

VI. PROPERTY RESTRICTIONS

MARKUP #1 ->

A. General

- Each Lot or living Unit shall be used for residential purposes and for no other purpose. That portion of the home constructed on any Lot or Living Unit that was originally constructed for use as a garage shall be used solely for garage and storage purposes.
- A Lot Owner or Living Unit Owner may use a portion of his home constructed on any Lot or Living Unit for his office or studio subject to the following provisions:
 - Such use meets the requirements for a home occupation within the City.
 - Such use does not interfere with the quiet enjoyment of any other Lot Owner or Living Unit Owner or occupant of a Lot or Living Unit.
 - Such use is compatible with the residential character of Greentree and does not result in the Lot or Living Unit becoming principally an office, studio or school district from a residence. The Trustees may adopt rules which further limit such use.
- No Lot Owner or Living Unit Owner shall keep, store, or use hazardous or toxic substances or waste (as defined by applicable law or regulation) within any Lot, Living Unit, or within the Common Properties without the prior written consent of the Trustees of the Association.
- No commercial truck, tractor, motor home or trailer (either with or without wheels), boat or other similar commercial or recreational vehicle, licensed or unlicensed, may be parked or stored on any yard, street or driveway within the Properties except in the confines of a garage.
- No abandoned, non-licensed, inoperable, partially dismantled or wrecked vehicles of any kind shall be permitted on any Lot, Common Properties or within any Condominium Domain.
- No Lot Owner or Living Unit Owner shall leave any vehicle, truck, tractor, motor home, trailer, boat or other commercial or recreational vehicle, licensed or unlicensed, operable or inoperable, parked overnight on any street (private or city) within the Greentree Community. Any such vehicle may be towed at the Owners expense.

B. Pets

- No animals or birds of any kind shall be raised, bred or kept on any Lot or Living Unit except that dogs, cats and other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes nor permitted to cause or create a nuisance or disturbance.
- All pet Owners shall strictly adhere to the Streetsboro City Codified Ordinance’s governing pet ownership.
- Owners must clean up all waste from their pets immediately when in common areas. Pet Owner Lots shall be cleaned of pet waste on a regular basis.
- Pets cannot be tied on any Common Properties; no stakes, poles or runs are to be placed on any Common Properties.
- All pets must be leashed when not in a fenced in yard or inside a home. No pets, regardless of type of animal or breed, shall be allowed to roam freely through the community.

C. Clotheslines

- No clothing or any other household fabric shall be hung outside of any Living Unit or on any Lot.

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

BOARD & COUNSEL REVIEW

Sec. 5 (p. 8): 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:

All pets must be leashed when not in a fenced in yard or inside a home. No pets, regardless of type of animal or breed, shall be allowed to roam freely through the community.

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).

ISSUE #1