

Section 7 - Sample Provision Excerpt (Public Preview)

to any parson other than of the Caucasian Race.

10.

It the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violato any of tho covenants or restrictions herein, It shall be lavful for any other person or persons orning any othar lots in Crestwood to prosecuta any proceeding at Law

ISSUE #1

against the person or...

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 7 (p. 4): Recorded covenant contains an unconstitutional and unlawful restriction based on race, color, religion, or national origin.
Statutory / Legal Reference: 42 U.S.C. § 3604(c); 24 C.F.R. § 100.70 (Steering), 100.75 (Discriminatory Statements/Notices); Shelley v. Kraemer, 334 U.S. 1 (1948)
Statutory Comparison: Restrictive covenants discriminating on the basis of race, color, religion, sex, familial status, or national origin are unenforceable under the Fourteenth Amendment (Shelley v. Kraemer) and illegal to publish, steer, or maintain under the Fair Housing Act (42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.70, 100.75).

CURRENT WORDING IN DOCUMENT:
to any parson other than of the Caucasian Race. 10. It the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violato any of tho covenants or restrictions herein, It shall be lavful for any other person or persons orning any othar lots in Crestwood to prosecuta any proceeding at Law or in oquity against the person or...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend 7 in consultation with association legal counsel so the provision conforms to 42 U.S.C. § 3604(c); 24 C.F.R. § 100.70 (Steering), 100.75 (Discriminatory Statements/Notices); Shelley v. Kraemer, 334 U.S. 1 (1948).