

PARKSIDE CONDOMINIUM

ADMISTRATIVE RESOLUTION NO. II. \_\_\_\_\_

**REASONABLE ACCOMODATION POLICY**

WHEREAS, Article III, Section 2, of the Bylaws assigns to the Board of Directors all the powers and duties of the Association set forth in Article II, Section 3; and

WHEREAS, Article III, Section 2, (i) and (j) of the Bylaws provides that the Board of Directors shall have the power to promulgate and enforce rules and regulations as may be necessary to govern the use of the Parkside Condominium (the "Condominium") and any portion thereof: and

WHEREAS, Article V, Section 12, (k) states: "The maintenance, keeping, breeding and/or raising of animals, livestock, or poultry of any kind, regardless of number, shall be and is hereby prohibited within any Unit or upon any common elements".

WHEREAS, the Board recognizes that the Association has obligations under the Fair Housing Act and the Maryland Fair Housing law regarding resident requests for reasonable accommodations;

WHEREAS, the Board desires to define a process for residents to request reasonable accommodations and provide necessary documentation to the Board for approval of a support animal;

WHEREAS, the Board desires to clarify the information required to evaluate, respond to and take action on requests for reasonable accommodation of a support animal;

WHEREAS, the Board believes it is in the best interest of the Association to set policies and procedures to make reasonable accommodations in rules, policies, practices, or services when such accommodations are necessary to afford a person equal opportunity to use and enjoy a condominium unit and/or common elements;

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts procedures for consideration of reasonable accommodation requests as follows:

**I. General:**

- A. The Condominium's governing documents prohibit pets in the Condominium. The Federal Fair Housing Act and the Maryland Fair Housing Act make it unlawful for the Condominium to refuse to grant a request for reasonable accommodation in the pet prohibition when such accommodation may be necessary to afford a person with a handicap or disability an equal opportunity to use and enjoy a condominium unit and/or common elements.
- B. The Board has an obligation to set policy and procedures for the evaluation and response to requests for reasonable accommodation of a support animal.

## 2. Definitions:

- A. Handicap or disability means, with respect to a person (1) a physical or mental impairment which substantially limits one or more major life activities; (2) a record of such impairment; or (3) being regarded as having such an impairment. Where an individual's disability is not known, obvious or readily apparent, the Board is permitted to request reliable disability-related information that is necessary to verify that the individual meets the definition of disability, i.e., has a physical or mental impairment that substantially limits one or more major life activities.
- B. A Reasonable Accommodation is a change, exception or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. An accommodation is not reasonable if, for example, (1) it would require a fundamental alteration in the nature of a program, or (2) if it would impose undue financial or administrative burdens on the Association.

## 3. Request for Reasonable Accommodation procedure:

- A. A request should be in writing and signed by the requesting party on the form provided by Parkside Condominium Association. Requests may not be considered if the applicant has failed to provide sufficient information for the Board or the General Manager to determine that an accommodation is being requested and, if the need is not readily apparent or known to the Board or General Manager, that there is a relationship or nexus between the requested accommodation and the disability. Requests may be e-mailed to the General Manager at [generalmanager@parksidecondo.org](mailto:generalmanager@parksidecondo.org) or delivered to the Management Office at 10520 Montrose Avenue, Bethesda, MD 20814.
- B. The Reasonable Accommodation Request Form (Exhibit A) that requests information from the requesting party including:
  - i. Name, address, contact information
  - ii. Lease information (if requesting party is a tenant)
  - iii. Information verifying requestor meets FHA's definition of disability, if the need is not apparent.
  - iv. Description of the accommodation and the relationship between disability and the need for the accommodation, if not apparent.
  - v. Original letter from a licensed physician, medical practitioner or psychologist on the practitioner's letterhead, specifying the requestor's disability related information, a description of how the impairment **substantially limits** one or more major life activities and the recommended accommodation for the requestor. See exhibit B.

## 4. Consideration of Requests

- A. Upon receipt of a request, the General Manager will notify the requesting party that the request has been received and that a response will be forthcoming as soon as practicable.
- B. The General Manager will (1) record the receipt of the request, (2) review the

request to make sure that the items described in Section 3.B. are included and (3) provide a copy to the President of the Board of Directors. If there are legal issues about the disability or the requested modification and/or accommodation, or if otherwise directed by the President, the General Manager will send a copy of the request to the Associations' counsel for review

- C. If any information required in Section 3.B is missing, or if any additional information or clarification is needed, the General Manager will notify the requesting party, who may be required to submit additional documentation.
- D. The General Manager will notify the requesting party of the Board's decision within 14 days. See Exhibit C.
- E. All residents provided with a reasonable accommodation shall immediately notify the Association in the event that the unit owner or tenant is no longer disabled or no longer needs the reasonable accommodation provided.
- F. In accordance with our Bylaws Article V Section 12. (K) (i.e. permitted pet) The applicant agrees to the following for their support animal: "Permitted Pets shall not be permitted upon the common elements except in areas designated by the Board of Directors. All Permitted Pets shall be accompanied by an adult and are to be carried or leashed. Any member who keeps or maintains any Permitted Pet upon any portion of the Property shall be deemed to have indemnified and agreed to hold the Association and each of its members free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such Permitted Pet within the Property. The Board of Directors shall have the right to order any person whose Permitted Pet is a nuisance to remove such Permitted Pet from the Property."

5. This policy shall be in effect upon approval by the Board. All residents, including those who have existing approved accommodations, including service and support animals, must comply by providing the information in Section 3 above and submitting the form (Exhibit A) to the General Manager.

ATTEST: \_\_\_\_\_  
Justina A. Molzon, Secretary

Date: \_\_\_\_\_

Yes \_\_\_ No \_\_\_ \_\_\_\_\_  
Adrienne Johnstone, President

Yes \_\_\_ No \_\_\_ \_\_\_\_\_  
Louis A. D'Angelo, III, Vice President

Yes \_\_\_ No \_\_\_ \_\_\_\_\_  
Justina A. Molzon, Secretary

Yes \_\_\_ No \_\_\_ \_\_\_\_\_  
Edward "Chip" Brennan, Asst. Secretary