

September 30, 2021

Final Investigative Report

Case Name: Lina Lindberg V. Lakeview of Largo South Condominium Association, Inc. et al

Case Number: 04-21-7231-8

I. Jurisdiction

A complaint was filed with HUD on June 23, 2021 alleging that the complainant(s) was injured by a discriminatory act. It is alleged that the respondent(s) was responsible for: Failure to make reasonable accommodation. It is alleged that the respondent(s)'s acts were based on Handicap. The most recent act is alleged to have occurred on May 26, 2021, and is continuing. The property is located at: Lakeview of Largo South , 11945 143rd St. , 7106, Largo, FL 33774. The property in question is not exempt under the applicable statutes. If proven, the allegation(s) would constitute a violation of Sections 804(f)(3)(B) of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988.

The respondent(s) receive no federal funding.

II. Parties and Aggrieved Persons

A. Complainant(s)

Lina Lindberg
11945 143rd St.
7106
Largo, FL 33774

Complainant Representative(s)

Complainant Allegations

Lina Lindberg (CP) is a disabled female who resides at 11945 143rd St. #7106, Largo, FL 33774. The property is governed by Lakeview of Largo South Condominium Association, Inc. (R Association). The property is managed by Professional Bayway Management Company (R Management).

CP states "ESA denied. Condo association & attorney representing the association denied my request for an ESA. Under the FHA laws I provided the mandated information under FHA ESA laws. The supporting documentation was provided by my primary care doctor. Dr. Allison Howard with Ancona Health Center. I have been a patient under her care for the 7 years. I meet all of the mandated medical care standards needed for an ESA. The association has violated my rights by the denial of my ESA. The association has violated my rights by requiring a Lakeview of Largo Application Form for an ESA this mandated form is a violation of my civil rights, this form which contradicts FHA law, also a horrendous overreach of confidential medical records and protected information under HIPPA."

"I was denied my ESA. When all the information supplied to the association. all my information adhered to FHA laws. the association violated my rights by making an ESA application form and an ESA rules form mandated the completion and submission of these forms as a condition of approval for an ESA to

live with me.”

CP Lindberg believes that the Respondent’s actions constitute a violation of the Fair Housing Laws.

B. Other Aggrieved Persons

C. Respondent(s)

Blair Newton
Professional Bayway Management Company
10033 Dr. MLK Jr. St. N
300
St. Petersburg, FL 33716

Dennis Long
Lakeview of Largo South Condominium Association, Inc.
11945 143rd St.
CLBHS
Largo, FL 33774

Respondent Representative(s)

Daniel J. Greenberg
Cianfrone, Nikoloff, Grant & Greenberg, P.A.
1964 Bayshore Blvd
Dunedin, FL 34698

Representing: Blair Newton (Professional Bayway Management Company), Dennis Long
(Lakeview of Largo South Condominium Association, Inc.)

Notes:

Respondent Defenses

Respondent states they became aware CP was maintaining a dog in her unit in violation of the governing documents. A violation letter was sent to Vince Lindberg. On May 25, 2021, CP submitted medical documentation that failed to establish that CP is disabled as defined by the Federal and Florida Fair Housing Laws. In response a letter to CP’s physician asked that she complete the Association’s Emotional/Service Animal Request Form or provide revised medical opinion establishing that CP meet the definition of a disabled person and that the animal is medically prescribed as a support animal.

On May 27, 2021, Dr. Howard provided fax communication that noted, “Pt. NOT disabled.” Respondent states on June 1, 2021 they had no choice but to send a final violation notice to CP that the Association cannot approve her request.

Respondent states they received additional information from Dr. Howard on June 2, 2021 stating specifically, that “Lina Lindberg is not considered disabled according to the definition by the Federal and Florida Fair Housing Laws.”

Respondent states to date, the Association has not received any additional information or documentation in relation to the request for the support animal. Therefore, the animal in question is not permitted a variance, and if such animal is on Condominium property, the owner would be in violation of the Association's pet restriction.

