

Section WINDOWS - Sample Provision Excerpt (Public Preview)

Pets are not permitted in the Flower Garden.
Residents who use the Flower Garden are asked to limit their noise level and be respectful of their neighbors in the apartments above.
With prior permission from the Board, Tenants may reserve the garden for exclusive private use.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. WINDOWS (p. 5): 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 are not permitted in the Flower Garden. Residents who use the Flower Garden are asked to limit their noise level and be respectful of their neighbors in the apartments above. With prior permission from the Board, Tenants may reserve the garden for exclusive private use.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

WINDOWS 1) Air Conditioners The installation of air conditioners must comply with New York City regulations. For tips on the installation of air conditioners, visit the New York City Department of Buildings Web site at http://home2.nyc.gov/html/dob/downloads/pdf/lac_tips.pdf or ask Management for a copy. 2) Alterations/Renovations Shareholders are required to obtain written permission from the...