

Sec. 7.3 (p. 23): 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 (e.g., 24+), 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. § 3607(b)(2) and 24 C.F.R. §§ 100.304 - 100.307 (which regulates occupancy rather than fee-simple title ownership and does not authorize intrusive medical/disability disclosures for live-in caregivers under 42 U.S.C. § 3604(f)).

CURRENT WORDING IN DOCUMENT:

- (o) All children 12 years of age and under must have adult supervision at the pool and lake. (Resolution made by the Board of Directors 3/15/03)
- (p) Disposing of household garbage in receptacles designated for the lake, pool and beach are prohibited and subject to fine.

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. Absent active HOPA qualification, no restriction shall discriminate on the basis of familial status.

pool areas, beach, grassed area by pool, or Clubhouse area, unless otherwise authorized by the Board of Directors or its designee.

- (m) Disposing of debris or litter of any kind in lake, pool, or any other common area is prohibited and subject to fine.
- (n) Badges must be worn at all times at pool, lake and at all recreational facilities and functions.
- (o) All children 12 years of age and under must have adult supervision at the pool and lake. **(Resolution made by the Board of Directors 3/15/03)**
- (p) Disposing of household garbage in receptacles designated for the lake, pool and beach are prohibited and subject to fine. **(amended 4/18/2026 BOD)**

7.2 **Roads**

- (a) All Pennsylvania rules of the road will be maintained within the Community.
- (b) No vehicle shall be parked on any Road within the Community or shall be parked in any way that hinders the flow of traffic on the Roadway.
- (c) **Maximum speed limit of 15 miles per hour** has been established and will be strictly enforced. Violators will be subject to penalties.

7.3 **Restrooms (Comfort Stations)**

- (a) Common restrooms have been established for your convenience.
- (b) All restrooms, except those in the Clubhouse, will be locked at all times.
- (c) Children under 8 years of age are not permitted in restrooms except when accompanied by an adult.
- (d) Laundry facilities are available for Association members. Children under 12 years of age are not permitted in laundry rooms unless accompanied by an adult.
- (e) Cards for use with the laundry equipment can be purchased inside the laundry room. **Amended 11/20/12.**