MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section BEACH - Sample Provision Excerpt (Public Preview)

Children under 14 must be accompanied by an adult.
No dogs, campfires, grills, beer kegs or motorized watercraft are allowed on the beach.
Remove all kayaks, board boats, chairs, blankets, toys ... at the end of your stay at the beach.
Residents are responsible for behavior of their guests.
Bathing suits, towels and laundry may not be dried on the balconies.

ISSUE #1

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. BEACH (p. 2): 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: Under the federal Fair Housing Act, 42 U.S.C. § 3604(b), and HUD regulations (24 C.F.R. § 100.65; *Iniestra v. Cliff Warren Investments, Inc.*, 886 F. Supp. 2d 1161), rules in non-HOPA communities that exclude children under 14, 16, or 18 from pools/spas/amenities or impose "adult-only" swim periods constitute unlawful disparate-treatment discrimination based on familial status unless narrowly...

CURRENT WORDING IN DOCUMENT:
Children under 14 must be accompanied by an adult. No dogs, campfires, grills, beer kegs or motorized watercraft are allowed on the beach. Remove all kayaks, board boats, chairs, blankets, toys ... at the end of your stay at the beach. Residents are responsible for behavior of their guests. Bathing suits, towels and laundry may not be dried on the balconies.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section BEACH to replace arbitrary age-14/16/18 exclusions with neutral, state health-code-compliant safety and swimming-proficiency standards in compliance with 42 U.S.C. § 3604(b).