

Section 9.3 - Sample Provision Excerpt (Public Preview)

Prohibited Animals. No~Occupant may keep a dangerous or exotic animal, pit bull terrier, trained attack dog or any other animal deemed by the Board to be a potential threat to the well-being of people or other animals.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. 9.3 (p. 83): 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:

Prohibited Animals. No~Occupant may keep a dangerous or exotic animal, pit bull terrier, trained attack dog or any other animal deemed by the Board to be a potential threat to the wellbeing of people or other animals.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No animal or house pet may be kept, bred or maintained for a commercial purpose. MERRIMAC TOWNHOMES OWNERS ASSOCIATION, INC. RULES AND REGULATIONS- Page 8 [MANDATORY FEDERAL...