



Section 3.28 - Sample Provision Excerpt (Public Preview)

Animals and Pets. Domestic livestock shall be allowed on all Tracts, so long as such animals do not exceed one (1) animal for every one (1) fenced acre and do not become a nuisance or threat to other owners. The Association shall have the sole discretion in determining if any animal is a nuisance and make regulations on banning such animal.

ISSUE #1



MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 3.28 (p. 20): 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:

Animals and Pets. Domestic livestock shall be allowed on all Tracts, so long as such animals do not exceed one (1) large animal for every one (1) fenced acre and do not become a nuisance or threat to other owners. The Association shall have the sole discretion in determining if any animal is a nuisance and make regulations on banning such animal.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Animals and Pets. Domestic livestock shall be allowed on all Tracts, so long as such animals do not exceed one (1) large animal for every one (1) fenced acre and do not become a nuisance or threat to other owners. The Association shall have the sole discretion in determining if any animal is a nuisance and make regulations on banning such animal.