

VII. Pets

- A. No animals, other than dogs, cats, birds, fish or animals reasonably considered by the Board to be household pets, shall be raised in any residence. Breeding for commercial purposes is not allowed. Pets must be kept in a manner which does not jeopardize the health, safety and welfare of residents.
- B. No more than a total of two dogs or cats are to be kept in any unit.
- C. Pets shall be controlled so as not to create a nuisance. All pets must be leashed when outside other than within a fenced-in yard. The pet’s conduct and activities must be controlled by its attendant to prevent damage to common and private areas and property or injury to persons and other pets.
- D. Doghouses or dog runs are not permitted.
- E. Pet owners must clean up and properly dispose of waste immediately.
- F. An owner is responsible for the actions of the pets of anyone living in or visiting his/her residence, and the costs of repairing or remedying any damage caused by a pet shall be charged to the owner.
- G. Any owner who has been found to have been responsible for more than two violations of the above rules shall be deemed liable for having a pet which causes a nuisance or unreasonable disturbance. Thereafter, the Board, after consideration of the facts and circumstances, may elect to order the owner to have the pet removed permanently from the property upon three days written notice to the owner from the Board or its authorized agent.
- H. All statutes, ordinances, rules and regulations of any governmental organization or body having jurisdiction over the property, pertaining to animal regulations, are incorporated herein and made a part hereof.

- I. Pets are not allowed in the Clubhouse, the Pool Areas or tennis courts.

VIII. Appearance of Residence Outside Areas

- A. Owners are responsible for keeping their immediate lawn area clean and free of debris. Landscaping is the responsibility of the unit owner. Front, back and side lawns must be manicured and must not exceed six (6) inches in height. Dead trees and shrubs must be removed within a growing season. Weeds must be kept under control.

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. I (p. 8): 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:

Pets are not allowed in the Clubhouse, the Pool Areas or tennis courts. VIII. Appearance of Residence Outside Areas A. Owners are responsible for keeping their immediate lawn area clean and free of debris. Landscaping is the responsibility of the unit owner. Front, back and side lawns must be manicured and must not exceed six (6) inches in height. Dead trees and shrubs must be removed within a growing season. Weeds must be kept under control.

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).

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