

Fair Housing

DANE LAW

Civil Rights

April 2, 2020

Via email only

Garrett Humes
Kaman & Cusimano, LLC
11311 Cornell Park Drive, Suite 220
Cincinnati, Ohio 45242

**Re: Carillon House Pet Etiquette Brochure
2230 S. Patterson Blvd, Dayton, OH 45409**

Dear Mr. Humes:

I have been asked by my client, Miami Valley Fair Housing Center, Inc. (“MVFHC”), to continue the discussion with you regarding the contents of the Carillon House Pet Etiquette Brochure.

MVFHC’s position has been set forth in the various letters sent to you from Miranda Wilson, MVFHC’s Fair Housing Analyst. I have also reviewed your position statements on the issues. Let me propose the following resolution to the controversy on behalf of MVFHC:

1. There is no need to remove the word “pet” in the current brochure and substitute the word “animal.” The brochure is clearly intended to apply to “pets” (as distinct from assistance and/or emotional support animals), and its focus should remain on that class of animals.
2. Remove these sentences from the first bullet in the Brochure:

Service, therapy and emotional support pets are not exempt from this policy. The ADA requirement is that "reasonable accommodations" are made for service animals. Reasonable accommodations have been made by using the elevators, N. Garage ramp and N. Garage exits.

3. Add the following NEW bullet points at the end:

- ❖ Emotional support or service animals used by people with disabilities are not considered “pets,” and therefore are not subject to the ingress, egress, and common area provisions of these guidelines. Their owners must, however, maintain control of their animal at all times in common areas, with or without a leash, and are responsible for cleaning up after the animal.
- ❖ A disabled resident who does not have a service or emotional support animal, but instead has a pet and because of their disability is unable to comply with these rules, should submit a request for reasonable accommodation to the manager, Gwyn Rotramel, via email to gwyn@applemgmt.com or by mail to Apple Property Management, PO Box 752108, Dayton, OH 45475.

4. Publication and posting of the new Brochure should be accompanied by a prominent Notice that the previous version is being rescinded and has been replaced with this new version.

I have confirmed with MVFHC that these modifications to the Carillon House Pet Etiquette Brochure will satisfy their concerns about the Brochure’s compliance with federal and state fair housing and disability rights laws.

Although not a condition of settlement of this matter, I also propose a few additional actions your client’s Board should consider to minimize its risk of exposure to fair housing disability claims in the future:

- Members of the Carillon House Association Board of Directors should attend a fair housing training, whether conducted by MVFHC or another source. MVFHC routinely conducts such training for housing providers and managers at a low cost. This would allow board members to better understand their obligations under the Act, and is considered a “best practice” by fair housing and management professionals, so as to minimize any inadvertent exposure to lawsuits or liability under these laws.
- If Carillon House does not currently have a Fair Housing Act Accommodation/Modification Policy for People with Disabilities, it should adopt, publish, distribute, and post one to all residents and to future residents. Such a policy would address all requests for accommodation or modification under the

law, not just requests pertaining to assistance or emotional support animals. This, too, would be considered a “best practice” for housing managers. MVFHC can assist in drafting such a policy, or you could do so.

- The Board should inquire with its insurance company about how best to handle RAs/RMs and whether or not its insurance policy covers the Board should it or its manager deny a request and subsequently be challenged with an administrative complaint or lawsuit.

I will call you in a few days to discuss this matter further, after you have had a chance to consider this proposal. Thank you for your attention.

Very Truly Yours,

Stephen M. Dane

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Cc: Miranda Wilson