

Section D - Sample Provision Excerpt (Public Preview)

any keeping or raising of animals, livestock, poultry, or Exotic or Dangerous Animal (as defined below) of any type except for such as dogs and cats generally recognized as common domesticated ousehold pets (collectively "Pets").

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. D (p. 5): 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:

any keeping or raising of animals, livestock, poultry, or Exotic or Dangerous Animal (as defined below) of any type except for such as dogs and cats generally recognized as common domesticated ousehold pets (collectively "Pets").

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

any keeping or raising of animals, livestock, poultry, or Exotic or Dangerous Animal (as defined below) of any type except for such as dogs and cats generally recognized as common domesticated ousehold pets (collectively "Pets"). [MANDATORY FEDERAL CARVEOUT]: Provided, however, that these pet restrictions, breed prohibitions, weight limitations, and pet fees shall not apply to verified assistance...