used only for ingress and egress to and from the Condominium Property. No carts, bicycles, carriages, chairs, tables or other objects shall be stored in these areas and rugs or mats not placed outside of doors in corridors.

24. Odors. No noxious or unusual odors shall be generated in such quantities that they permeate to other Units and become annoyances or become obnoxious to another Unit Owner. Normal cooking odors, normally and reasonably generated, shall not be deemed violations of this regulation.

25. Pets. Pets, birds and fish shall neither be kept nor maintained in or about the Condominium Property except in accordance with the provisions of the Declaration and the following:

ISSUE #1

a.) Except for fish, each Unit Owner (regardless of the number of Unit Owners), may maintain up to a maximum of two (2) household pets in a Unit, to be limited to domestic dogs, or domestic cats, or caged birds, and/or one (1) fish tank not to exceed fifty-five (55) gallons, provided said pets are not kept, bred, or maintained for any commercial purpose and do not become a nuisance or annoyance to the neighbors.

b.) No dog or cat shall be permitted outside of its Owner's Residential Unit unless attended by an adult and on a leash not more than six (6) feet long. Pets may not be kept in a Cabana Unit, nor in a Limited Common Element, nor be walked through or kept in the lobbies of the Condominium Property. All dogs, cats, birds and fish must enter and exit the Condominium Property only through service elevators and service corridors. No pets shall be allowed on any other elevator that services more than one Unit.

c.) No domestic bird of any variety which will omit sounds that can be heard in contiguous units may be kept by a Unit Owner in a Unit.

d.) No one other than the Owner of a Unit is permitted to keep any approved pet on the Condominium Property.

e.) Unit Owners must immediately collect and clean-up any feces from pets upon the Condominium Property and/or the Ocean Property property(s).

f.) Violation of the provisions of this paragraph shall entitle the Association to all of its rights and remedies, including but not limited to, the right to fine Unit Owners (as may be provided in these applicable rules and regulations or the Declaration) and/or to require any pet to be permanently removed from the Condominium Property.

g.) The Unit Owner shall indemnify the Association and hold it harmless against any loss or liability of any kind or character whatsoever arising, from or growing out of having any animal in the Condominium. If a dog or any other animal becomes a nuisance and/or obnoxious to other Unit Owners by barking or otherwise, the Unit Owner therof must cause the problem to be corrected; or, if it is not corrected, the Unit Owner, upon written notice by the Association, will be required to remove the animal.

MARKUP #1 ->

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

Sec. 25 (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:
pets in a Unit, to be limited to domestic dogs, or domestic cats, or caged fish tank not to exceed fifty-five (55) gallons, provided said pets are not kept, bred, or maintained for any commercial purpose and do not become a nuisance or annoyance to the neighbors.

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).