

Resort in maintaining required service levels by making reservations for dining prior to 5:00 p.m. and to provide notice of cancellation of reservations no later than 3:00 p.m. The Resort, at its discretion, may establish a confirmation system for dining reservations, and may establish a cancellation fee for failure to cancel dining reservations as specified above. Reservations for dining will be held for only fifteen minutes after the reserved time.

**9.2 Parties of more than eight persons** will be accommodated on an “as available” basis. A 24-hour notice is requested for parties of more than eight persons, and a set menu should be pre-arranged whenever possible. A deposit may be required and it will not be refunded when the cancellation notice is not received at least 24 hours in advance of the reserved time.

**9.3 Reservations may be required for certain Resort activities**, and shall be accepted on a first-come, first-served basis by pre-registering with the appropriate Resort office.

**9.4 Banquets and special events.** Reservations for banquets and special events must be made with the Resort Group and Conference Sales Office. A non-refundable deposit is required for banquet and event reservations. The Group and Conference Sales Office will provide specific information, including cancellation policies.

**9.5 Prior Approval for Special Membership Activities.** No member or committee shall plan or set dates for dining or meeting room activities without prior approval of the Resort Director of Food and Beverage or the Group and Conference Sales Office, or their designee.

10. CHILDREN

**10.1 Members are responsible for their children’s conduct and safety** when they are visiting and/or using the Resort’s Amenities.

**10.2 Children under 12 years of age** are not permitted to use the Resort Amenities unless accompanied and supervised by a parent or legal guardian.

**10.3 Pool Facilities.** Children under 14 years of age must be accompanied and supervised by a parent or legal guardian at all times while using or visiting the Resort pool facilities.

**10.4 Proof of Guardianship.** Only a parent or legal guardian, as designated by a notarized power of attorney, may sign releases on behalf of a minor child under the age of 18. Relatives, by virtue of blood or marriage, such as aunts, uncles, and grandparents are NOT legal guardians. When a member’s child or children visit the area without a parent, a guardian must be designated, in writing, to serve as the legal guardian. A designated guardian must present to the Resort a notarized power of attorney form, executed and signed by the child’s or children’s parent.

**10.5 Children under the lawful drinking age** are not permitted in any Resort lounge, unless supervised and accompanied by a parent in accordance with the laws of the State of New Mexico.

Approved by Angel Fire Resort and the AAFPO Board 03-2011

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

**Sec. 10.2 (p. 14): 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:**  
Children under 12 years of age are not permitted to use the Resort Amenities unless accompanied and supervised by a parent or legal guardian.

**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.

ISSUE #1