

Section 8: [Section III.M] Mandatory Seven-County Local Agent for Non-Resident Owners

M. Non-Resident Owners: Any Owner who does not reside in Milwaukee, Ozaukee, Kenosha, Racine, Walworth, Washington, or Waukesha County must designate and register with the Association a local agent who resides in and has a physical street address (not a P.O. Box) in one of those seven counties.

MARKUP #1 ->

ISSUE #1

Section 9: [Section III.P] Blanket Pet Ban for Tenant-Occupied Units & Breed Prohibitions

P. Pets: Only resident Owners are allowed to have pets. Tenant occupied units are not allowed pets. Resident Owners are allowed a maximum of two (2) pets per unit. The following breeds, or any mixed breed containing any of the following breeds, are strictly prohibited on the property: Doberman Pinschers, Pit Bulls (including American Staffordshire Terriers, Staffordshire Bull Terriers, and American Pit Bull Terriers), Chows, Akitas, Presa Canarios, Shar-Peis, Wolf Hybrids, and Rottweilers.

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

BOARD & COUNSEL REVIEW

Sec. Section III.P (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) & Fla. Stat. § 760.27

Statutory Comparison: Under federal Fair Housing Act regulations and Florida Statute § 760.27, associations cannot apply pet restrictions, breed bans, weight limits, or pet fees to an individual with a disability who requires a service or emotional support animal.

CURRENT WORDING IN DOCUMENT:

[Section III.P] Blanket Pet Ban for Tenant-Occupied Units & Breed Prohibitions - P. Pets: Only resident Owners are allowed to have pets. Tenant occupied units are not allowed pets. Resident Owners are allowed a maximum of two (2) pets per unit. The following breeds, or any mixed breed containing any of the following breeds, are strictly prohibited on the property: Doberman Pinschers, Pit Bulls (including American Staffordshire Terriers, Staffordshire Bull Terriers, and American Pit Bull Terriers), Chows, Akitas, Presa Canarios, Shar-Peis, Wolf Hybrids, and Rottweilers.

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. § 3601 et seq.) and Fla. Stat. § 760.27.