Section 5 - Sample Provision Excerpt (Public Preview)

Pets (For the complete Pet Policy, refer to Appendix A on page 8.)
a) Residents may apply for consent to harbor a dog, cat, bird, or other small pet in their unit for which consent will not be unreasonably withheld. This consent is always conditioned upon the maintenance of responsible care and control of such pets and may be revoked in the absence of...

ISSUE #1

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 5 (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:
Pets (For the complete Pet Policy, refer to Appendix A on page 8.) a) Residents may apply for consent to harbor a dog, cat, bird, or other small pet in their unit for which consent will not be unreasonably withheld. This consent is always conditioned upon the maintenance of responsible care and control of such pets and may be revoked in the absence of...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pets (For the complete Pet Policy, refer to Appendix A on page 8.) a) Residents may apply for consent to harbor a dog, cat, bird, or other small pet in their unit for which consent will not be unreasonably withheld. This consent is always conditioned upon the maintenance of responsible care and control of such pets and may be revoked in the absence of responsible care and control.