

Section ARTICLES OF - Sample Provision Excerpt (Public Preview)

ARTICLES OF
INCORPORATION
ADMINISTRATIVE
POLICIES AND
PROCEDURES
BYLAWS
ISSUE #1
DECLARATION OF
COVENANTS,
CONDITIONS AND
RESTRICTIONS
FINANCIAL POLICIES
AND PROCEDURES
RESCINDED
DOCUMENTS
PLAT
55+ AGE RESTRICTION
FIRST AMENDMENT TO
'DECLARATION OF
COVENANTS,
CONDITIONS AND
RESTRICTIONS
Ooc-54847
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ARTICLES OF IN CORPORA...

MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. ARTICLES OF (p. 8): 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, 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:

ARTICLES OF INCORPORATION ADMINISTRATIVE POLICIES AND PROCEDURES
BYLAWS ACC GUIDELINES DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FINANCIAL POLICIES AND PROCEDURES RESCINDED DOCUMENTS
PLAT 55+ AGE RESTRICTION FIRST AMENDMENT TO 'DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS Ooc-54847 FILED In the Official th* ARTICLES OF IN
CORPORA...

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.