MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section 3.02 - Sample Provision Excerpt (Public Preview)

No pets will be permitted on the deck of the Beach Club or the Recreation Center. 6) Residents are required to turn off propane grills and fireplace after use.) Residents are required to clean grills after use.

ISSUE #1

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 3.02 (p. 14): 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:
No pets will be permitted on the deck of the Beach Club or the Recreation Center. 6) Residents are required to turn off propane grills and fireplace after use.) Residents are required to clean grills after use.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
No pets will be permitted on the deck of the Beach Club or the Recreation Center. 6) Residents are required to turn off propane grills and fireplace after use.) Residents are required to clean grills after use. [MANDATORY FEDERAL CARVEOUT]: Provided, however, that these pet restrictions, breed prohibitions, weight limitations, and pet fees shall not apply to verified assistance animals,...