

Ask the Experts Of no comfort

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Q: Our condominium doesn't allow pets, but we make exceptions as required by law for assistance animals. However, some owners openly admit to buying the letters certifying their need for the animal online. Is there anything we can do? How can we be sure an owner has a legitimate need? —*Florida*

A: That's a difficult question because of the provisions of the federal Fair Housing Act (FHA), which apply to assistance animals. In general, assistance animals could be any species that provides emotional or physical benefits to an individual. There are no training requirements, and reasonable accommodations are required pursuant to the FHA.

Associations can request that residents—and their medical provider— submit a form to prove that a disability exists and that the animal provides support or assistance. If the individual does so, then the association must allow the animal.

Unfortunately, some individuals abuse this process by engaging in the activity described in your question or by faking a disability. This forces the board into a difficult position because it has a fiduciary duty to enforce the association declaration, rules, and regulations.

However, litigating these issues can be very difficult and can cause negative media attention.

In light of these circumstances, I'd recommend gathering evidence about the individual and the animal. Please note that associations are prevented from asking an individual about the specifics of a disability. You can watch how the animal behaves. If it starts attacking other animals or people, the association will be in a much stronger position to argue that the animal must be removed.

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