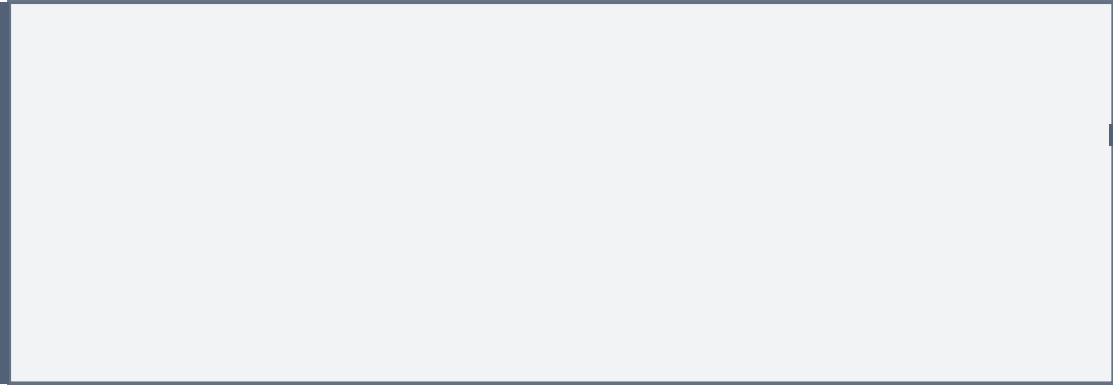


Section 8.4 - Sample Provision Excerpt (Public Preview)

Pets are not permitted in the pool area. For the safety of all residents, the pool gate must remain closed at all times.
Residents are responsible for ensuring that their guests abide by these rules.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 8.4 (p. 7): Disciplinary or fining provision conflicts with the notice, hearing, or penalty-schedule requirements of California Civil Code §§ 5850 and 5855 and 10 CCR § 2792.26.

Statutory / Legal Reference: Cal. Civ. Code § 5850 & 5855; 10 CCR § 2792.8, 2792.26 (Cal. DRE Subdivided Lands Regulations)

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:

Pets are not permitted in the pool area. For the safety of all residents, the pool gate must remain closed at all times. Residents are responsible for ensuring that their guests abide by these rules.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pets are not permitted in the pool area. For the safety of all residents, the pool gate must remain closed at all times. Residents are responsible for ensuring that their guests abide by these rules. [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 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204; HUD Notice FHEO-2020-01).