

HACIENDA CARMEL COMMUNITY ASSOCIATION

Information for Residents, Guests, and Visitors Regarding “Service Dogs” & “Emotional Support Animals”

- ❖ A “**Service Dog**” is defined by the ADA (*Americans with Disabilities Act*) as “a dog which has been trained to perform a specific task for the benefit of a person with a disability.”
- ❖ Dogs whose sole function is to provide comfort or emotional support do not qualify as a “**Service Dog**” under the ADA.
- ❖ Only dogs are recognized as “**Service Animals**” under the ADA.
- ❖ A person who presents with a “**Service Dog**” may be asked the following:
 - “Is the animal required due to a disability?” and,
 - “What specific task is the animal trained to perform?”
- ❖ The ADA does not require that “**Emotional Support Animals**” be given the right of access to public places in the same fashion as “Service Animals.”
- ❖ **The Americans with Disabilities Act only applies to public places. A private Homeowners Association such as Hacienda Carmel is not considered to be a “public place” and is therefore not regulated by the ADA.**
- ❖ In accordance with the Federal Housing Authority (FHA), a person requesting reasonable accommodation for an “**Emotional Support Animal**” can be asked to provide written verification by a licensed medical professional stating the following:
 - a) The person has a recognized disability substantially limiting one or more major life activities.
 - b) A description of the requested reasonable accommodation(s) needed in order to help ameliorate the disability.
 - c) An explanation of how the requested reasonable accommodation(s) will accommodate the disability.

Residents of Hacienda Carmel who wish to request a reasonable accommodation due to disability may do so by submitting the attached form completed by a licensed medical practitioner. Reasonable accommodation will be considered on a case-by-case basis by the Board of Directors.

❖ **California Penal Code – Section 365.7 Misrepresentation of Service Animal states:**

- (a) Any person who knowingly and fraudulently represents himself or herself, through verbal or written notice, to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide, signal, or service dog, shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding \$1,000 or by both that fine and imprisonment.*

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APPROVED BY THE HCCA BOARD OF DIRECTORS JANUARY 25, 2024

Hacienda Carmel Community Association

REQUEST FOR REASONABLE ACCOMMODATION DUE TO DISABILITY

SECTION A (To be completed by requesting party)

Person requesting accommodation _____ Unit # _____

This request for reasonable accommodation pertains to a:

- Physical accommodation in the common area
- Emotional support animal
- Other: _____

Please describe your specific request for accommodation:

Signature: _____ Date: _____

SECTION B (To be completed by a licensed medical practitioner)

Name of medical practitioner: _____ Phone number: _____

- (1.) I hereby certify that _____ is (a) an established patient of mine, (b) has been determined to have a specific physical or mental impairment that is recognized under current applicable laws and substantially limits one or more major life activities, and (c) has a disability-related need for the accommodation requested.
- (2.) Description of the reasonable accommodation necessary to ameliorate the disability:

- (3.) Explanation of how the requested accommodation will accommodate the disability:

By signing my name below, I certify the information contained in Section B above to be true and correct under penalty of applicable laws in the State of California.

Signature of medical practitioner: _____ Date: _____