

Section MULTI-PURPOSE ROOM - Sample Provision Excerpt (Public Preview)

Room at any time. Pets are not permitted in the Multi-Purpose Room.
14. A video surveillance system has been installed for security purposes.
15. Shareholders and/or residents agree to indemnify and hold the Co-op harmless from all liability, loss, damage and expense to personal items, property or bodily injury while using the Multi-Purpose Room.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. MULTI-PURPOSE ROOM (p. 12): 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:

Room at any time. Pets are not permitted in the Multi-Purpose Room. 14. A video surveillance system has been installed for security purposes. 15. Shareholders and/or residents agree to indemnify and hold the Co-op harmless from all liability, loss, damage and expense to personal items, property or bodily injury while using the Multi-Purpose Room.

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).