

ISSUE #1

MARKUP #1 ->

NO PETS SHOULD RELIEVE THEMSELVES ON OTHER PEOPLE'S PROPERTY. BE CONSIDERATE OF YOUR NEIGHBORS AND PICK UP AFTER YOUR PET AND DISPOSE OF IN YOUR OWN GARBAGE.

- D. Pet owners are responsible for cleaning up after their pets, including streets, common grounds, curbs, and their own property. Continued violations will be reported to Manchester Animal Control.
- E. The State of New Jersey prohibits pet owners from tethering dogs outside from 11 p.m. until 5 a.m. and must allow the dog to move 15 feet in any one direction. The law also prohibits tethering outside in adverse weather conditions for more than 30 minutes.
- F. Noise disturbances from barking dogs. No person shall own, possess or harbor any pet that frequently or for continued duration makes sounds that create a noise disturbance across a residential real property line. For the purpose of this article, a noise disturbance from a barking dog shall be defined as that created by a dog barking continually for 10 minutes or intermittently for 30 minutes unless provoked. Residents are responsible for making sure pets are not a disturbance to their neighbors. This includes pets left home alone inside the house.
- G. **Feral Cats:** Whiting Village works together with Manchester Township on animal control with a program known as TNR.

TRAP-NEUTER-RETURN PROGRAM/TNR PROGRAM

A program pursuant to which feral and stray cats are trapped, neutered, or spayed, vaccinated against rabies, and returned to the location where they congregate.

More information on this program can be found on the Township website.

Please note: When cats are returned to their colony, a caregiver is permitted to feed the cats twice a day, providing the food is put out at the same time daily and removed after 30 minutes. NO FOOD is to be left out after feeding times. This rule will be strictly enforced.

Please note – To avoid our homeowners having to go out on the ice and snow, the association has allowed fencing to be installed in a small area in the back of the house to safely allow their dog(s) to

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

BOARD & COUNSEL REVIEW

Sec. 3 (p. 4): 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:

of 9 NO PETS SHOULD RELIEVE THEMSELVES ON OTHER PEOPLE'S PROPERTY. BE CONSIDERATE OF YOUR NEIGHBORS AND PICK UP AFTER YOUR PET AND DISPOSE OF IN YOUR OWN GARBAGE. D. Pet owners are responsible for cleaning up after their pets, including streets, common grounds, curbs, and their own property.

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).