MARKUP #1 ->

Section 1: [Use Restrictions - Charging Batteries of Electric Vehicles ("EVs"), Page 14] Blanket Prohibition on Installi

EVs in Apartment Buildings: The transformers and circuit boards serving our apartment buildings and their adjacent carports are at maximum capacity, and there is no plan to increase that capacity in the foreseeable future, therefore: 1. Installation of new 120v or 240v outlets in apartment carports will not be approved for electric vehicle charging or any other purpose. 2. Existing 120v convenience outlets in the apartment carports may not be used for EV battery charging. 3. No EV battery may be charged from any apartment or apartment carport outlet. 4. Unit owners will be fined $100.00 per incident for violation of these Rules.

Section 2: [Mutual Governance - Payment of Condo Fees and Assessments, Page 7 (vs. Bylaws Article VIII, Section 5)

Rules & Procedures, Page 7: A unit owner who fails to pay a monthly installment or other financial assessment within 15 calendar days after its due date shall, upon written notification by the LWMC, be assessed a late charge of $30.00."` / `"Bylaws Article VIII, Section 5: Any assessment not received by the fifteenth (15th) day of the month shall bear a late fee of either Fifteen Dollars ($15.00) or one-tenth (1/10th) of the delinquent assessment or installment, whichever is greater.

ISSUE #1

Section 3: [Use Restrictions - Live-In Caregivers, Page 9] Requiring a Doctor's Note Ordering "24/7 in-home care" for

Live-in Caregivers: 1. If the live-in caregiver is under age 50, the unit owner must make a written request to the Board for an age waiver, accompanied by a doctor's note ordering 24/7 in-home care. 2. A copy of the background check or licensing credentials of the caregiver must be submitted to the Board before the caregiver takes up residence. 3. The caregiver must vacate the unit if the person requiring their care is away from the unit for more than 30 days.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3 (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(f)(3)(B) & 24 C.F.R. § 100.204 (Fair Housing Act - Assistance Animals) & HUD FHEO-2020-01

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:

[Use Restrictions - Live-In Caregivers, Page 9] Requiring a Doctor's Note Ordering "24/7 in-home care" for D Live-in Caregivers: 1. If the live-in caregiver is under age 50, the unit owner must make a written request to the Board for an age waiver, accompanied by a doctor's note ordering 24/7 in-home care. 2. A copy of the background check or licensing credentials of the caregiver must be submitted to the Board before the caregiver takes up residence. 3. The caregiver must vacate the unit if the person requiring their care is away fro

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.