

Section 11 - Sample Provision Excerpt (Public Preview)

Signs. No signs or flags whatsoever shall be maintained anywhere on the Lot or in the Common Areas, except those minimally permitted by A.R.S. § 33-1808, as may be amended from time to time, and those pre-approved by the Association.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · FAIR HOUSING ACT (FHA) LIABILITY RISK

BOARD & COUNSEL REVIEW

Sec. 11 (p. 5): Pet restriction clause lacks mandatory statutory carveout for assistance and emotional support animals.

Statutory / Legal Reference: 42 U.S.C. § 3604(f)(3)(B) & 24 C.F.R. § 100.204 (Fair Housing Act - Assistance Animals) & HUD FHEO-2020-01

Statutory Comparison: The federal Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243) prohibits community associations from adopting or enforcing any policy that prevents a member from displaying the flag of the United States on residential property to which the member has a separate ownership interest or right to exclusive possession or use.

CURRENT WORDING IN DOCUMENT:

Signs. No signs or flags whatsoever shall be maintained anywhere on the Lot or in the Common Areas, except those minimally permitted by A.R.S. § 33-1808, as may be amended from time to time, and those pre-approved by the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Signs. No signs or flags whatsoever shall be maintained anywhere on the Lot or in the Common Areas, except those minimally permitted by A.R.S. § 33-1808, as may be amended from time to time, and those pre-approved by the Association. [STATUTORY FLAG EXEMPTION]: In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L.