

Section 9 - Sample Provision Excerpt (Public Preview)

No pets allowed in the pool area, a health department requirement. 10. No bicycles, skateboards, etc., in the pool area at any time. 11. Appropriate bathing attire must be worn at all times, cut-offs must be hemmed because of lint going into the filters. 12. Noise must be kept at a minimum level. Radios at a personal level for owners hearing only. 13. The pool and pool area by our definition include Staples Hall.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. 9 (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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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