

# SUMMERWIND CONDOMINIUM OF COCOA BEACH

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## POLICY STATEMENT AND RESOLUTION OF PROCEDURE NR. 2021-002

### SERVICE ANIMAL, EMOTIONAL SUPPORT ANIMAL, AND PET CARE GUIDANCE POLICY FOR SUMMERWIND RESIDENTS, GUESTS & PET CAREGIVERS

#### 1. BACKGROUND

The Summerwind Declaration of Condominium (originally known as the “Prospectus for 2100 West, a Condominium”) was created and recorded in the public records in 1984. Pages 5 and 6 of the Declaration outlined certain restrictions on the use of units and common elements, including the keeping of pets within the condominium and on its grounds. Section 17.2 of the Declaration provided the most concise reference to Summerwind’s animal policies. Over the ensuing thirty-eight years, no modifications or amplifying information has been published regarding the animal policies set forth in the original Declaration.

Because pets have become an important element of a healthy, balanced community, and recognizing that some people are uncomfortable with animals on the property and near their personal space, the Board of Administration has developed and releases the animal policies and care guidance contained herein.

#### 2. PURPOSE OF THIS DOCUMENT

In keeping with the evolution of our society, where more domestic pets than ever before are now kept, and where service animals and “emotional support animals” (ESAs) have emerged and are now protected by Federal and Florida State laws, the Board of Administration issues this document to:

- Expand on our existing “pet policy” and;
- Provide additional guidance to animal owners, guests, tenants, and pet caregivers.

#### 3. SERVICE ANIMALS AND EMOTIONAL SUPPORT ANIMALS

Neither service animals or ESAs are subject to prohibitions on “pets” as provided in the Summerwind Declaration. Federal law preempts such prohibitions.

Under the U.S. Fair Housing Act, which applies to our Summerwind community, a “service animal” is specifically defined as a dog that is individually trained to do work or perform tasks for a person with a disability. When requested, and when the request is documented as required by law, Summerwind will make a “reasonable accommodation” to persons with disabilities who have a need for a service animal.

Some persons with a disability have a documented need for an “emotional support animal” (which may not have training for tasks, like a service animal). Generally, owners of emotional support animals have invisible disabilities such as depression, anxiety, PTSD or phobias. A resident can prove that they have a disability related need for an emotional support animal by submitting an ESA recommendation letter from a licensed health care practitioner to the BoA. In addition to being allowed to ask for an ESA letter from a licensed provider, Summerwind is also permitted to request proof of compliance with state and local requirements for licensing and vaccination of the ESA.

In practice, the law allows any person (i.e. - owner, buyer, or tenant) with a disability or disability-related need to keep an emotional support animal in his or her dwelling as a reasonable accommodation in housing. Additionally, they cannot be charged extra for the animal by way of a pet fee or deposit for the ESA. This part of the law effectively mirrors existing federal law. However, a person with a disability or a disability-related need is liable for any damage done to the premises or to another person on the premises by his or her ESA. When requested, and when the request is documented as required by law, Summerwind will also make a “reasonable accommodation” to persons with disabilities who have a need for an emotional support animal (an “ESA”).

Pursuant to Section 760.27 of the Florida Statutes, “it is unlawful to discriminate in the provision of housing to a person with a disability or disability-related need for, and who has, or at any time obtains, an emotional support animal.” Translation: If an owner, prospective buyer, or tenant has an ESA, or at any point in time obtains an ESA, Summerwind may not discriminate on this basis.

#### 4. GUIDING PRINCIPLES FOR ANIMAL POLICIES

Four fundamental principles guided the development of the amplifying domestic animal management information presented in this document:

- a. Pets are an important element of a healthy balanced community and people have a right to enjoy their valued companions at our condominium;
- b. Today’s society, as well as applicable law, recognizes service animals and ESAs as a therapy mechanism for persons with diagnosed disabilities. Summerwind will continue to respect and comply with applicable law, and will grant reasonable accommodations for service animals and ESAs when, and to the extent, required by law;
- c. Likewise, residents without animals have the right to live at Summerwind without being disadvantaged, made uncomfortable, or endangered by on-site animals. Some people are afraid of unleashed dogs, while others are allergic to animals, with a wide range of severity;
- d. Recognizing that improperly supervised animals can create disturbances, be destructive to our property, and even endanger the safety and comfort of our residents, it is incumbent on the Board of Administration to publish guidance and care standards for the benefit of all Summerwind residents and their guests regarding on-site animals.

