Section 5.10 - Sample Provision Excerpt (Public Preview)

Pets. With the exception of domesticated fish and birds and dogs or cats weighing less than forty (40) pounds (which may be kept inside a Unit provided that they do not become a nuisance to any other Unit Owner), no pets, animals, livestock, or poultry of any kind shall be raised, bred, or kept on the property.
Rules and Regulations.

ISSUE #1

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 5.10 (p. 16): 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:
Pets. With the exception of domesticated fish and birds and dogs or cats weighing less than forty (40) pounds (which may be kept inside a Unit provided that they do not become a nuisance to any other Unit Owner), no pets, animals, livestock, or poultry of any kind shall be raised, bred, or kept on the property. Rules and Regulations.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pets. With the exception of domesticated fish and birds and dogs or cats weighing less than forty (40) pounds (which may be kept inside a Unit provided that they do not become a nuisance to any other Unit Owner), no pets, animals, livestock, or poultry of any kind shall be raised, bred, or kept on the property. Rules and Regulations.