



HOA

A Tip to Make Your ^ Life Simpler

HOAs and Fair Housing – Don't Pick on the Kids! November 2018

The Fair Housing Acts (both state and federal) bar discrimination on the basis of “familial status.” Discriminating against residents with children violates the Fair Housing laws, except in designated senior communities. Many associations pass rules banning children from playing in courtyards, or riding bikes on the sidewalks – are adults OK to play in the courtyards and to ride bikes on sidewalks? Regulate the activity, regardless of the age of who is doing it, and you're less likely to accidentally discriminate against kids and thereby violate the Fair Housing laws.

Yes, the HOA pool must have a sign which says “Children Under the Age of 14 Shall Not Use Pool Without A Parent or Adult Guardian In Attendance.” That sign is required by a state health and safety regulation. If an association enforces the statement in that sign, it violates Fair Housing laws. (The state Department of Public Health is working on a modification to its regulations to resolve the conflict with Fair Housing laws). Safety concerns regarding children should be handled with disclosures or warnings, not restrictions, under current Fair Housing laws.