Section 3 - Sample Provision Excerpt (Public Preview)

, No children under the age of 19 are permitted to live in the community. All residents should obtain a barcode for their vehicle for access into the community. * We strongly recommend leaving a key with security in case of an emergency.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · FAIR HOUSING ACT (FHA) LIABILITY RISK

BOARD & COUNSEL REVIEW

Sec. 3 (p. 8): Fair Housing Act (42 U.S.C. § 3604(b)) Familial-Status Pool/Amenity Restriction: Rule restricts or excludes minors based on arbitrary age thresholds rather than neutral swimming-proficiency or health-code standards.

Statutory / Legal Reference: 42 U.S.C. §§ 3604(b), 3604(c), 3607(b) & 24 C.F.R. § 100.300 (Fair Housing Act - Familial Status & 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, 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.

CURRENT WORDING IN DOCUMENT:
, No children under the age of 19 are permitted to live in the community. All residents should obtain a barcode for their vehicle for access into the community. * We strongly recommend leaving a key with security in case of an emergency.

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.