

ISSUE #1

MARKUP #1 ->

d) Only the approved occupants, as listed and approved by the Board of Directors on the rental application may occupy the unit. No subletting is permitted. The unit shall not be sublet, and the occupancy privilege shall not, in any way, be transferred to another occupant.

~~c) No one under 18 years old may rent the unit.~~
1) At least one occupant must be at least 55 years old to rent the unit.

12. Bikes may not be parked in the walkways or Community Room. They may be secured to a forward post in the carport from the building.

13. No personal property including, but not limited to, towels, clothing, rugs or mats, pool floats or toys, fishing, gardening or recreational equipment is to be left outside of an owner's unit or storage space. Nothing may be hung from or draped over railings or shrubs. No clotheslines are permitted on lanais or elsewhere on the cooperative property

14. Repair and/or replacement of air conditioning units are the responsibility of the unit owner. The runoff pipe must be connected to the runoff drain. The A/C pan must be maintained and ensures water drains properly. New A/C units should not be painted, but remain as the factory finish.

15. The exterior components of a unit, for which the owner is responsible, (including, but not limited to, doors, windows and screens, both on windows and on lanais) are to be maintained by the owner on a "cookie cutter" basis consistent with all other units, i.e., the extremities (architectural components) of all units shall look the same. Windows and/or entry doors may be replaced but only with those that are specified in the attachment to these rules.

16. All units must have at least one occupant age 55 or older regardless of whether the occupant is an owner, renter or guest. The Board of Directors can make exceptions to this age/occupancy restriction as long as the 50-percent rule of Article 23.13 of the Bylaws is not violated. As per Article 7.13 of the Bylaws, all changes of unit ownership and all rental agreements shall be approved by the Board of Directors.

17. All water heaters must be replaced every 10 years. The Board reserves the right to perform periodic inspections to ensure water heaters comply with the 10 years age requirement. All replacement efforts must be approved by the City of Venice. A copy of the approval must be on file with the Association's management company. Tankless water heaters are prohibited. An owner shall be deemed strictly liable for any damage arising out of a failure or refusal to comply with the 10 year water heater replacement requirement contained in this paragraph 17.

18. White lightbulbs must be used for all outside light fixtures. The Association's handyman will replace burned out lightbulbs.

19. Each owner must supply the Board or management with a key to their unit. In case of emergency, if access is needed to a unit and the key is not available, entry to the unit will be forced and any repairs due to damage will be the owner responsibility.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 11 (p. 2): 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:

At least one occupant must be at least 55 years old to rent the unit.

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.