

Big dog exceeds homeowner association's pet guidelines

Q: Our rules specifies a weight/size limits on pets. No pet over 55 pounds and a 22-inch shoulder height (Is allowed in the community.)

A new resident moved in that and has a dog, that according to their paperwork, weights 95 pounds. I believe that, possibly, the Realtor did not inform the purchaser of these weight/size restrictions.

What recourse, if any, do I have?

A: You can file a complaint with your community manager. The issue is whether the new homeowner's dog is covered under the Fair Housing Act (FHA) for emotional support animals for people with disabilities under Section 504, reasonable accommodations. Disability is defined as being physical or mental impairments.

If the dog is not covered as a support dog, it will be a more difficult issue for your board to have the dog removed from the community without taking legal action against the homeowner and possibly the real estate agent.

Q: As always, I want to thank you



**BARBARA
HOLLAND**
ASSOCIATION Q&A

for your weekly column in the Las Vegas Review-Journal and your insight into homeowners associations.

I am on the board of a 306-unit condo association in North Las Vegas. Our board is active, and we take pride in our work to better our HOA. Like others, homeowner participation is next to nothing. We're lucky if we get 10 people at a meeting. Last election, we had 30 ballots returned.

The board recently discovered that a unit has a doggy door through the exterior wall of the unit. We discovered it because the unit is for sale and had pictures on the listing.

We notified our management company and asked for a violation to be issued for breaching the HOA-owned exterior wall

and were called "creepy" by the management company owner for monitoring units that are for sale. Our backyards are "limited common elements" due in part to the drainage that runs through the backyards. Owner of management company went on to say "monitoring the limited common elements would be too time consuming and cause way more work."

I hit the roof.

I am of the belief that if we selectively choose which covenants, conditions and restrictions we enforce, we are opening the HOA to trouble. I also stated that if I was issued a violation for anything, I would fight it. I have firsthand knowledge (and written proof) that the HOA is "picking and choosing" what we're enforcing.

What insight can you offer?

A: A limited common element is a portion of an association community's common element that is designed for the exclusive use of one or more, but not all, of the units in a condominium or homeowner association. Examples of a limited common element could include

balconies, patios, parking spaces, etc. Generally speaking your CC&Rs will outline who is responsible for the maintenance and repairs of the limited common element, the unit owner or the association.

You are a member of the board of this association. The board could, if necessary, have a vote to instruct the manager to issue a violation letter assuming that the homeowner has violated one of the association's regulations.

In addition, the board could review the management company's contract to see what it states as to the inspection of the community. If necessary, the board could renegotiate that section to include the inspection of the limited common elements, which most likely would be an additional fee to the association.

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