

Section 5.11. - Sample Provision Excerpt (Public Preview)

NO pets are allowed within the Swimming Pool area. Each resident. is responsible for cleaning up all trash and other debris occasioned by their use. Trash and debris must be deposited in trash receptacle or otherwise disposed of properly.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5.11. (p. 19): 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:

NO pets are allowed within the Swimming Pool area. Each resident. is responsible for cleaning up all trash and other debris occasioned by their use. Trash and debris must be deposited in trash receptacle or otherwise disposed of properly.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

NO pets are allowed within the Swimming Pool area. Each resident. is responsible for cleaning up all trash and other debris occasioned by their use. Trash and debris must be deposited in trash receptacle or otherwise disposed of properly. [MANDATORY FEDERAL CARVEOUT]: Provided, however, that these pet restrictions, breed prohibitions, weight limitations, and pet fees shall not apply to verified...