Section 7 - Sample Provision Excerpt (Public Preview)

No animals (or reptiles) of any kind shall be raised, bred or kept in any Unit or in Common Elements, except that dogs, cats or other household pets may be kept in Units, subject to rules and regulations adopted by the Board as may be necessary or desirable to regulate pets from time

ISSUE #1

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 7 (p. 2): 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 animals (or reptiles) of any kind shall be raised, bred or kept in any Unit or in Common Elements, except that dogs, cats or other household pets may be kept in Units, subject to rules and regulations adopted by the Board as may be necessary or desirable to regulate pets from time to time.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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 reasonable accommodation under the Fair Housing Act (42 U.S.C.