

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

IV. GUESTS

1. Guests staying overnight (more than 24 hours) must register at the office. No exceptions will be allowed.
2. ~~Guests are allowed to stay for up to 15 consecutive days or a cumulative total of 30 days per year. Tenants will be charged for guests remaining longer than the above prescribed periods per day per person, except as elsewhere provided herein.~~
3. Tenants will be held financially responsible for damage to Pine Lakes Country Club property or the property of Pine Lakes Country Club tenants caused by their guests.

V. CHILDREN

1. Pine Lakes Country Club is manufactured home park for persons age 55 or older. We welcome visits of children and grandchildren, but require that their behavior not inconvenience other Park residents. As a courtesy, children must be accompanied by a parent or other responsible person at all times.
2. Tenants will be held financially responsible for damage to the Pine Lakes Country Club property or the property of Tenants within the Park caused by visiting children.

VI. PETS

1. Pets are never allowed in the recreation areas.
2. Park common areas and the homesites of other Tenants will not be used for walking pets.
3. No exterior dog or other pet houses are allowed on homesites.
4. The pet owner shall remove pet litter from the home site on a daily basis.
5. Visitors are not allowed to bring pets into the Park under any circumstances.
6. In the event of a justified complaint about a particular pet submitted by the Park Owner or another Tenant, the owner of the pet in question will be issued a warning which shall be considered notice of the first violation of this provision. In the event of a second justifiable complaint, the owner will be given a second notice of violation requiring Tenant to dispose of the pet within sixty (60) days. In the event that Tenant fails to remove the pet within the afore referenced sixty (60) day period, the failure to remove the pet shall be considered a violation of the Rules and Regulations and a default under the Lease Agreement. In the event any pet shall cause physical injury to anyone within Pine Lakes Country Club, the owner of that pet shall cause the pet to be removed from the Park within five (5) days after written notice from Park Owner. Failure to remove the pet will be considered a violation of the Rules and Regulations and a default under the Lease Agreement.
7. Tenants are limited to one dog or cat per home. Dogs shall not be larger than 30 pounds in weight. Park Owner reserves the right to refuse admittance to the Park to any pet depending upon the circumstances surrounding that pet's compatibility to the Park in general.

VII. VEHICLES, TRAFFIC, TRAILERS, Etc.

1. The speed limit signs in various parts of Pine Lakes Country Club are posted. Observe the speed limit signs at all times.

Sec. V (p. 8): 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(b), 3604(f), 3607(b)(2) & 24 C.F.R. §§ 100.304 - 100.307 (HOPA)

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 (e.g., 24+), 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(f)).

CURRENT WORDING IN DOCUMENT:

CHILDREN 1. Pine Lakes Country Club is manufactured home park for persons age 55 or older. We welcome visits of children and grandchildren, but require that their behavior not inconvenience other Park residents. As a courtesy, children must be accompanied by a parent or other responsible person at all times. 2. Tenants will be held financially responsible for damage to the Pine Lakes Country Club property or the property of Tenants within the Park caused by visiting children.

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.