

Section General - Sample Provision Excerpt (Public Preview)

It will also be the responsibility of each homeowner and tenant to keep all guests, children and pets away from and out of the active construction zone while repairs are underway. All exterior areas surrounding the buildings are considered construction zones during the time that work is underway on that building.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. General (p. 2): 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:

It will also be the responsibility of each homeowner and tenant to keep all guests, children and pets away from and out of the active construction zone while repairs are underway. All exterior areas surrounding the buildings are considered construction zones during the time that work is underway on that building.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

It will also be the responsibility of each homeowner and tenant to keep all guests, children and pets away from and out of the active construction zone while repairs are underway. All exterior areas surrounding the buildings are considered construction zones during the time that work is underway on that building. [MANDATORY FEDERAL CARVEOUT]: Provided, however, that these pet restrictions, breed prohibitions, weight limitations, and pet fees shall not apply to verified assistance animals, including service animals and emotional support animals required as a reasonable accommodation under the Fair Housing Act (42...