

Section IX – Animals

IX. ANIMALS

With the exception of birdfeeders, the feeding of undomesticated animals is prohibited. Violations are subject to assessments per Appendix A, except for violations of §IXC “Alligators” for which there is a separately imposed assessment.

No person other than a property owner, full-time resident, guest of resident or a renter, may bring a pet or other animal into the SID. Only domestic household animals/pets are permitted to be kept within the SID. Such domestic household animals/pets must not constitute a nuisance or cause unsanitary conditions or an undesirable situation for residents or Visitors in the SID. No livestock or poultry shall be raised, bred or maintained on any property. Boarding of horses shall be restricted to the SIC Equestrian Center.

ISSUE #1

DOMESTIC HOUSEHOLD ANIMALS/PETS

1.

Domestic household animals/pets must be on a leash when not on their owner's property, (see §V.A.2.), except that domestic household animals/pets are permitted off a leash on the beach in designated areas in accordance with the Town of Seabrook Island Code of Ordinances. Dogs ~~must be leashed on boardwalks and beach access paths and are not permitted on the dunes.~~
2.

For purposes of this section, the terms “on a leash” and “on a lead” shall mean that the domestic household animal/pet is restrained by a competent person using a physical restraint made of cord, rope, strap, chain or other material effective for restraining the type and size of domestic household animal/pet; the physical restraint being no more than sixteen (16) feet in length, secured to the animal’s collar or harness and continuously held by a competent person. Domestic household animals/pets under voice control or under control of remotely operated devices such as electronic collars shall be considered to be “off a leash.”

For purposes of this section the term “competent person” shall be a person of suitable age and discretion and physically capable of restraining and controlling the domestic animal/pet in his or her care in order to prevent harm to persons, property or other animals.

Pets must be restrained from causing annoyance, inconvenience or discomfort to the health, safety and welfare of others, including, but not limited to, entering areas in which pets are prohibited, destroying or damaging any property, and/or attacking or threatening to attack any person, or any other pet, in any manner. After being cited for one or more prior violations of §IX.A.1 and/or §IX.A.2 of these Rules & Regulations,

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. DOMESTIC HOUSEHOLD ANIMALS/PETS (p. 37): 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:

DOMESTIC HOUSEHOLD ANIMALS/PETS 1. Domestic household animals/pets must be on a leash when not on their owner's property, (see §V.A.2.), except that domestic household animals/pets are permitted off a leash on the beach in designated areas in accordance with the Town of Seabrook Island Code of Ordinances.

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).