**Shipyard Condominium Association, Inc.**

**Policy and Procedure for Disabled/Handicapped Owner or Resident to Request Reasonable Accommodations/Modifications**

**Background**: Under the Federal and State Fair Housing Acts, an Owner, tenant, or guest of the property operated by Shipyard Condominium Association, Inc. (“Association”) who is disabled/handicapped may request reasonable accommodation(s) to the Association’s rules, policies, practices, or services when such accommodation(s) or modifications to the real property which may be necessary to allow a person to use and enjoy the property and/or the facilities because of his/her disability/handicap. For more information on the rules pertaining to requests for reasonable accommodation, please review the “Joint Statement of the Dept. of Housing and Urban Development and the Department of Justice on Reasonable Accommodations under the Fair Housing Act” at **www.usdoj.gov/crt/housing/jointstatement\_ra.htm.**

**Objective:** To establish policies and procedures for meeting the requirements of applicable state and federal law relating to disabled or handicapped individuals as they pertain to use of, and access to, the individual homes and common property (“Property”) to the extent reasonable and/or practicable. The Association will make every effort to comply with the Florida and Federal Fair Housing Acts governing Owners, Tenants and Guests’ requests for reasonable accommodations.

**Policy**: The policy of the board of directors of the Association is to make every practical and reasonable attempt to provide reasonable accommodations and to allow reasonable modifications for disabled or handicapped members/tenants and guests in accordance with the State and Federal Fair Housing Acts and other applicable laws.

**Procedure For Making a Request For Accommodation/Modification**

**Submittal of Request**: A disabled/handicapped Owner, Tenant or Guest must notify the Association of the specific request for a reasonable accommodation or modification and provide documentation supporting the request in compliance with the Florida and Federal Fair Housing Acts with reasonable and sufficient time to allow the Association to ensure all proper documentation has been supplied. It is the Owner’s responsibility to ensure that he/she advises anyone using or occupying his/her property who may require a reasonable accommodation to comply with the stated guidelines herein and to provide the Association with sufficient time to conduct a meaningful review of the request. The requested information must include a statement from a health care professional that the requesting party is either physically or mentally disabled and requires a specific accommodation. If the request is for a reasonable modification, the Owner(s) must make the request.

**Procedure for Reviewing a Request for Reasonable Accommodation**: Upon receipt of the requested information for a disabled/handicapped Owner, Tenant or Guest’s request for a reasonable accommodation(s), the documentation will be reviewed in a timely manner. If additional information is required by the Board, the review may take longer, and the submitting Owner, Tenant or Guest will be so advised. Additionally, it may be necessary for the Association’s legal counsel to review the documentation submitted in support of a request for a reasonable accommodation.

**Guidelines as to when medical documentation is required and what type of medical documentation is required**. The Association is entitled to obtain information that is necessary to evaluate whether a requested accommodation is necessary because of the Owner, Tenant or Guest’s disability/handicap. If a person’s disability/handicap is obvious and if the necessity for the requested accommodation also is apparent, then the Association will not request any additional information about the requester’s disability/handicap or the related need for the requested accommodation.

If the requester’s disability/handicap is not obvious, after reviewing the submitted documentation, the Association will request reliable information that is necessary to verify that the requester has a physical or mental impairment that substantially limits the requesting party’s major life activity(ies) and the need for the specific accommodation. If information concerning the requester’s disability/handicap is requested by the Association, he/she must provide information verifying that he/she meets the foregoing definition of “handicap”. To the extent a disability/handicap is not permanent, the Association shall request additional updated medical information upon the expiration of the health care practitioner’s recommendation or as it deems necessary to determine if there is a continued need for the requested accommodation.

The Association may request advice from legal counsel concerning any Owner, Tenant or Guest’s request for a reasonable accommodation. Owner, Tenant and/or guest consent to the disclosure of all documentation in support of the requested accommodation to the Association’s legal counsel.

**Additional Information**

An individual’s need for an accommodation may change over time as a result of changes in the individual’s own level of disability/handicap or impairment, treatments available to mitigate a disability/handicap, and/or other circumstances affecting the individual. What qualifies as reasonable in one set of circumstances may not be reasonable or necessary in another. If and when circumstances change, it is your responsibility to notify the Association if you need, or no longer need, a reasonable accommodation.

**Procedure for Reviewing a Request for Reasonable Modifications**

The same procedure shall for seeking an accommodation shall generally apply in connection with a reasonable modification request, except that such request must be made by an Owner and, if such request is supported by documentation provided by the requestor, may require the approval of plans and requirements for a building permit. Any approved modification shall be at the expense of the requesting party.

**Termination of Approval**

The Association reserves the right to terminate any approval of an accommodation or modification to the extent it poses a safety or health risk to others, causes a nuisance to others or for any other reason the Board of Directors deems necessary. Further, falsification or untruthfulness of the medical information provided is grounds for revocation of the accommodation.

**Americans With Disabilities Act**

Nothing contained in this policy is meant to override or supplant any right or obligations under the Americans With Disabilities Act (ADA). To the extent of any requirements contained therein which is applicable to the property operated by the Association, it is the Association’s intention to comply therewith as required, notwithstanding the policy regarding accommodations or modifications as set forth herein.

**All information received by the Association in conjunction with a disabled/handicapped** **owner’s, resident’s and/or guest’s request for reasonable accommodation or modification will be kept confidential in compliance with Florida Statute section 718.111(12)(c). If any other resident or owner inquires as to why a special** **accommodation or modification appears to have been made, the Association representative’s response** **will be: “a reasonable accommodation/modification has** **been granted as a matter of Florida and Federal law” or words of similar import. No additional information will be provided regarding the nature of the** **disability/handicap.**