



MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

A. Each unit shall be used only for residential purposes and may not be used for any business or commercial purposes whatsoever.

B. Unit Owners shall not use or permit the use of their premises in any manner which would be disturbing or be a nuisance to other unit owners, or in such a way as to be injurious to the reputation of the property.

C. The use of the units shall be consistent with existing law, and these restrictions, and shall not constitute a nuisance.

D. No unit may be leased, sublet or assigned for a period of less than thirty (30) continuous days.

E. Common Elements and Limited Common Elements shall not be obstructed, littered, defaced or misused in any manner.

F. No structural changes or electrical alterations shall be made in any Unit, except upon approval of the Board of Directors.

ISSUE #1

G. No pets shall be kept or maintained in or about a unit or on the Condominium Property.

H. No Unit Owner or occupant of a unit shall post any advertisements or posters of any kind in or on the unit or the Condominium Property except as authorized, in writing, by a majority of the Board of Directors of the Association.

I. Owners and occupants of units shall exercise extreme care to minimize noises and in the use of musical instruments, radios, television sets, amplifiers, so as not to disturb the other persons and parties occupying units.

J. No garments, rugs or other items may be hung from the windows or from portions of the units. No rugs, etc. may be dusted from the windows of the units; rugs, etc. may only be cleaned within the units, and not in any other portion of the Condominium Property.

K. All garbage and trash shall be deposited in the disposal installations provided for such purpose.

L. Bicycles may be used on the Condominium Property provided that they are used giving due regard for pedestrians on sidewalks and walkways; and due regard is given that they are not used, kept or parked on grass or landscaped areas; and that they do not obstruct any walkway, sidewalk, street, roadway, or entrance to any building.

M. No motorcycles, motor scooters, motorized bicycles, commonly known as "mopeds", skateboards, rollerblades, or other like vehicles shall be operated on the

Sec. D (p. 14): 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:

G. No pets shall be kept or maintained in or about a unit or on the Condominium Property. H. No Unit Owner or occupant of a unit shall post any advertisements or posters of any kind in or on the unit or the Condominium Property except as authorized, in writing, by a majority of the Board of Directors of the Association.

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).