

Section WARNING- NO LIFEGUARD ON DUTY - Sample Provision Excerpt (Public Preview)

* No pets allowed in the pool area. * No swimming allowed during heavy rain or when thunder and lightning can be seen or heard. * Gates shall be closed after entering and exiting the swimming pool area.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. WARNING- NO LIFEGUARD ON DUTY (p. 2): 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 (Fair Housing Act - Assistance Animals) & HUD 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:

* No pets allowed in the pool area. * No swimming allowed during heavy rain or when thunder and lightning can be seen or heard. * Gates shall be closed after entering and exiting the swimming pool area.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No pets allowed in the pool area. No swimming allowed during heavy rain or when thunder and lightning can be seen or heard. Gates shall be closed after entering and exiting the swimming pool area. [MANDATORY FEDERAL CARVEOUT]: Provided, however, that these pet restrictions, breed prohibitions, weight limitations, and pet fees shall not apply to verified assistance animals, including service...