Section 3.20 - Sample Provision Excerpt (Public Preview)

Livestock and Animals:
No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other common household pets, one (1) horse per acre (as indicated in Section 3.21) may be kept on Lots consisting of at least two (2) acres and a maximum of two (2) chickens per acre owned will be allowed, provided that...

ISSUE #1

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 3.20 (p. 28): 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:
Livestock and Animals: No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other common household pets, one (1) horse per acre (as indicated in Section 3.21) may be kept on Lots consisting of at least two (2) acres and a maximum of two (2) chickens per acre owned will be allowed, provided that...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Provided, however, calves, chickens, sheep or goats being raised for FFA or 4-H school sponsored programs will be permitted on Lots. The maximum number of animals kept for FFA or 4-H purposes shall be two (2) livestock plus six (6) chickens. No pigs, hogs, llamas, alpacas, emus, peacocks, ostriches or reptiles will be permitted under any circumstances or school sponsored programs.