Section 4.05. - Sample Provision Excerpt (Public Preview)

NO GLASS or breakable items in the pool area. 11. NO PETS of any nature are allowed in the pool area.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 4.05. (p. 9): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 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:

NO GLASS or breakable items in the pool area. 11. NO PETS of any nature are allowed in the pool area.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

NO GLASS or breakable items in the pool area. 11. NO PETS of any nature are allowed in the pool area. [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 Fair Housing Act (42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204; HUD Notice FHEO-2020-01).