

The Peloton Condominium Association Inc.
POLICY REGARDING PETS

Rules and Regulations Regarding Pets

Whereas, Section 12.4 of the Association’s Condominium Declaration provides the Association’s Board of Directors with authority to adopt Rules and Regulations concerning the keeping of pets within the Peloton community; and

Whereas, the Board of Directors deems it to be in the best interests of the Association, and its members and residents, to adopt such Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED THAT the following Rules and Regulations regarding the keeping of pets within the Peloton community are hereby adopted:

ISSUE #1

I. GENERAL PET GUIDELINES

- A. Household Pets. No animals, livestock, poultry or insects, of any kind shall be raised, bred, kept or boarded in or on the Condominiums, except that domesticated dogs, cats, birds or fish may be kept in any Unit in accordance with applicable laws, ordinances, regulations and these Rules and Regulations.
- B. Number of Pets. The total number of dogs or cats that may be kept and maintained within a Unit is 2 dogs or 2 cats (or one dog and one cat). If the Unit has 2 dogs, only one can weigh more than 65 pounds. As part of the registration process, pet owners will be required to certify the weight of their dogs. This weight limitation does not apply to any dogs properly registered with the Association prior to April 16, 2020.
- C. Any Owner who keeps or maintains any pet within the community shall be deemed to have indemnified and agreed to hold the Association, each unit owner, and the Managing Agent free and harmless from any loss, claim or liability of any kind of character whatever arising by any reason of keeping or maintaining such pet.

II. REQUIREMENTS AND RESTRICTIONS

- A. All dogs that may leave the Unit must be registered with the Association and, except as otherwise required by law, the Owner must pay an annual registration fee to be determined by the Board of Directors. This fee is due and payable no later than January 31 of each calendar year. Move-ins or pets acquired during the calendar year will be pro-rated on a monthly basis or at such other rate as is determined by the Board of Directors.

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. GENERAL PET GUIDELINES (p. 1): 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:

GENERAL PET GUIDELINES A. Household Pets. No animals, livestock, poultry or insects, of any kind shall be raised, bred, kept or boarded in or on the Condominiums, except that domesticated dogs, cats, birds or fish may be kept in any Unit in accordance with applicable laws, ordinances, regulations and these Rules and Regulations.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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).