ISSUE #1

Section 6 - Sample Provision Excerpt (Public Preview)

No children under the age of eighteen (18) are allowed inside the clubhouse without supervision of an adult.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 6 (p. 1): Occupancy or amenity restriction discriminates based on familial status / disability or imposes an overbroad age restriction under the Fair Housing Act and HOPA.

Statutory / Legal Reference: 42 U.S.C. §§ 3604(a) - (c) & 3607(b) (Fair Housing Act & Housing for Older Persons Act) & 24 C.F.R. §§ 100.300 - 100.308

Statutory Comparison: The Fair Housing Act (42 U.S.C. § 3604(b)) prohibits familial-status discrimination against families with children - including adult-only rental age floors, mandatory hourly pool exclusions targeting all minors under 18, blanket Common Area parental-escort rules for children, and caps on grandchildren - unless the community actively qualifies as 55+ Housing for Older Persons under 42 U.S.C. § 3607(b)(2) and 24 C.F.R. §§ 100.304 - 100.307 (which regulates occupancy rather than fee-simple title ownership and does not authorize intrusive medical/disability disclosures for live-in caregivers under 42 U.S.C. §§ 3604(b) & 3607(b)).

CURRENT WORDING IN DOCUMENT:

No children under the age of eighteen (18) are allowed inside the clubhouse without supervision of an adult.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

pursuant to 42 U.S.C. § 3607(b)(2)(C) and 24 C.F.R. §§ 100.304 - 100.307, including maintaining at least 80% occupancy of units by at least one person 55 years of age or older and conducting mandatory biennial age-verification surveys. Absent active HOPA qualification, no restriction shall discriminate on the basis of familial status.