

Section THE GATES OF GLORY - Sample Provision Excerpt (Public Preview)

that not more than four (4) dogs, cats, or other similar domesticated household pets may be kept and not more than four (4) chickens may be kept, provided that they are not kept, bred, or maintained for any commercial purpose.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. THE GATES OF GLORY (p. 18): Governance clause suspends owner voting rights or imposes non-statutory disqualifications on running for the Board of Directors, which are void under Tex. Prop. Code § 209.0059 and § 209.00591.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059, § 209.00591 & § 209.00592

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:

that not more than four (4) dogs, cats, or other similar domesticated household pets may be kept and not more than four (4) chickens may be kept, provided that they are not kept, bred, or maintained for any commercial purpose.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Animals. No animals of any kind shall be raised, bred, or kept on any Lot except THE GATES OF GLORY Declaration of Covenants, Conditions, Restrictions and Easements that not more than four (4) dogs, cats, or other similar domesticated household pets may be kept and not more than four (4) chickens may be kept, provided that they are not kept, bred, or maintained for any commercial purpose.