



Section 9.8 - Sample Provision Excerpt (Public Preview)

OCCUPANT OBLIGATIONS 22. Children. Each Owner is responsible for the conduct of their children and the children who are tenants or guests in his Unit. Children under the age of ten (10) years may not be left in the Unit without an adult.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · MORTGAGE WARRANTABILITY & RESERVE RISK

BOARD & COUNSEL REVIEW

**Sec. 9.8 (p. 5): Right of First Refusal (ROFR) clause lacks mandatory exemptions for foreclosure, deeds in lieu of foreclosure, and FHA/GSE-insured mortgages.**

**Statutory / Legal Reference: Fannie Mae Selling Guide B4-2.1-03, Freddie Mac Guide Ch. 5701, & 24 C.F.R. § 203.43b (FHA / Agency Lending Guidelines)**

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:**

OCCUPANT OBLIGATIONS 22. Children. Each Owner is responsible for the conduct of their children and the children who are tenants or guests in his Unit. Children under the age of ten (10) years may not be left in the Unit without an adult.

**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.**