Section 7.5.1 - Sample Provision Excerpt (Public Preview)

Number. No more than two (2) pets (total weight of both pets no greater than one hundred (100) pounds) may be main in each Townhome and without the express written consent of the Board, shail be cats or dogs. Permission to maintain other types or additional numbers of household pets must be obtained in writing from the peaceful engoy mesnt of residets...

ISSUE #1

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 7.5.1 (p. 18): 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:

Number. No more than two (2) pets (total weight of both pets no greater than one hundred (100) pounds) may be maintained in each Townhome and without the express written consent of the Board, shail be cats or dogs. Permission to maintain other types or additional numbers of household pets must be obtained in writing from the peaceful engoy mesnt of residets...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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