

IMAGE01 : FL-00-80325-2 06/09/2000 10:42:43am

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

BOARD & COUNSEL REVIEW

Sec. AMENDMENTS TO THE DECLARATION OF CONDOMINIUM (p. 153):
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; HUD
Notice 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:

L No pets shall be permitted in the Condominium units, the common elements
of the Condominium or the recreational facilities. L The unit owner shall not
cause anything to be

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).

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AMENDMENTS TO THE DECLARATION OF CONDOMINIUM
OF BONAVIDA CONDOMINIUM AND TO THE BYLAWS OF
BONAVIDA CONDOMINIUM ASSOCIATION, INC.

1. Article X, Paragraph A(7) of the Declaration of
Condominium is amended to read as follows:

7. Where a corporate entity is the owner of a unit, it
~~may shall~~ designate the occupants of the units in the
~~same manner as an owner desiring to lease his unit, as it~~
~~desires and for such period of time as it desires without~~
~~compliance with the provisions of Section A of this~~
~~ARTICLE X. The foregoing shall not be deemed an~~
~~assignment or sub-leasing of a unit and shall be deemed~~
~~to be in compliance with the provisions of the first~~
~~paragraph of ARTICLE XII of this Declaration.~~

2. Article XII of the Declaration of Condominium is amended
to read as follows:

A. The owner of a unit shall occupy and use his
apartment unit as a single family private dwelling for
himself and the adult members of his family and his
social guests, and for no other purpose. ~~No children~~
~~under fifteen (15) years of age shall be permitted to~~
~~reside in any of the units or rooms thereof in this~~
~~Condominium, except that children may be permitted to~~
~~visit and temporarily reside for reasonable periods in~~
~~any calendar year.~~

B. The unit owner shall not permit or suffer
anything to be done or kept in his unit which will
increase the rate of insurance in the condominium
property, or which will obstruct or interfere with the
rights of other unit owners or annoy them by unreasonable
noises or otherwise, nor shall the unit owners commit or
permit any nuisance, immoral or illegal acts in or about
the Condominium property.

C. No pets shall be permitted in the Condominium
units, the common elements of the Condominium or the
recreational facilities.

D. The unit owner shall not cause anything to be
affixed or attached to, hung, displayed or placed on the
exterior walls, doors, balconies or windows of the
building, nor shall the unit owner cause anything to be
affixed or attached to the screened enclosure of his
connecting balcony or terrace, or place any furniture or
equipment outside his unit except with the prior written
consent of the Management Firm, ~~as long as the Management~~
~~Agreement remains in effect, and thereafter of the Board~~
of Directors, and further, when approved, subject to the
rules and regulations adopted by the ~~Management Firm or~~
Board of Directors. No clothesline or similar device
shall be allowed on any portion of the condominium
property, nor shall clothes be hung anywhere except where
designated by the ~~Management Firm, as long as the~~
~~Management Agreement remains in effect, and thereafter by~~
the Board of Directors of the Association. Laundry
facilities shall be permitted only in the Laundry
Condominium Units and shall not be permitted in any other
unit or elsewhere. All window and glass door coverings
shall be in the color specified by the ~~Management Firm,~~
~~and thereafter, the Association.~~

E. No person shall use the common elements, or any
part thereof, or a Condominium unit, or the Condominium
property, or any part thereof, in any manner contrary to

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