### Section 4.24. - Sample Provision Excerpt (Public Preview)

Livestock. No animals, livestock, poultry or insects of any kind shall be-raised, bred or kept on any Lot, except that dog (excluding Pit Bulls, Chows, Rottweiler, Dobermans or any dog with a wolf mix, which are strictly prohibited), cats, fowl, or other household pets may be kept if they are not used, maintained or bred for any commercial purposes, and...

ISSUE #1

MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

**Sec. 4.24. (p. 11): 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:

Livestock. No animals, livestock, poultry or insects of any kind shall be-raised, bred or kept on any Lot, except that dogs (excluding Pit Bulls, Chows, Rottweiler, Dobermans or any dog with a wolf mix, which are strictly prohibited), cats, fowl, or other household pets may be kept if they are not used, maintained or bred for any commercial purposes, and...

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).**