

Rules and Regulations

POOL RULES

1. No pushing or dunking.
2. No spitting water.
3. No running.
4. NO GLASS CONTAINERS.
5. No diving in shallow areas.
6. No hanging on lifelines or diving board.
7. No conduct detrimental to safety.
8. Obey the lifeguards at all times.
9. No unnecessary conversation with the lifeguards.

REGULATIONS

1. The lifeguards have complete control over all activities in the pool area, and their instructions must be obeyed.
2. Unsafe behavior could result in the offender being asked to leave the pool area for the rest of the day. Pool privileges may be suspended for up to 48 hours by the lifeguards and for longer periods by the pool manager or Board of Directors, for infractions of pool rules and/or regulations.
3. Food is not permitted in or near the swimming pools. Trash must be disposed of in waste receptacles.
4. Children not toilet trained must wear a swim diaper while in the pools. No plastic diapers are permitted in the pools.
5. Small floating toys, rafts, rings, tubes or boards are allowed in the shallow end of the pool if not detrimental to safety and may be prohibited at the discretion of the lifeguards. ANY INFANT, TODDLER OR CHILD UNABLE TO SWIM MUST BE IN DIRECT CONTACT WITH AN ADULT IN THE WATER WHEN USING FLOTATION DEVICES. Large rafts, boats, etc. are not allowed in the pool at any time.
6. Hard balls, such as tennis balls, may not be brought into the pool area.
7. Children under 12 must be accompanied by an adult or responsible baby-sitter 16 years or older. If the lifeguard determines the baby-sitter is not supervising the child satisfactorily, both will be asked to leave.
8. Animals are not allowed in the pool area or to be left tethered unattended at any time.
9. During regular pool hours, the pool will be cleared every hour for a 10-minute period. Adults 18 and over ONLY will be permitted to swim. An adult may take one non-swimming child 3 years or under in the water, but must remain in DIRECT CONTACT with the child. No children are allowed in the lap lanes during adult swim.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9 (p. 3): 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 (e.g., 24+), 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. § 3607(b)(2) and 24 C.F.R. §§ 100.304 - 100.307 (which regulates occupancy rather than fee-simple title ownership and does not authorize intrusive medical/disability disclosures for live-in caregivers under 42 U.S.C. § 3604(f)).

CURRENT WORDING IN DOCUMENT:

DIRECT CONTACT with the child. No children are allowed in the lap lanes during adult swim.

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. §§ 100.304 - 100.307, including maintaining at least 80% occupancy of units by at least one person 55 years of age or older and conducting mandatory biennial age-verification surveys. Absent active HOPA qualification, no restriction shall discriminate on the basis of familial status.

ISSUE #1