

IGNACIO CREEK HOMEOWNERS' ASSOCIATION
HOUSEHOLD ANIMAL POLICY
Adopted June 23, 2022
Effective July 1, 2022

Background – Responsible pet ownership is important in a residential community with shared common space and interaction between residents and guests. The rights and responsibilities of pet owners is regulated by our CC&Rs, rules and policies, as well as state and federal laws, regulations, and court decisions. Accordingly, the purpose for this policy is to outline our requirements and guidance for pet owners in our community.

Rules & Regulations -

- **CC&Rs**
 - Dog size, noise, and general nuisance
“*Animals*. No animals, livestock or poultry of any kind shall be raised, bred, or kept in any Unit or in the Common Area, except that *dogs under twenty-five (25) pounds in weight only* or other household pets, such as cats, birds or fish, may be kept in the Units subject to rules and regulations adopted by the Board. The Board may order the immediate removal of any pet which causes excessive noise, in the Board’s sole discretion, or otherwise creates a nuisance. The Board may limit the number of pets in any Residence Lot.” (Art. V, §2)
- **Rules adopted by the Board** – In addition to the above restrictions on large dogs and those causing a nuisance, owners must also observe the following rules:
 - Leash Requirement - All dogs must be on a leash at all times when outside the resident unit while on Association property.
 - Waste - Dog owners are required to pick up and properly dispose of their pet’s waste in their own waste container. (Note: Animal waste should not be placed in Green Bins or waste containers belonging to other residents.)
- **State Laws**
 - Right to at least one pet - Residents in any California development have a legal right to own at least one pet (Civ. Code §4715).
- **Disability Rules** - Under federal and state fair housing laws, HOAs are required to make *reasonable accommodations* for residents who require a service, emotional support, or therapy animal (even if this may conflict with an HOA’s pet rules).
 - Service dogs - are individually trained to perform tasks for a person with a physical disability, such as guiding a person who is blind, alerting a person who is deaf, pulling wheelchairs, providing stability while a person is walking, or alerting and protecting a person who is having a seizure. Service dogs are generally thought of as working dogs, not pets.
 - Emotional Support Animals - provide emotional support to a person with a psychiatric disability, such as depression or posttraumatic stress disorder. As with service dogs, companion dogs are generally thought of as being assistive aids and not pets. No certification or special training is required for a pet that provides emotional support for its owner.
 - Therapy dogs - are owned by a therapist who uses the dog as a component of therapy for a person with a disability. In the community association context, a therapy dog would typically be brought into a residence from outside the association’s development by a homeowner’s therapist. Were a therapist to house a therapy dog at his/her residence or use the therapy dog for patients at his/her

residence, that action would be a commercial use which is prohibited under our CC&Rs.

- **Establishing the need for an Emotional Support Animal (ESA)** – Effective, January 1, 2022, the state adopted the following standards for therapists who issue letters in support of a resident’s request for an exception to the pet rules for an ESA:

122318. (a) A health care practitioner shall not provide documentation relating to an individual’s need for an emotional support dog unless the health care practitioner complies with all of the following criteria:

(1) Possesses a valid, active license and includes the effective date, license number, jurisdiction, and type of professional license in the documentation.

(2) Is licensed to provide professional services within the scope of the license in the jurisdiction in which the documentation is provided.

(3) Establishes a client-provider relationship with the individual for at least 30 days prior to providing the documentation requested regarding the individual’s need for an emotional support dog.

(4) Completes a clinical evaluation of the individual regarding the need for an emotional support dog.

- Required Documentation – In a case involving a dispute over an HOA’s ban on all dogs by a couple who claimed a disability requiring an ESA (a small dog), the court noted: “If a landlord is skeptical of a tenant’s alleged disability or the landlord’s ability to provide an accommodation, *it is incumbent upon the landlord to request documentation or open a dialogue*... This obligation to ‘open a dialogue’ with a party requesting a reasonable accommodation is part of an interactive process in which each party seeks and shares information.²”

Emotional support animals do not possess any objective evidence of certification (unlike service dogs). Therefore, it is necessary for the HOA to request some potentially sensitive mental health information from those who seek an exception to the HOA’s pet rules in order to fulfill our legal obligation to provide a reasonable accommodation.

Requirements for all Dog Owners:

The HOA will require all dog owners to complete the attached registration form to enable enforcement of our rules. The forms must be returned to the Association within 30 days of the distribution of this Policy upon its adoption by the Board.

Note: Owners with renters are required to collect this information from them and submit the form to the Board.

² *Auburn Woods HOA v. Fair Employment and Housing Commission* (2004) 21 Cal.App.4th 1578 (citations and internal quotations omitted).

**IGNACIO CREEK HOMEOWNERS' ASSOCIATION
DOG REGISTRATION FORM**

All owners with pet dogs on the property, including the common areas, must complete and return this form to the HOA within 30 days of the distribution of this Policy to the members.

New owners must complete and return the form to the HOA within 30 days of acquiring ownership of their property. Owners are responsible for collecting this information from their tenants.

Registration Information

- Owner Name: _____
- Residence Address _____
- Dog
 - Name: _____
 - Color _____
 - Breed: _____
 - Weight*: _____
 - Photo: *Please submit a photo of the animal*

I have read and understand the HOA's Household Animal Policy and agree to observe those rules, including: 1) dogs must be on a leash at all times in the HOA common area; 2) the owner is responsible for picking up any pet waste and disposing it in the owner's waste disposal container; and 3) excessive barking or aggressive behavior toward people and other animals may result in the Board ordering the permanent removal of the dog from the property.

Signature

Date

Return form to: **HOA Office (300 Indian Way, Novato, CA 94949) or
Email to: Contact@ignaciocreek.com**

*** If the weight of the dog is 25 lbs. or more, please provide the following information:**

- **Is this a Service Dog (a dog with special training to perform tasks for a person with a disability)?** ____ If yes, please provide training certificate.
OR
- **Is this an Emotional Support Dog?** ____ If yes, please provide the following documents:
 - Original signed letter from a California licensed health care provider
 - Provider's license type and number – must be included
 - Clinical Evaluation – The letter must explain the *nature of the clinical evaluation* that was performed, and the *specific disability* addressed by this request for an emotional support dog.
 - Client-provider relationship - This documentation would include invoicing for visits or proof of payment at least 30 days prior to the date of the provider's letter supporting the request.