



Section 10.02. - Sample Provision Excerpt (Public Preview)

Animals, Birds and Insects. Unless a waiver is granted by the Board, Homeowners are allowed no more than two pets (dogs, cats or other domesticated household pets) in their Home. No pets may be kept, bred, or maintained for any commercial purpose. No reptiles or insects are allowed.

ISSUE #1



MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 10.02. (p. 27): 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:

Animals, Birds and Insects. Unless a waiver is granted by the Board, Homeowners are allowed no more than two pets (dogs, cats or other domesticated household pets) in their Home. No pets may be kept, bred, or maintained for any commercial purpose. No reptiles or insects are allowed.

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).