

MOUNTAIN LODGE ASSOCIATION--NO-PET POLICY

Revised and Effective: March 11, 2016.

Pets are not permitted in any unit or upon any Common Element of Mountain Lodge Association property, by any party. This policy applies to all units whether or not enrolled in any rental program. There shall be no exceptions.

This prohibition applies to the maintenance, keeping, visiting, boarding and/or raising of animals of any kind, regardless of number or size. Animals can present hazards relative to human safety, damage to property, cleanliness of the units and common areas, vermin, noise and other disturbances, fear of injury, etc.

Animals found within Mountain Lodge units or Common Elements can be removed from the property without notice. Any unit occupants who violate this policy are subject to eviction, fine and/or such other penalties as the Executive Board deems appropriate. Any unit owner in violation of this policy is subject to fine and/or such other penalties as the Executive Board deems necessary.

Note that the No-Pet Policy does not apply to Service Animals. Service Animals, by definition, are not pets. Mountain Lodge has a separate policy pertaining to Service Animals.

MOUNTAIN LODGE ASSOCIATION—SERVICE ANIMAL POLICY

Revised and Effective: March 11, 2016.

BACKGROUND

Pursuant to federal and state law, Mountain Lodge Association makes reasonable modification to its policies, practices, procedures or services when needed to accommodate an individual with a disability, unless such modification would fundamentally alter the nature of the services, facilities, privileges, advantages or accommodations provided.

Mountain Lodge Association permits unit occupants to bring Service Animals into the units and onto the common elements of the Mountain Lodge Condominiums, in accordance with the procedures set forth below.

WHAT IS A SERVICE ANIMAL?

A Service, or assistance, Animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. **Only individuals with disabilities may bring Service Animals onto the property.**

WHAT IS THE PROCEDURE FOR REQUESTING A SERVICE ANIMAL ACCOMMODATION?

A unit owner, renter or visitor should request approval to bring the Service Animal on the property prior to arrival, whenever possible. The initial request may be made by telephone, email or in writing. The requester may be asked to provide information to support the request, including:

- 1) Confirmation that the Service Animal is required because of a disability;
- 2) Identification of the work or tasks that the animal has been trained to perform;
- 3) Information about the Service Animal, such as type of animal, size, confirmation that the animal is housebroken, certification of current vaccinations;

- 4) Certification from a medical or mental health professional that the requester has a disability (but not information about the nature of the disability) and that the requester has a disability-related need for the Service Animal.

If the request is made after arrival, Mountain Lodge Association may request that the unit occupant keep the Service Animal away from common areas until the request can be fully considered and acted upon.

WHAT ARE THE RESPONSIBILITIES OF THE PERSON WHO BRINGS A SERVICE ANIMAL TO THE PROPERTY?

The person bringing a Service Animal onto the property **must**:

- Maintain control of the animal at all times, whether by harness, leash, tether, voice or other signals, or other effective controls;
- Never leave the Service Animal alone in a unit;**
- Provide care and food for the Service Animal;
- Remove and dispose of the animal's waste in an appropriate manner;
- Prevent the animal from barking or making noise that disturbs other residents or guests;
- Cover the costs of repairs if the Service Animal causes damage to the unit or common areas.

The person bringing a Service Animal onto the property **is not required to**:

- Pay a special deposit or fee for the Service Animal;
- Provide documentation that the Service Animal has been certified, trained or licensed;
- Use special insignia to identify the Service Animal, such as a vest, ID tag or specific harness (though not required, is **strongly encouraged to avoid confusion**);
- Share protected health information.

For the removal of animal waste, Mountain Lodge Association requires compliance with the following rules:

- Never permit the Service Animal to urinate on landscaping or to defecate on any property, public or private (except the unit occupant's own property), unless the unit occupant immediately removes the solid waste;
- Always carry equipment or supplies that are sufficient to clean up the animal's solid waste;
- Immediately and properly dispose of waste and/or litter.

If a unit occupant needs assistance with cleanup, the unit occupant is responsible for making arrangements for such assistance through family, friends or advocates.

WHEN CAN MOUNTAIN LODGE ASSOCIATION EXCLUDE OR REMOVE A SERVICE ANIMAL?

