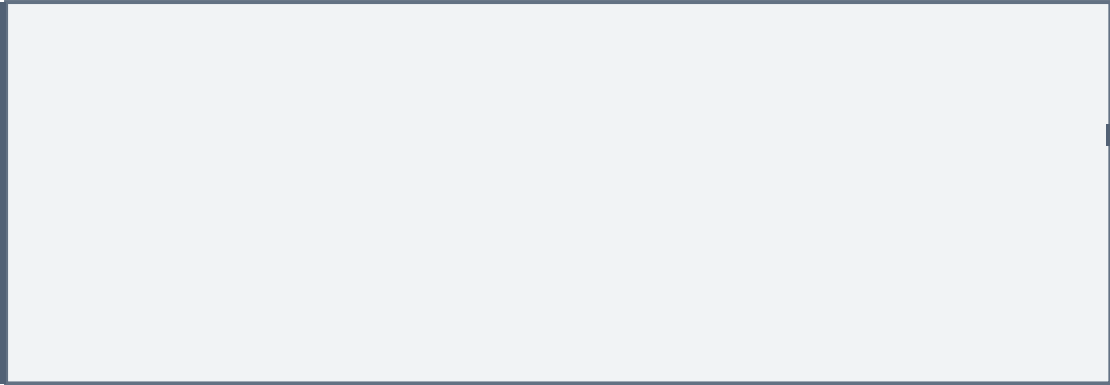




Section 4 - Sample Provision Excerpt (Public Preview)

Pets are NOT allowed inside the pool enclosure. They are permitted OUTSIDE the pool enclosure and must be leashed.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4 (p. 7): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007

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:

Pets are NOT allowed inside the pool enclosure. They are permitted OUTSIDE the pool enclosure and must be leashed.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pets are NOT allowed inside the pool enclosure. They are permitted OUTSIDE the pool enclosure and must be leashed. [MANDATORY FEDERAL CARVEOUT]: 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...