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EMOTIONAL SUPPORT ANIMALS

The dogfight between South Florida pet owners, condo associations



Marcela Alvarez lives in a high rise condo on Miami Beach with her Jack Russell terrier, Pelusa, who is considered an emotional support animal. MARICE COHN BAND / MIAMI HERALD STAFF

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BY BARBARA CORBELLINI DUARTE
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Steve Vincent lives in a pet-free condo in Miami Beach. The bylaws clearly say so. No one who purchases a unit there can credibly claim otherwise.

And yet the Bay Garden Manor Condominium on West Avenue has its share of dogs.

A loophole the size of an English sheepdog allows condo owners to keep pets, regardless of the association rules, if they can get them classified as "emotional support animals."

It can be as simple as convincing a physician, a psychiatrist, a social worker or mental health professional to sign a letter saying the animal provides needed emotional support.

"It's almost an epidemic here at the Beach," said George Zamora, a property manager for Regatta Real Estate Management, a company that manages 93 condominium associations in Miami-Dade County.

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Pet-friendly websites also sell emotional support credentials of sometimes dubious value.

"It's highly suspect when people start asking whether or not they can have a pet," Zamora said, "and all of a sudden, they show up and say they need emotional support. If you legitimately have an issue, you don't ask."

Marcela Alvarez, 45, lived in Bay Garden Manor for 14 years with her husband until they divorced in 2012. Unaccustomed to living by herself, she felt emotionally isolated.

Her chiropractor suggested she get a pet, so she got Pelusa, now a 1-year-old Jack Russell.

But she needed the letter, so she went to the Miami Beach Community Health Center and talked to Dr. Marco Fiore, an endocrinologist.

"When she told me that story, I told her she could see a psychologist, but she said, 'No, all I need is a letter,'" said Fiore. "I thought, 'Oh why not? If you think that's important to you, then that's fine with me.' I grew up with dogs, so for me it was just common sense."

Alvarez walked out the clinic with a letter saying, "She may benefit to have a dog for companionship." That was enough for her to bring Pelusa into the building.

The loopy-goopy implementation of the rules is no small deal to Vincent. The 49-year-old recently had a kidney transplant and has been told that avoiding fur is a medical imperative.

"You come in the elevator and they let your dog sniff you up," he said.

Paul J. Milberg, an attorney for Katzman Garfinkel & Berger, said, "It's so easy now that everyone is hearing about it. I have board directors calling me all the time. There are people who dislike animals and move to a no-pet community, and now, all of a sudden here is this person with a dog out of the blue."

He recently conducted a seminar about how to deal with the requests for emotional support animals during the South Florida Condo & HOA Expo. About 50 property managers attended his lecture. He explained what type of questions they can ask, what documentation are needed to verify legitimacy and what methods they can take to protect themselves if they have to grant an accommodation.

Emotional support dogs are not to be confused with service dogs, such as seeing-eye canines. The former are covered by the Fair Housing Act, while the latter are protected under the Americans with Disabilities Act.

Russell Hartstein is the owner of Fun Paw Care, a company that trains emotional support animals as well as service dogs. Every week, he receives calls from people asking him to train their dogs or provide some type of certification.

"When I start digging a little deeper, I usually find out that they are not disabled at all," Hartstein said of those who come to him.

"Eight out of 10 times, it comes down to someone looking just to buy pets to live in these buildings with no-pet rules or just to bring in the airplanes inappropriately. Of course we don't serve these clients," Hartstein said.

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