

Section 1: [Section 11.2(b)] Prior Board Approval and Aesthetic Consistency Mandate for Disability Accommodations

A Unit Owner or occupant of a Unit may make Structural or nonstructural changes to the Unit or to the Common Elements in order to accommodate the needs of handicapped individuals as required by the Federal Fair Housing Amendments Act of 1988. The plans for such changes shall first be submitted to the Executive Board for approval as to Structural integrity, safety, compliance with building and other codes, and consistency with the aesthetic integrity of the Community.

Section 2: [Section 11.3(d)] Shifting Association Attorney and Design Professional Review Fees to Applicant Unit Owner

The Association may require the Unit Owner to pay an application fee, at the time the application is made, at such later time as the Executive Board determines, or both, to reimburse the Association for its costs in considering and acting on the application including, but not limited to, recording charges and the reasonable fees of attorneys and design professionals.

MARKUP #1 ->

ISSUE #1

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Section 11.2(b) (p. 1): Conditions Fair Housing disability modifications on Executive Board approval as to 'consistency with the aesthetic integrity of the Community'.

Statutory / Legal Reference: 42 U.S.C. § 3604(f)(3)(A) (Fair Housing Act) & Conn. Gen. Stat. § 46a-64c(a)(6)(C)

Statutory Comparison: Under 42 U.S.C. § 3604(f)(3)(A), 24 C.F.R. § 100.203, and Conn. Gen. Stat. § 46a-64c(a)(6)(C), a housing provider cannot deny or condition a reasonable modification necessary to afford a disabled resident full enjoyment of the premises based on subjective 'aesthetic integrity' standards.

CURRENT WORDING IN DOCUMENT:

The plans for such changes shall first be submitted to the Executive Board for approval as to Structural integrity, safety, compliance with building and other codes, and consistency with the aesthetic integrity of the Community.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Section 11.2(b) ([Section 11.2(b)] Prior Board Approval and Aesthetic Consistency Mandate for Disability Accommodations - A Unit Owner or occupant of a Unit may make Structural or nonstructural changes to the Unit or to the Common Elements in order to accommodate the needs of handicapped individuals as required by the Federal Fair Housing Amendments Act of 1988. The plans for such changes shall first be submitted to the Executive Board for approval as to Structural integrity, safety, compliance with building and other codes, and consistency with the aesthetic integrity of the Community.) to conform with 42 U.S.C. § 3604(f)(3)(A) (Fair Housing Act) & Conn. Gen. Stat. § 46a-64c(a)(6)(C) and the manual attorney audit recommendations for Terrace Place Condominium Association, Inc..