D. Witnesses

III. Case Summary

A. Interviews

Complainant Lindberg, Lina
Date of Interview: August 11, 2021
Type of Interview: Telephone
Interviewer: Postell, Lisa Ann Marie

Complainant Lindberg, Lina
Date of Interview: August 24, 2021
Type of Interview: Telephone
Interviewer: Postell, Lisa Ann Marie

B. Documents

Nature of Document: Intake documents
Who Provided: Complainant
How Transmitted to HUD: email
Date of Document: June 02, 2021
Date Obtained: June 02, 2021

Nature of Document: Conciliation documentation
Who Provided: Complainant
How Transmitted to HUD: mailed
Date of Document: June 16, 2021
Date Obtained: June 15, 2021

Nature of Document: 903 conciliation letters
Who Provided: CP
How Transmitted to HUD: Mail
Date of Document: June 15, 2021
Date Obtained: June 17, 2021

Nature of Document: Dr Statement
Who Provided: Respondent
How Transmitted to HUD: email
Date of Document: June 02, 2021
Date Obtained: July 01, 2021

A statement from CP's doctor that states; "Lina Lindberg is not considered disabled according to the definition by the Federal and Florida Fair Housing Laws. Lina has been referred to a Psychologist for

further evaluation."

Alison J. Howard D.O./bs

Nature of Document: Dr Statement

Who Provided: Respondent

How Transmitted to HUD: email

Date of Document: May 27, 2021

Date Obtained: July 01, 2021

A faxed document from CP's doctor in reply to Respondents request for additional information, CP's doctor hand wrote; "Pt not disabled" signed and dated it May 24/2021 and faxed to Respondent.

Nature of Document: Dr Statement

Who Provided: Respondent

How Transmitted to HUD: email

Date of Document: October 15, 2020

Date Obtained: July 01, 2021

Statement dated October 15, 2020 from CP's doctor. Does not state CP is disabled. States CP has an impairment and an emotional support animal is medically necessary.

Nature of Document: Position statement

Who Provided: Respondent

How Transmitted to HUD: email

Date of Document: July 01, 2021

Date Obtained: July 01, 2021

Nature of Document: CP Rebuttal

Who Provided: Complainant

How Transmitted to HUD: email

Date of Document: July 17, 2021

Date Obtained: July 17, 2021

CP states the "application form" from Respondents contradicts "FHA Guidance on Documenting and Individuals needs for assistance animals in housing" form.

CP states the specific forms mandated by the Board of Directors do NOT comply with FHA guidelines or laws. CP states the medical information requested is overreaching.

CP alleges Respondent did not provide PCOHR with the same waiver form that was approved by the Board of Directors.

CP states she has been a regular patient of Dr. Howard since 2013 and that she has been diagnosed with depression and anxiety. CP state the diagnosis of depression and anxiety are current mental impairments she suffers from, which are covered in the FHA Guidelines for approval of an ESA.

CP states, "On October 15, 2020 Dr. Howard provided the ESA letter, which obviously demonstrated I am treating for a medical condition which qualified for and ESA animal and would help with my disability/mental impairment and improve my quality of life."

Nature of Document: Injunction against CP

Who Provided: Complainant

How Transmitted to HUD: email

Date of Document: August 10, 2021
Date Obtained: August 18, 2021

Injunction filed by Respondents against CP to remove her ESA.

Nature of Document: Dr Statement
Who Provided: Complainant
How Transmitted to HUD: email
Date of Document: August 16, 2021
Date Obtained: August 18, 2021

Nature of Document: ESA waiver signed by CP
Who Provided: Complainant
How Transmitted to HUD: email
Date of Document: August 18, 2021
Date Obtained: August 23, 2021

Respondents Waiver for Emotional Support/Service Animal signed by CP.

Nature of Document: Denial letter
Who Provided: Complainant
How Transmitted to HUD: email
Date of Document: August 19, 2021
Date Obtained: August 23, 2021

Letter from Respondent attorney stating CP was denied her ESA. Letter went on to say, "The opinion of your treating health care provider must be on the letterhead and should contain, at a minimum, the following information: That you have been determined disabled from any federal, state or local government agency and/or receipt of disability benefits or services from any federal, state or local government agency; and...."

Nature of Document: Signed determination
Who Provided: PCOHR
How Transmitted to HUD: in person
Date of Document: September 30, 2021
Date Obtained: September 30, 2021

C. Interrogatories

Betina Baron, Human Rights Compliance Manager

Betina Baron 09/30/21 Cause Finding