Section Clause #1 - Sample Provision Excerpt (Public Preview)

Pet Policy:
Dogs and Cats allowed 2 Pet Limit - 50 lbs. per pet
$35.00 pet fee per month per pet
Non-refundable pet fee: $250
Breed Restrictions: Akita, American Bulldog, Chow Chow, Doberman, German Shepard, Great Dane, Husky Breeds, Hybrid Wolf, Malamute, Pit Bull Breeds, Presa Canario, Rottweiler, Staffordshire Terrier, and St. Bernard.

ISSUE #1

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. Clause #1 (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:
Pet Policy: Dogs and Cats allowed 2 Pet Limit - 50 lbs. per pet $35.00 pet fee per month per pet Non-refundable pet fee: $250 Breed Restrictions: Akita, American Bulldog, Chow Chow, Doberman, German Shepard, Great Dane, Husky Breeds, Hybrid Wolf, Malamute, Pit Bull Breeds, Presa Canario, Rottweiler, Staffordshire Terrier, and St. Bernard.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Notwithstanding any contrary provision in this section, this covenant shall be administered and enforced strictly in accordance with 42 U.S.C. § 3604(f)(3)(B) & 24 C.F.R. § 100.204 (Fair Housing Act - Assistance Animals) & HUD FHEO-2020-01. Association counsel should review this provision and adopt a conforming amendment or board policy resolution to align with 42 U.S.C.