Section 9.02 - Sample Provision Excerpt (Public Preview)

11. No pets are allowed.

ISSUE #1

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 9.02 (p. 19): 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: Under federal Fair Housing Act regulations (42 U.S.C. § 3604(f)(3)(B), 24 C.F.R. § 100.204, and HUD Notice FHEO-2020-01), associations cannot apply pet restrictions, breed bans, weight limits, or pet fees/deposits to an individual with a disability who requires a service animal or emotional support animal.

CURRENT WORDING IN DOCUMENT:
11. No pets are allowed.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Please pick up after yourself. Trash cans are available. Blanket rules: Blankets and towels placed in seating areas must be no larger than one hundred (100) sq.ft. and no longer than ten (10) feet on any side. Blankets placed on the grass must be made of breathable material. No plastic, tarps or waterproof materials are permitted. 9.