

POLICY CONCERNING REQUESTS FOR ASSISTANCE ANIMALS

The Federal Fair Housing Act and other state fair housing laws require that housing owners and managers provide reasonable accommodations for tenants and applicants who have disabilities. Catalina Gardens, LLC and Buff Management, Inc. (collectively, “Catalina”) are committed to granting reasonable accommodations when necessary to afford persons with disabilities the equal opportunity to use and enjoy a dwelling at Catalina Gardens Apartments.

Reasonable accommodations may include waiving or varying Catalina’s rules or policies to allow a tenant with a disability to keep an “assistance animal.” An assistance animal is an animal that does work or performs tasks for the benefit of a person with a disability, or provides emotional support or other assistance that alleviates one or more symptoms or effects of a person’s disability (“Assistance Animal”). The most common Assistance Animals are dogs, although other animals may qualify as assistance animals. Assistance Animals are not pets under Catalina’s policies, and Assistance Animals will be governed by this policy and not by Catalina’s pet policies. Catalina recognizes the importance of Assistance Animals and is dedicated to ensuring that tenants with Assistance Animals may keep them in their units.

If a tenant or applicant with a disability requests a reasonable accommodation for an Assistance Animal, Catalina must determine whether the animal provides assistance needed by that tenant or applicant to afford him or her an equal opportunity to enjoy living at Catalina. Catalina will not ask about the nature or severity of the person’s disability. Many times, both the disability and the assistance provided by the Assistance Animal is obvious – for example, a dog guiding an individual who is blind or has low vision, or a dog pulling the wheelchair of a person with a mobility impairment. If this is the case, no further inquiry will be made and Catalina will grant the tenant or applicant the reasonable accommodation.

In the case of a tenant or applicant who requests a reasonable accommodation for an Assistance Animal that provides emotional support or other assistance that alleviates one or more symptoms or effects of the tenant’s or applicant’s disability, Catalina may require a written statement from a health or social service professional¹ indicating:

- i. That the applicant has a disability,² and
- ii. That the animal would provide emotional support or other assistance that would alleviate one or more symptoms or effects of the disability.

In the case of a tenant or applicant who requests a reasonable accommodation for an Assistance Animal that does work or performs tasks for the benefit of a person with a disability,

¹ “Health or social service professional” means a person who provides medical care, therapy or counseling to persons with disabilities, including, but not limited to, doctors, physician assistants, psychiatrists, psychologists, or social workers.

² Under fair housing laws, a person with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who is regarded as having such an impairment, or a person with a record of such an impairment.

Catalina may require that the tenant or applicant provide:

- i. A written statement from a health or social service professional indicating that the person has a disability, and
- ii. Information that the animal has been individually trained to do work or perform tasks that would alleviate one or more symptoms or effects of the disability, or information that the animal, despite lack of individual training, is able to do work or perform tasks that would alleviate one or more symptoms or effects of the disability.

In the case of an Assistance Animal that both provides emotional support or other assistance that alleviates one or more symptoms or effects of a disability and does work or performs tasks for the benefit of a person with a physical disability, Catalina may require compliance with either of the two preceding paragraphs, but not both.

Catalina will not require compliance with any of the following requirements:

- i. In the case of an Assistance Animal that provides emotional support or other assistance that alleviates one or more symptoms or effects of a disability, that the animal have been trained or have a certification of its efficacy,
- ii. That the tenant or applicant pay any fee, deposit, or other charge for keeping the animal, or obtain insurance as a condition of keeping the animal,
- iii. That an Assistance Animal must wear a red coat or vest, or
- iv. That tenants with Assistance Animals must live in certain units of the complex.

In processing requests for Assistance Animals, Catalina will take reasonable measures to protect the confidentiality of any information or documentation disclosed in connection with the requests. Such measures may include limiting access to such information to persons specifically designated to deal with requests for reasonable accommodations, who will disclose information only to the extent necessary to determine whether to grant the request, and keeping all written requests and accompanying documentation in a secure area to which only those designated persons have access, except as otherwise required by law.

It is the responsibility of a person with a disability who is a tenant or applicant to inform Catalina as to his or her need for an Assistance Animal, and to request a reasonable accommodation and provide any required documentation. A person with a disability may request a reasonable accommodation orally but it will be more helpful to make it in writing. To that end, Catalina has a "Form to Request An Assistance Animal" (attached to this Policy) which a person with a disability, or someone on his or her behalf, can use to make a reasonable accommodation request for an Assistance Animal.

If the applicant requires assistance in completing the form, a Catalina employee will provide assistance or will fill out the form based on an oral request. Catalina is using the form to

record reasonable accommodation requests so that we obtain only the information necessary to make a reasonable accommodation decision and do not obtain confidential information that we do not need to make a reasonable accommodation decision.

Catalina may deny your request for an Assistance Animal if: (1) the specific Assistance Animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or (2) the specific Assistance Animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

Once a completed request with any required documentation is received, Catalina will provide a response within fourteen days. Prior to denying a request, Catalina will attempt to engage in an interactive process with the person making the request in which the parties discuss possible alternative accommodations that might effectively meet the person's disability-related needs. Catalina recognizes that a person with a disability is generally in the best position to know whether or not a particular accommodation will be effective in meeting his or her needs. If a request is denied, an explanation for the denial will be included in the written notification of denial.

If a person with a disability believes that a request has been denied unlawfully or that the response is delayed unreasonably, he or she may contact:

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
451 Seventh Street SW
Washington, DC 20410
(800) 669-9777

<https://www5.hud.gov/Hud903/main/pagHUD903Form.jsp>