

Section EXERCISE ROOM - Sample Provision Excerpt (Public Preview)

EXERCISE ROOM

Exercise room will be open every day from 6am to 10pm.

Pool passes are needed for use of room.

Sneakers andshirts are required.

4.

5.

ISSUE #1

No food is p rmitted.

No smoking s permitted.

No children nder the age of 16 are permitted to use the equipment, even with adult superv sion.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. EXERCISE ROOM (p. 4): 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:

EXERCISE ROOM Exercise room will be open every day from 6am to 10pm. Pool passes are needed for use of room. Sneakers andshirts are required. 4. 5. 6. No food is permitted. No smoking is permitted. No children under the age of 16 are permitted to use the equipment, even with adult supervision.

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.