ISSUE #1

Section Deliveries - Sample Provision Excerpt (Public Preview)

No children under the age of 16 shall be permitted to stay unattended in the Guest Suite. The unit owner who reserves the Guest Suite must be available to inspect the Guest Suite with a management representative within 24 hours after its use to determine if any loss or damage has occurred.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. Deliveries (p. 1): 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(a) - (c) & 3607(b) (Fair Housing Act & Housing for Older Persons Act) & 24 C.F.R. §§ 100.300 - 100.308

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 16 shall be permitted to stay unattended in the Guest Suite. The unit owner who reserves the Guest Suite must be available to inspect the Guest Suite with a management representative within 24 hours after its use to determine if any loss or damage has occurred.

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.