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VIA ELECTRONIC MAIL ONLY: miranda.wilson@mvfairhousing.com

March 25, 2020

Miranda Wilson
Miami Valley Fair Housing Center, Inc.
505 Riverside Drive
Dayton, Ohio 45405

Re: Carillon House Condominium
Animal Policies

Dear Ms. Wilson:

As you know, I represent The Carillon House Association, Inc. (“Association”). I am writing in response to your March 20, 2020 letter. I agree with your conclusion that there still appears to be some confusion regarding these issues, but I believe some of the confusion is on your end.

After reviewing your concerns, the Board and I still believe the use of the term animal rather than pet is appropriate in this context. The Carillon House Condominium Declaration does not prohibit residents from keeping typical household pets on the property; therefore, there is no need for a disabled resident to submit an accommodation request to keep an animal such as a cat, dog, or other typical household pet on the property. Since disabled residents do not need an accommodation to have the animals on the property, the Association’s Board of Directors does not automatically know which animals are pets and which animals are on the property to provide service or emotional support to a disabled resident.

It is important to remember that the Fair Housing laws are intended, in part, to protect persons with disabilities, not specific categories of animals. The Association is likely required to grant an accommodation to a disabled resident allowing them to take their service, emotional support, or assistance animal to areas on the condominium property where animals are otherwise prohibited. However, this accommodation is for the benefit of the disabled resident not the animal itself. An accommodation granted to a disabled person should not be construed as a blanket granting of permission for a particular animal to enter otherwise prohibited areas of the property.

As an example, suppose a non-disabled person is caring for a disabled resident's animal by taking the animal on walks or taking it outside to perform its bodily functions. This non-disabled person must follow the Association's rules regarding animals when they take the animal owned by the disabled resident into the common elements of the condominium property regardless of whether the animal is a pet or whether the animal provides service, emotional support, or other assistance to the disabled resident. As you can see from this example, broad statements about exempted classes of animals in the Association's rules are inaccurate because these statements shift the focus from the disabled resident's need for accommodation to a description of a particular animal. For these reasons, the Board and I believe the use of the word animal is appropriate under these circumstances.

While the Board does not object to providing residents instructions to submit any accommodation requests to the Association's manager, the Board is the ultimate decision making body for the Association. Any request that excludes the Board from its decision making role ignores that basic corporate structure of the Association. The Board has the option but is not required to hire a professional manager to help them manage the day to day affairs of the Association; therefore, any request or demand that the decisions regarding accommodation requests be limited to only the Association's manager cannot be honored.

In an attempt to further clarify the Association's Policy regarding animals in the building, the Board proposes to modify the new paragraph listed as paragraph 3 in my prior letter as follows:

Any disabled resident who (1) is unable to comply with these rules because of their disability related needs, (2) needs an animal to accompany them when using areas of the condominium property where animals are prohibited under these rules, or (3) otherwise requires an accommodation to any Association deed restriction, rule, or policy of the condominium property may submit an accommodation request to the Association's manager Board of Directors for their consideration. These accommodation requests may be submitted to via email to gwyn@applemgmt.com or by mail to Apple Property Management, PO Box 752108, Dayton, OH 45475.

Please review this information and let me know if you have any further concerns or questions.

Sincerely yours,


GARRETT B. HUMES

GBH:raf

cc: Apple Property Management
Board President