## 5. SUMMERWIND'S ANIMAL REGULATIONS

The following regulations are applicable to all animals on-site, including service animals and ESAs, as specified in Section 17.2 of the Summerwind Declaration, and amplified herein:

- a. All animals must be housed in the owner's/tenant's unit and must not be allowed to roam free or be tethered;
- b. Animals (including cats) must always be kept restrained on a leash of no more than six (6) feet in length when within common element spaces and while on the grounds;
- c. Animals must never be left unattended on balconies or in hallways;
- d. Designated "Walk Areas" are described in Attachment 3. Owners and guests must clean-up after their pets (stoop and scoop) and properly discard animal droppings either in their unit or in the building's trash and garbage dumpster;
- e. Any and all damage created by an owner/tenant/guest animal is the sole responsibility of the unit owner. Damage to association property will be repaired by the association and repair costs will be billed to the unit owner;
- f. Animals cannot be kept, bred, or maintained for any commercial purpose and cannot become a nuisance or annoyance to neighbors;
- g. Violation of the provisions of this Section shall entitle the Association to pursue all of its rights and remedies, including, but not limited to, the right to fine unit owners (as provided in applicable rules and regulations), injunctive relief and in extreme cases, removal of the animal.

## 6. AMPLIFYING ANIMAL CARE GUIDANCE

- a. Pets are not permitted within the pool/pool deck fenced enclosure at any time. Service animals and ESAs are permitted if they have been granted a reasonable accommodation.
- b. Owners, as well as Unit residents, are also responsible for the animals of guests who visit their unit. Visiting animals are subject to the same restrictions and regulations as resident animals. Except as otherwise required by law, no animal(s) of guests can stay in the unit for more than 14 days in any 1-year period without prior written permission of the Board.
- c. All animals are expected to be maintained in a disease free condition through vaccination. Documentation of immunizations must be maintained current and may be periodically requested by the Board for inspection.

## 7. KEEPING DOMESTIC ANIMALS REQUIRES BOARD APPROVAL

Domestic animals kept on Summerwind property must be approved by the Board of Administration. The Board requires the animal owner to submit an Animal Registration Form for review, approval and filing in the Condo Office. Registration of any animal kept on Summerwind property is mandatory.

Requests for a reasonable accommodation for a service animal or an ESA must be provided to the Board in advance of bringing the animal onto Summerwind premises. Attachments 1 & 2 are provided for convenience as a guide for assembling the information required for proper pet or ESA registration.

The BoA reaffirms our long-standing policy that only unit owners may maintain a pet in their unit. This exclusive right does not flow-down to any tenant as a privilege, term, or condition of lease. However, current Federal and State laws now protect the rights of all residents with regard to service animals and ESAs. Accordingly, tenants who apply for and are granted a reasonable accommodation for a service animal or an ESA may be allowed to keep the service animal or ESA in their place of residence.

## 8. SPECIFIC GUIDANCE FOR REGISTRATION OF ANIMALS

Requests for pet approval, and requests by persons with disability for grant of a reasonable accommodation, should be submitted – with the appropriate documentation using Attachments 1 or 2 – to:

Summerwind Condominium of Cocoa Beach, Inc.  
c/o Keys Property Management Enterprise, Inc.  
5505 N Atlantic Ave, Suite 207  
Cocoa Beach, FL 32931  
Attn: Summerwind CMA

## 9. COMPLAINT PROCEDURE

No animal shall be allowed to become a nuisance, create any unreasonable disturbance, or become offensive.

Examples of nuisance behavior for the purposes of this paragraph include, but are not limited to:

- a. Animals whose unruly behavior causes personal injury or property damage;
- b. Animals that make noise continuously or incessantly for a period of 15 minutes, or intermittently for 2 hour(s) or more to the disturbance of any resident at any time of day or night;
- c. Animals in common areas that are not under the complete physical control of a responsible human companion and on a hand-held leash of no more than six feet in length (or in a pet carrier);
- d. Animals that relieve themselves on walls or floors of common areas;
- e. Animals that exhibit aggressive or other dangerous or potentially dangerous behavior;
- f. Animals that are conspicuously unclean or parasite infested.

## 10. POLICY VIOLATION PROVISION

- a. If an animal is being offensive, the offended party should first speak with the animal's owner and request correction.
- b. If the offense continues, written details should be submitted to the Summerwind Board, explaining the offense, time, place, animal description, owner's name, address, etc. The Summerwind Board will address the matter through its property management company for initiating the proper corrective action in accordance with Summerwind's policies.
- c. For an unresolved violation of the policies set forth herein, unit owners subject themselves to adverse action by the Board. Such action could entail legal action, assessment of a First Non-Compliance Fine of \$100 (greater for successive violations – exclusive of any damage repair costs), and/or additional remedies.

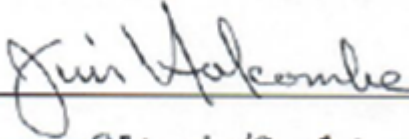
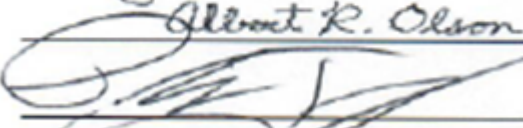




#### 11. INDEMNIFICATION

Animal owners and caregivers shall indemnify the Association and hold it harmless against loss or liability of any kind arising from their animal.

