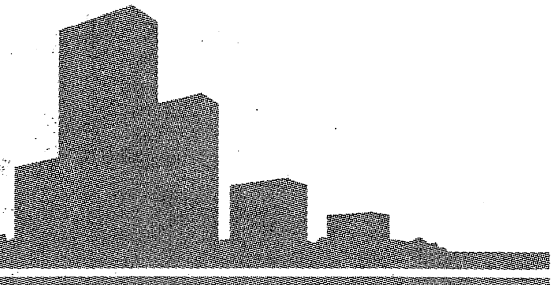


Hi-Riser



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Association's policy puts dog ownership under new scrutiny

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A recent action by a condo association in Jupiter has raised more questions about whether dogs should be permitted in community associations and how to manage them effectively.

Concerned about pet waste throughout the community, The Village of Abacoa in Jupiter is requiring dog owners to pay to have their pet's DNA tested, with the results kept on file and used to determine whether the dog has defecated on the property.

"How can you require someone to test a dog's DNA?" said Jan Bergemann, president of Cyber Citizens for Justice Inc., a property owners' advocacy group. "It's another sign that the system fails the people."

Bergemann said associations that permit dogs should create designated areas where they can be walked without disturbing other residents. He said the


pet enforcement policy that the condo association in Jupiter recently implemented will give rise to lawsuits, which he said won't improve the community.

"Good, responsible owners will take care of their pets, and then there are others who don't care if you have a DNA policy or not," he said.

Maida Genser, founder and president of Citizens for Pets in Condos Inc., a nonprofit organization dedicated to educating the public about the benefits of pet ownership in condos, said associations that permit pets should form pet committees to help reduce nuisance issues and educate owners about being responsible.

To help boards avoid situations like the one in Jupiter, Joshua Krut, an attorney and partner with Weiss, Serota, Helfman, Pastoriza, Cole

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 & Boniske, P.L., said associations should implement a pet policy with clear and defined rules so that regulations are enforced properly and consistently. Krut also recommends that pets be registered with the association to ensure that

they fall within any size and breed restrictions.

Another way to avoid problems is to create an orientation program that informs new residents about the community's rules regarding pet ownership.

"For some associations, it's a big issue," Krut said. "Most people

will follow the rules. But sometimes, you're going to have abrasive owners, and the boards have to act aggressively."

The latest condo reform bill, which took effect on July 1, permits boards to ban owners from accessing common areas, such as pools, if they are delinquent in

paying their fees or have violated community regulations. Krut said the new laws make it easier for associations to enforce regulations, such as the rule in Jupiter requiring dogs to have their DNA tested.

"Associations can restrict owners that break community laws," Krut

said.

Bill Raphan, a condo law educator for the firm Katzman, Garfinkel & Berger, which represents community associations, said the dog waste case will eventually be challenged in court or in an arbitration office to determine whether it's a reasonable rule.

In his education courses, Raphan covers community association regulations, including those governing pet ownership.

"Condos have to have rules and regulations," he said. "Unit owners have to abide by them, or they run the risk of being fined."