

Tenants Win \$200,000!
(Use Caution When Restricting Child Activities)
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We all seek safety, order and peace in our communities so that our residents have a desirable place to call home. When children are present, we naturally tend to set rules to accomplish this goal. However, implementing rules applicable to children's activities in your community can expose you to significant risk of a fair housing complaint along with the potential of large fines, even if your intentions were good.

Common restrictions include requiring parental supervision of children while in the common areas or while using playground equipment, limiting use of the swimming pool, limiting hours of use for playgrounds, and restricting use of bicycles, tricycles, skateboards, rollerblades, wagons, toy cars and other types of toys in the common areas.

To minimize the risk of defending a fair housing complaint of discrimination against children, the rules must not unduly restrict the children's activities. In other words, when considering the implementation of any rule restricting the activities of children, a reasonable, rational and logical connection with the rule and the well being of the children and the residents of the community must exist.

Recent Cases

In a recent California case, a condominium association paid \$130,000 to settle a familial status discrimination claim for enforcing a rule prohibiting children from playing in the site's common areas. The court also issued an injunction prohibiting any rules that unduly restrict the activities of the children.

In another California case, a landlord paid \$70,000 to resolve a claim that the community rules on children were overly restrictive. The property prohibited the use of bicycles, tricycles and other wheeled toys. There were also restrictions on children in the common areas, limits on the use of the swimming pool, closure of the playground except during school hours and limitations to playground use to only those children age 10 and under. The settlement required the playground to be open until 6 p.m. for children age 12 and under, as well as allowing the use of wheeled toys on the property.

When considering rules involving children, ask the following questions:

- Does the rule reasonably relate to the health and safety of those living in the community?
- Does the rule unduly restrict the activities of children in any way/
- Is there a less restrictive way to accomplish the goal?
- What is the intended means of enforcement?
- If the rule is not implemented, what are the known and potential risks?

Management can defend reasonable rules and restrictions. For example, rules that require adult supervision of children who use the pool are deemed reasonable because it involves the safety of those children. On the other hand, it is unlikely that one could defend the prohibited use of the pool by children because they tend to make too much noise while swimming during reasonable hours.

Use common sense when implementing rules, and always consult with your attorney before you attempt to restrict the activities of children living in your community.

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