

Section 4 - Sample Provision Excerpt (Public Preview)

Dogs may be housed by Home Owners at Holiday Harbour, provided they are 25 lbs or less. Dogs larger than 25 lbs may NOT be housed at Holiday Harbour for any duration of time, including "visiting dogs". In addition, there are breed restrictions due to potential insurance liability risks.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. 4 (p. 1): 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:

Dogs may be housed by Home Owners at Holiday Harbour, provided they are 25 lbs or less. Dogs larger than 25 lbs may NOT be housed at Holiday Harbour for any duration of time, including "visiting dogs". In addition, there are breed restrictions due to potential insurance liability risks.

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).