

Section SAFETY ISSUES/PROHIBITED AREAS - Sample Provision Excerpt (Public Preview)

No dogs are allowed on the premises. No animals or birds, wild or domesticated, shall be fed from the terraces, windowsill, or other public area of the building's property. No bird feeders shall be hung from any trees or terraces on the property. The number of cats permitted is limited to 2 per apartment. No pets are allowed in the common areas.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. SAFETY ISSUES/PROHIBITED AREAS (p. 9): 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 dogs are allowed on the premises. No animals or birds, wild or domesticated, shall be fed from the terraces, windowsill, or other public area of the building's property. No bird feeders shall be hung from any trees or terraces on the property. The number of cats permitted is limited to 2 per apartment. No pets are allowed in the common areas.

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).