MARKUP #1 ->

AIR CONDITIONERS

GH, DEC ART VIII, PH, DEC ART VII, TV, DEC ART VII, VH, DEC ART VI

Central air-conditioning systems shall be used in all units within the Moors.

PROHIBITED

- ⃠ Air-conditioning units mounted through any lot/unit window or wall.

ANIMALS/PETS

GH, DEC ART VIII, SCH A; PH, DEC ART VII; TV, DEC ART VII; VH, DEC ART VI

GH, PH, TV, VH

- Any domestic pets or animal within The Moors shall be in compliance with municipal and state laws at all times.
- When in the common area, each domestic walking pet shall be on a leash and in the care of an person capable of controlling the animal.
- All animal feces shall be removed immediately from the common area by the person in control of the animal.
- The Board has the right to require the removal of any pet from the Association which, in its opinion, constitutes a nuisance or annoyance to any Association neighbor.
- Only two (2) domestic household walking pets, fish in aquariums, and birds in cages may be kept within a lot/home as a pet(s). Must be on a leash when being walked in common area and fecal matter removed by the person in control of the animal.
- Leashed pets shall be exercised and fecal matter removed by the person in control of the animal only in the designated areas.

LK, LT

ISSUE #1

- A pet or animal may be kept with permission and upon completion of a pet agreement.

MP

- Only one (1) dog, not to exceed 25 pounds, or one (1) cat may be kept within a unit in addition to small domestic birds or fish.

MARKUP #1 · FAIR HOUSING ACT (FHA) LIABILITY RISK — BOARD & COUNSEL REVIEW

Sec. LK, LT (p. 7): 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:
LK, LT A pet or animal may be kept with permission and upon completion of a pet agreement. MP Only one (1) dog, not to exceed 25 pounds, or one (1) cat may be kept within a unit in addition to small domestic birds or fi sh. THE MOORS MASTER HOMEOWNERS ASSOCIATION PROHIBITED ; Pets of any type at or in the Club Center area.

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).