



Section 3.1 - Sample Provision Excerpt (Public Preview)

Animals. No more than four (4) pets are allowed. No pets can be kept, raised, or bred for sale. Dogs must be confined behind a secure fence and cannot be allowed to roam freely. Dogs must be walked only on a leash and Owners must dispose of feces by that dog and proper disposal thereof in the Owner's own rubbish bin, as also required by City of Houston ordinances.

ISSUE #1



MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 3.1 (p. 6): 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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Animals. No more than four (4) pets are allowed. No pets can be kept, raised, or bred for sale. Dogs must be confined behind a secure fence and cannot be allowed to roam freely. Dogs must be walked only on a leash and Owners must dispose of feces by that dog and proper disposal thereof in the Owner's own rubbish bin, as also required by City of Houston ordinances. [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...