice. If the Owner or Occupant fails to do so, the Board may remove the pet. Any pet which, in the Board’s sole discretion, presents an immediate danger to the health, safety or property of any community member may be removed by the Board without prior notice to the pet’s owner.

Any Owner or Occupant who keeps or maintains any pet upon the Condominium shall be deemed to have agreed to indemnify and hold the Association, its directors, officers and agents free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping and maintaining such pet within the Condominium.

WHEREAS, for the convenience and well-being of all Owners, the Board wishes to establish rules and regulations to allow the Board to determine if a reasonable accommodation is appropriate for emotional support animals that are currently prohibited by the declaration:

NOW, THEREFORE, BE IT RESOLVED THAT the following policies be added and adopted by the Board:

I. DEFINITIONS

- A. **“ESA”, Emotional Support Animal**, is a companion animal (pet) that a medical professional says provides some benefit for a person.
- B. **Prescription**: an instruction written by a medical practitioner that authorizes a patient to be provided a medicine or treatment.
- C. **Reasonable Accommodation**: an adjustment, not imposing a disproportionate or undue burden, made in a system, in a particular instance, to accommodate or make fair the same system for an individual based on a proven need.
- D. **Proof of Insurance**: a document used to provide information on specific insurance coverage.
- E. **Service Animal**: an animal, typically a dog, that has been specifically and extensively trained and certified to assist a person who has a disability. This resolution does not apply to Service Animals.

II. REQUIREMENTS AND RESTRICTIONS

Any owner or owner’s family, tenant, guest or invitee who is prescribed an ESA not permitted by the Declaration of Condominium, shall comply with the following procedure:

Thirty (30) days prior to bringing the prescribed animal onto the Condominium property owned by Summer House in Old Ponte Vedra Condominium Association, as described and recorded in the public records of St. Johns’ County Florida, the person seeking approval from the Board of Directors shall provide all the following documents:

1. An original prescription from and executed by a Florida Licensed Medical Professional detailing:
 - a. the nature and extent of the asserted disability;
 - b. the limitation on a major life activity of the patient;

- c. the role of the animal and a description of how the animal is necessary to afford the patient the equal opportunity to use and enjoy a unit at Summer House Condominiums;
 - d. the reasonable accommodations necessary to facilitate the proper functioning of the prescribed animal; and
 - e. a full description of the prescribed animal indicating, breed, color, age, size and weight.
 - f. Alternatively, a fully completed Summer House ESA Request Form executed by a Florida Licensed Medical Professional, as such Form may be amended from time to time.
2. A photograph of the prescribed animal.
 3. A certificate of insurance indicating that the prescribed animal is insured, naming Summer House in Old Ponte Vedra Condominium Association Inc., as an additional insured with respect to liability.
 4. A sworn statement from the animal's owner regarding all past instances of aggression or violence toward other animals or people, including a statement whether the animal has ever been deemed "aggressive" or "dangerous" under state or local law.

Following the submission of the above described documents, the Board of Directors shall have Twenty-One (21) days to approve or disapprove the requested accommodation. The Board of Directors shall have the sole discretion to approve the request for an accommodation, including the right, but not the obligation, to waive certain requirements and add additional requirements as called for by each situation.

After approval of a Reasonable Accommodation, the Board of Directors retains the ability to rescind the approval of the Reasonable Accommodation if in the sole discretion of the Board of Directors the accommodation of the animal is no longer reasonable. In rescinding the accommodation, the Board of Directors can consider the behavior of the animal and the opinion of a Florida Licensed Medical Professional. If an accommodation is rescinded, the animal must be removed from Summer House within 48 hours.

III. RULE

Summer House recognizes that it has an obligation to enforce the Declaration and follow the law. As such, the purpose of the rule is to balance the needs of those who are prescribed an ESA and, to preserve the rights and expectations of those owners who purchased units under the restrictions outlined in the Declaration. In the event the Board of Directors approves a Reasonable Accommodation, the owner of an ESA must also comply with the following existing rules, unless part of the Reasonable Accommodation granted by the Board of Directors:

1. The animal must not be brought onto the pool deck area or summer kitchen as required the St. Johns County Health Department.
2. All animal feces must be immediately removed by the owner and the area must be properly cleaned and restored.
3. No animal shall be permitted on or in, the Tennis Courts, Fitness Center, Tanning Room, Movie Theater, Pool, Summer Kitchen, Spa and wet deck areas.
4. The owner of the ESA shall be in full control of the animal at all times.

IV. FINES & FEES

Residents who fail to comply with this resolution will be given forty-eight (48) hours' notice to cure or remove the offending animal, except immediate removal may be undertaken by the Association, owner/resident, animal control or sheriff if the animal presents a danger to any person or other animal within the community. Failure to comply may result in a monetary fine of up to \$100.00 per day as well as legal fees incurred as a result.

**Summer House in Old Ponte Vedra Condominium
RESOLUTIONS ACTION RECORD**

Resolution Type Policy Date. 12.4.2019

Pertaining to: Rules and Regulations Regarding emotional support animals "ESA"

Duly adopted at a meeting of the Board of Directors of the Summer House in Old Ponte Vedra Condominium held 12.4.2019 :

Motion by: Shane Kammerdiener Seconded by: Jeff Terwilliger

PRESIDENT: JOSEPH GILL
TREASURER; SHANE KAMMERDIENER
SECRETARY; JEFF TERWILLIGER
DIRECTOR; ARLENE ROY
DIRECTOR; JANET WELLS

ATTEST:

[Signature]
Board Member

12/13/19
Date

Resolution Effective, 12.4.2019