Section OR YOUNGER LIVE IN MY APARTMENT - Sample Provision Excerpt (Public Preview)

OR YOUNGER LIVE IN MY APARTMENT
NO CHILDREN 10 YEARS OF AGE OR
YOUNGER LIVE IN MY APARTMENT
I WANT WINDOW GUARDS EVEN
THOUGH I HAVE NO CHILDREN
10 YEARS OF AGE OR YOUNGER

ISSUE #1

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FOR FURTHER INFORMATION CALL:
New York, N Y.

MARKUP #1 ->

MARKUP #1 · FAIR HOUSING ACT (FHA) LIABILITY RISK — BOARD & COUNSEL REVIEW

Sec. OR YOUNGER LIVE IN MY APARTMENT (p. 22): 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, 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:
OR YOUNGER LIVE IN MY APARTMENT NO CHILDREN 10 YEARS OF AGE OR YOUNGER LIVE IN MY APARTMENT I WANT WINDOW GUARDS EVEN THOUGH I HAVE NO CHILDREN 10 YEARS OF AGE OR YOUNGER SUBTENANT (PRINT) SUBTENANT(SIGNATURE) SUBTENANT (PRINT) SUBTENANT(SIGNATURE) FOR FURTHER INFORMATION CALL: New York, N.Y.

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.