Section ANIMAI POLICY - Sample Provision Excerpt (Public Preview)

authorized to transact business, the following Animal Policy ("Policy") was duly approved by a majority vote of the mem
of the Board. This Policy shall replace and supersede any and all other policies that relate to the topics addressed herein.

ISSUE #1

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. ANIMAI POLICY (p. 3): 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:
authorized to transact business, the following Animal Policy ("Policy") was duly approved by a majority vote of the members of the Board. This Policy shall replace and supersede any and all other policies that relate to the topics addressed herein.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
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