Mountain Lodge Association seeks to comply with all applicable laws and regulations in enforcing its Service Animal Policy. On occasion, Mountain Lodge Association may determine that a request to bring a Service Animal on the property should be denied or that a Service Animal should be removed.

Circumstances that may lead to exclusion or removal include:

- A determination that allowing the Service Animal on the property would fundamentally alter the nature of the services, facilities, privileges, advantages or accommodations provided to unit occupants and guests;
- The animal is out of control and the animal's handler does not take effective action to control it;
- The animal is not housebroken;
- The Service Animal is not being cared for or properly supervised;

- The animal poses a direct threat to the health or safety of others, and the threat cannot be eliminated or reduced to an acceptable level;
- The animal would cause substantial physical damage to the property of others that cannot be reduced or eliminated;
- The animal is not trained to do work or perform tasks for people with disabilities (for instance, an animal whose sole function is to provide comfort or companionship does not qualify as a Service Animal);
- Information provided on the **Request to Bring a Service Animal onto the Property as a Reasonable Accommodation** form is found to be inaccurate, untruthful or misleading.

Whether or not a Service Animal is adequately supervised and/or its conduct is acceptable is a determination that Mountain Lodge Association reserves the right to make in its best judgment, taking into consideration all facts and circumstances.

If a Service Animal is unruly, disruptive, causes apprehension to reasonable people, or poses a direct threat to the health or safety of others, the managing agent will request that the handler remove the animal from any common area. If an animal's improper behavior happens repeatedly, the managing agent, with directive and/or approval from the Executive Board, may tell the unit occupant not to bring or allow that particular Service Animal into any common area, until the Executive Board determines that all steps necessary have been taken to eliminate the behavior.

**REQUEST TO BRING A SERVICE ANIMAL
ONTO THE PROPERTY AS A
REASONABLE ACCOMMODATION**

You may utilize this form to request that the Unit Owners Association’s Executive Board (“Board”) provide you, or a member of your household who has a disability, with the reasonable accommodation of bringing a Service Animal onto the property so that you or a member of your household may utilize the Mountain Lodge Condominiums.

Prior to completing this form, please review the attached “Service Animal Policy.” Only an individual with a disability may request to have a Service Animal on the property.

After completing this form, please sign and date at the bottom and return the form to the General Manager.

The Board will use this information to evaluate your request for a reasonable accommodation. The Board will keep this information confidential. If you choose not to provide all information, the Board may not be able to consider your reasonable accommodation request.

Name of Person In Need of Reasonable Accommodation

Date of Request

Name of Person Making the Request
(if different)

Contact Phone Number

Address

City/State/Zip Code

1. Please provide information about the Service Animal:
 Type of animal: _____
 Answers to: _____
 Approximate size: _____ (lbs. OR height in inches)
 Description: _____
 Is the animal housebroken? _____ YES _____ NO
 Are the animal's vaccinations current? _____ YES _____ NO

2. Is the Service Animal required because of a disability?
 _____ YES _____ NO

3. What work or tasks is the animal trained to perform to assist the individual with a disability?

4. If the animal is not trained to perform specific work or tasks, does the animal provide emotional support that alleviates one or more of the identified symptoms or effects of a unit occupant's existing disability? _____ YES _____ NO

 If the answer is YES, please provide documentation from a physician, psychiatrist, or other mental health professional to establish that the unit occupant has a disability and that the animal in question provides emotional support that alleviates one or more of the identified symptoms or effects of the existing disability.

5. I understand that if the request is approved, I must comply with the Service Animal Policy and that I am solely responsible for any harm to others or damage to property the Service Animal causes or contributes to (including, but not limited to physical harm to others, emotional harm to others, property damage, infestation, etc.). I shall indemnify and hold the Mountain Lodge harmless for any and all harm or damage the Service Animal causes or to which the Service Animal contributes. I shall not bring any other animals onto Mountain Lodge property other than the specifically approved Service Animal identified above and approved by the Board.

I hereby affirm, under penalty of perjury, that the information provided above is true and correct, to the best of my knowledge and belief.

Signature of Applicant/Tenant/Resident

Date

Return this form and all attachments to:

Mountain Lodge Association
P. O. Box 183
Snowshoe, WV 26209
Attention: General Manager
Fax: 304-572-2066