ISSUE #1

Section RULES AND REGULATIONS - Sample Provision Excerpt (Public Preview)

Children under the lawful drinking age are not permitted in any lounge unless accompanied by an adult. Children under the age of 21 shall not be permitted to sit at the bar in the Restaurant.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. RULES AND REGULATIONS (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), 3604(c)) prohibits discrimination based on familial status against households with individuals under age 18 - specifically barring age-based occupancy or familial-status exclusions against households with minor children - unless the association actively qualifies and maintains biennial age-verification records as 55+ or 62+ Housing for Older Persons under 42 U.S.C. § 3607(b)(2) and 24 C.F.R. §§ 100.304 - 100.307.

CURRENT WORDING IN DOCUMENT:

Children under the lawful drinking age are not permitted in any lounge unless accompanied by an adult. Children under the age of 21 shall not be permitted to sit at the bar in the Restaurant.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Any age-based occupancy restriction shall be enforceable only while the Association actively qualifies as "Housing for Older Persons" 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.