

Section 1 - Sample Provision Excerpt (Public Preview)

and on page 14 in paragraph 3 from December, 2007 to December, 2009. The estimated date for completion of weather dependent common areas is amended on page 1 in paragraph 1 from Spring, 2008 to Spring, 2010. Page 3 of the Plan, paragraph 2, is amended to state that the sewer and water laterals are the responsibility of the Homeowners Association.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. 1 (p. 19): 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:

and on page 14 in paragraph 3 from December, 2007 to December, 2009. The estimated date for completion of weather dependent common areas is amended on page 1 in paragraph 1 from Spring, 2008 to Spring, 2010. Page 3 of the Plan, paragraph 2, is amended to state that the sewer and water laterals are the responsibility of the Homeowners Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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.