

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Unit. In the event that a Unit Owner has failed and/or refused to provide the Association with current and working keys and/or access codes, the Association shall have the right to retain a locksmith to drill the lock and/or take any other reasonable actions necessary to exercise the Association's irrevocable right of access to the Unit. The Unit Owner of that Unit shall be solely responsible, liable, and/or obligated for reimbursing the Association any and all of the Association's expenses related to gaining access to the Unit, including without limitation, the cost of removing the current lock and installing a replacement lock.

6.9 Plumbing. The plumbing located on any portion of the Condominium Property shall not be used for any other purpose than those for which it was designed and/or constructed, and no sweepings, trash, rubbish, garbage, hazardous chemicals, rags, and/or foreign substances of any kind shall be poured, deposited, flushed, inserted, and/or put into any portion of the plumbing system. The cost of any damage resulting from, related to, and/or in any way associated with misuse of the plumbing system shall be the responsibility of the applicable Unit Owner, and that Unit Owner shall be responsible for the actions of any Residents, Tenants, Occupants, and/or Guests of that Unit Owner.

6.10 Clothes Drying. All outdoor drying of clothes by line, rack, patio wall, railing, or in any manner shall not be visible from the street and/or road and suitably screened from sight of all other Units to the extent possible

6.11 Roofs. No person, other than someone authorized by the Association in advance, shall be permitted to be on the roof of any Building within the Condominium Property.

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6.12 Solicitation. There shall be no solicitation by any person on any portion of the Condominium Property for any cause, charity, or any other purpose whatsoever, unless specifically authorized in writing in advance by the Association.

6.13 Recreation Activities. All Residents, including without limitation, children, shall play only in areas of the Condominium Property designated and/or clearly intended for play. There shall be no playing in stairways and/or any portion of the Common Elements, which would cause or result in an obstruction of the stairways and/or any portion of the Common Elements. Reasonable supervision of children by parents or guardians must be exercised at all times when children are playing on any portion of the Condominium Property. Children under the age of 14 are prohibited from being at any of the recreational facilities, including without limitation, the tennis court, the swimming pool, and/or the clubhouse, unless accompanied by a responsible adult at all times. All use of the recreational facilities shall be subject to all of the Association's adopted rules for use of the applicable recreational facility.

Sec. 6.13 (p. 16): 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:

Recreation Activities. All Residents, including without limitation, children, shall play only in areas of the Condominium Property designated and/or clearly intended for play. There shall be no playing in stairways and/or any portion of the Common Elements, which would cause or result in an obstruction of the stairways and/or any portion of the Common Elements.

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.