Section i - Sample Provision Excerpt (Public Preview)

No pets, particularly dogs, may be brought into Traditions by construction personnel. In the event hereof, the Associati ARB, or the Developer shall have the right to contact the authorities to impound the pet, to refuse to permit the builder or subcontractor involved to continue work on the project, or to take such other action as may be permitted by law, the Declaration of Covenants, Conditions and Restrictions or Architectural Guidelines.

ISSUE #1

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. i (p. 4): 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:

No pets, particularly dogs, may be brought into Traditions by construction personnel. In the event hereof, the Association, the ARB, or the Developer shall have the right to contact the authorities to impound the pet, to refuse to permit the builder or subcontractor involved to continue work on the project, or to take such other action as may be permitted by law, the Declaration of Covenants, Conditions and Restrictions or Architectural Guidelines.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No pets, particularly dogs, may be brought into Traditions by construction personnel. In the event hereof, the Association, the ARB, or the Developer shall have the right to contact the authorities to impound the pet, to refuse to permit the builder or subcontractor involved to continue work on the project, or to take such other action as may be permitted by law, the Declaration of Covenants, Conditions and Restrictions or Architectural Guidelines.