

- 4.4.5 Residents and Guests shall deposit trash in trash receptacles.
- 4.4.6 No Residents and Guests shall use glass or glass containers in the pool and spa areas. No Residents and Guests shall use toys and inflatable devices in the spas. No person shall use inflatable tubes, mattresses and toys in the pool when it is crowded.
- 4.4.7 Professional swim lessons may be given in the pool by non-resident instructors only to Residents. Instructors charging for lessons on the Facilities must be insured and provide proof of insurance to the Association. Swim lessons may be up to one hour a day in duration per resident and only during the hours of 9 am to noon. Please note that other residents have a right to enjoy the pool even if someone is having a lesson.
- 4.5 No Residents and Guests shall use clubhouse exercise equipment during Board meetings.

MARKUP #1 ->

ISSUE #1

- 4.6 Smoking and pets are prohibited at all times within most of the Facilities, including Pool, satellite spa, tennis courts, and clubhouse.

5 Clubhouse Rental

The HOA may permit Residents to rent the clubhouse for exclusive functions on a first-come, first-served basis subject to a formal rental agreement and fees paid two weeks in advance of each reservation. Only the first floor of the clubhouse, not the pool or the clubhouse second floor may be rented. The renting Resident and their Guests will not enter the pool area nor access the second floor of the clubhouse during such a function.

6 Approval of modification, repair or alterations to homeowner property

- 6.1 Homeowners shall apply for and receive approval from the ACC or the Board before any alterations or improvement is made to the exterior of a residence.
- 6.2 Homeowners shall apply for and receive approval of the color formulations from the ACC or Board before exterior painting. The approved painting specifications are available on the HOA website.
- 6.3 Homeowners shall apply for and receive approval from the ACC or Board before commencing landscape modifications including addition of permanent structures, planting of large trees or modifications to the owner’s property.
- 6.4 Homeowners shall apply for and receive approval from the ACC or Board before installing a path or stepping stone in the common area external to the homeowner’s fenced area.

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

BOARD & COUNSEL REVIEW

Sec. 4.6 (p. 4): Pet restriction clause lacks mandatory statutory carveout for assistance and emotional support animals.

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: Under federal Fair Housing Act regulations (42 U.S.C. § 3604(f)(3)(B), 24 C.F.R. § 100.204, and HUD Notice FHEO-2020-01), associations cannot apply pet restrictions, breed bans, weight limits, or pet fees/deposits to an individual with a disability who requires a service animal or emotional support animal.

CURRENT WORDING IN DOCUMENT:

Smoking and pets are prohibited at all times within most of the Facilities, including Pool, satellite spa, tennis courts, and clubhouse. Clubhouse Rental The HOA may permit Residents to rent the clubhouse for exclusive functions on a firstcome, first-served basis subject to a formal rental agreement and fees paid two weeks in advance of each reservation.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided, however, that these pet restrictions, breed prohibitions, weight limitations, and pet fees shall not apply to verified assistance animals, including service animals and emotional support animals required as a reasonable accommodation under the Fair Housing Act (42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204; HUD Notice FHEO-2020-01).