

A banner with a colorful geometric background in shades of green, yellow, and orange. The word "Alberta" is written vertically in a white, cursive font on the left side. The main title "Alberta Human Rights Act Age Amendments" is centered in a large, bold, white sans-serif font.

Alberta Human Rights Act Age Amendments

Human Rights Age-Restriction Change and What It Means for Your Condominium or HOA

As of January 1, 2018, Bill 23, Alberta The Human Rights Amendment Act, 2017 came into force. The amendment adds “age” as a protected ground under section 4 and 5 relating to goods, services, accommodations, facilities and tenancy. Basically, this means that there will no longer be age restrictions allowed for Condominiums or HOA unless you are a “Seniors-only Housing” which means the complex only allows for 55+ (plus) to reside.

If your Condominium Corporation was age-restricted before January 1, 2018, but the age restriction is under the 55+ (i.e. 18+, 21+, 40+...) the Act has granted a 15-year transition period to allow existing Condominium owners to decide on where they want to live or change their complex to a 55+ only complex.

This means that your existing Condominium Corporation has two options:

1. Changing your bylaws to adopt an age restriction of 55 years of age or older. Note that the requirements for amending the Bylaws is not impacted by the Human Rights Legislation, and a Special Resolution will still be required which means 75% of your owners representing 7500-unit factors must be in agreement to the bylaw amendment. In the event the Bylaws are amended, those who are younger than the newly adopted age restriction shall not be considered non-complaint and may remain in occupancy; or
2. Allowing the age restriction to expire. In the event a Corporation has not amended their Bylaws, on January 1, 2033 they will no longer (legally) be subject to an age restriction and any age can reside in the Condominium.

Projects with an age restriction of 55 years or older will continue to be allowed, even if not in existence before January 1, 2018.

For Homeowners Associations:

Section 4.2(1) of the new Legislation Exempts Condominium Units, Cooperative Housing Units and Mobile Homes, but does not exempt Homeowners Associations.

Any Homeowners Association that has an age restriction of less than 55 years of age will be offside The *Human Rights Act* as of January 1, 2018.

If the age restriction is 55+, it is possible that section 4.2(2) which allows age restrictions of 55+ at premises in which every unit or site is reserved for occupancy by one individual who has reach at least 55 years of age may allow these to continue. This has not been tested in court but it would not hurt the Homeowners Association to change their Articles of Association to the 55+ if they are currently less than the allowable age.