#### 12. EFFECTIVE DATE

These amplifying policies, rules and guidelines are effective on and after August 27, 2021. Updates to these policies, as required, will be published as Amendments to this document.

By: Summerwind Board of Administration

	Jim Holcombe, President
	Al Olson, Vice President
	Phong Truong, Secretary & Treasurer
	Andrea Baczek, Member Liaison
	Matt Tanis, Director at Large
	Rick Bolek, Director at Large

## ATTACHMENT 1: PET REGISTRATION

[THIS FORM IS USED TO REGISTER PETS –USE ATTACHMENT 2 TO REQUEST REASONABLE ACCOMODATION FOR A SERVICE ANIMAL OR ESA]

(Unit owner – Printed Name) \_\_\_\_\_ requests Board approval to maintain the following animal in Summerwind Unit Nr \_\_\_\_\_.

Type:	<input type="checkbox"/> Dog <input type="checkbox"/> Cat <input type="checkbox"/> Other – Describe:	
Name:		
Age:		
Breed:		
Weight:		
Gender:	M <input type="checkbox"/> F <input type="checkbox"/>	
Immunizations Current?	<input type="checkbox"/> Yes <input type="checkbox"/> No (Required certification attached)	
Brevard County License No:	(Brevard County ordinances require all owned dogs, cats and ferrets to be licensed and for the license to be attached to the animal.)	

1. Owner certifies to the Board that the animal is in good health, and as proof therefore, a certificate of good health from a licensed veterinarian is attached. ***In addition, a photo of the animal is attached.***
2. Owner agrees to keep the animal on a leash and will clean up all waste on the property as well as in any common areas, as required by Summerwind policies.
3. Owner acknowledges and understands that the representations herein are in keeping with all Summerwind policies in effect as of the date of this application.
4. Owner requests Board approval to keep the above-named animal in and on the property.

Date Submitted: \_\_\_\_\_ Owner's Signature: \_\_\_\_\_

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### BOARD OF ADMINISTRATION ENDORSEMENT

DATE: \_\_\_\_\_

The Board, having considered the details of the Animal Registration form above, hereby:

☐ Approves ☐ Rejects the owner's registration request.  
(If rejected, reason for rejection is explained below):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board Representative's Signature: \_\_\_\_\_

## ATTACHMENT 2: SERVICE ANIMAL OR EMOTIONAL SUPPORT ANIMAL ACCOMMODATION REQUEST

(Printed Name) \_\_\_\_\_ ("Applicant") requests Board approval to maintain a \_\_\_ service animal or \_\_\_ an emotional support animal (ESA) within Summerwind Unit Nr \_\_\_\_\_. [For ESAs, the signed "[ESA Recommendation Letter](#)" is attached.]

### ALL INFORMATION REQUIRED BY PARAGRAPH 6 OF THIS POLICY STATEMENT IS ATTACHED. THE ANIMAL IS IDENTIFIED AS FOLLOWS:

Type:	<input type="checkbox"/> Dog <input type="checkbox"/> Cat <input type="checkbox"/> Other – Describe:
Name:	
Age:	
Breed:	
Weight:	
Gender:	
Immunizations Current?	<input type="checkbox"/> Yes <input type="checkbox"/> No (Required certification attached)
Brevard County License No:	(Brevard County ordinances require all owned dogs, cats and ferrets to be licensed and for the license to be attached to the animal.)

1. Applicant certifies to the Board that the animal is in good health and all immunizations are current.  
***In addition, a photo of the animal is attached.***
2. Applicant acknowledges and understands that the representations herein are in keeping with all Summerwind policies in effect as of the date of this application.
3. Applicant agrees to maintain compliance with all Summerwind animal policies.
4. Applicant requests a reasonable accommodation for the animal described above, and submits this required documentation.

Date Submitted: \_\_\_\_\_ Applicant's Signature: \_\_\_\_\_

### BOARD OF ADMINISTRATION ENDORSEMENT

DATE: \_\_\_\_\_

The Board, having considered the details of the Animal Registration form above, hereby:

☐ Approves ☐ Rejects the owner's registration request.  
(If rejected, reason for rejection is explained below):

Board Representative's Signature: \_\_\_\_\_



### ATTACHMENT 3: DESIGNATED PET WALK AREAS

The three areas outlined in **RED** are designated animal “walk areas”. When taking animals outdoors to relieve themselves, confine them to these three areas. The area directly in front of Summerwind is not to be used as a walk area, nor the grass areas adjacent to the main sidewalks.

Owners and guests must keep animals on a leash while in the walk areas and clean up all waste from the grounds. Waste must be properly discarded either at the resident’s unit or in the main trash and garbage dumpster.

NOTE: 2100 Towers has a strict NO PET Policy; do not walk animals on the North side of the driveway

