

### **Household Pets**

The ByLaws of the Association allow occupants (and owners) to keep a reasonable number of dogs and cats as household pets.

A household pet is not allowed in the common elements except when it is going to or from the apartment. The pet must be carried or placed on a leash while it is traveling through the common elements. (Maui County law requires all dogs at the Whaler to be on a leash.)

A household pet can be removed if it causes a nuisance or an unreasonable disturbance to any other occupant or owner. A dog nuisance is defined by Maui County Code.

- A household pet(s) may not bark or make noises that could be considered a nuisance or an unreasonable disturbance. A common law nuisance includes the interference with the use or enjoyment of an apartment or the common elements by another.
- A household pet or service animal may not relieve themselves on the common elements, i.e. on lawns, sidewalks, driveways, elevators, elevator landings, or any other area of the project whether landscaped or not maintained, as that is a nuisance or an unreasonable disturbance to other owners or occupants.
- An owner or occupant is not relieved from liability caused by a household pet or service animal, including dog bites or trip hazards caused by leashes, offensive touching (defined by the person being contacted), or other failures to control the animal.

### **Assistance Animals**

An assistance animal is not a household pet. Assistance animals can accompany a person with a disability (i.e. a physical or mental impairment that substantially limits one or more major life activities), if the assistance animal provides assistance to, performs tasks or services for the benefit of the person with a disability, or provides emotional support that alleviates one or more of the identified symptoms or effects of the person's existing disability.

The Association may ask individuals who have disabilities that are not readily apparent or known to the Association to submit reliable documentation of the disability and of their disability-related need for an assistance animal. The Association can ask what work or tasks the service animal has been trained to perform. The person with the disability must be present with the assistance animal if the animal is in the common areas.

- A doctor's letter does not satisfy the requirements of whether a service animal is trained to perform work or tasks.
- The Association has the right to challenge a claimed disability or whether the service animal is performing a task or work.
- An assistance animal cannot be on the common elements with family members, visitors, or friends unless the person who requires an assistance animal also is present.