ISSUE #1

Section 7.6 - Sample Provision Excerpt (Public Preview)

No animals, livestock or poultry of any kind may be raised, bred, kept or permitted on any Lot, with the exception of dogs, cats or other usual and common household pets in a reasonable number as determined by the Board from time to time in its sole discretion.

MARKUP #1 ->

MARKUP #1 · CONDITIONAL OUTCOME

FACT-DEPENDENT CHECK

Sec. 7.6 (p. 28): Conditional FHA accommodation-policy check (42 U.S.C. § 3604(f)(3)(B)): household pet restriction is facially lawful for ordinary pets (federal law requires no magic written sentence in the covenant), but cannot be applied in practice to refuse or charge a verified disability-related assistance animal.

Statutory / Legal Reference: 42 U.S.C. § 3604(f)(3)(B) & 24 C.F.R. § 100.204 (Fair Housing Act - Assistance Animals)

Statutory Comparison: Under 42 U.S.C. § 3604(f)(3)(B) and 24 C.F.R. § 100.204, the Fair Housing Act prohibits refusing to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The statute does not render an ordinary household-pet covenant void merely for omitting an inline carveout sentence: (1) if the Association grants reasonable-accommodation requests for verified assistance animals without pet fees, deposits, or breed/weight denials, no conflict exists; (2) if the Association enforces this pet rule on a no-exceptions basis against a qualifying assistance-animal request, that refusal violates federal law.

CURRENT WORDING IN DOCUMENT:

No animals, livestock or poultry of any kind may be raised, bred, kept or permitted on any Lot, with the exception of dogs, cats or other usual and common household pets in a reasonable number as determined by the Board from time to time in its sole discretion.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Nothing in this section restricts reasonable accommodations for verified disability-related service or assistance animals (without pet fees, deposits, or breed/weight caps) pursuant to 42 U.S.C. § 3604(f)(3)(B) and 24 C.F.R. § 100.204.