

BONITA LAKES PROPERTY OWNERS ASSOCIATION, INC.

MARKUP #1 ->

RULES & REGULATIONS (Effective 7-21-2004 and includes revisions 2-28-2006)

This document is valid and complete as of 10-24-2006.

For the purposes of this document, "AOI" shall mean Articles of Incorporation"
For the purposes of this document, "DOR" shall mean Declaration of Restrictions and Covenants.

The Amended and Restated Articles of Incorporation of Bonita Lakes Property Owners Association, Inc., (a corporation not for profit) is the source of the authority for the adoption of community rules and regulations by the Board. Section 7.11 OR: 18493:3046

The Amended and Restated Declaration of Restrictions and Covenants for Bonita Lakes is the source of the authority for the Board to act on behalf of the Corporation as to the adoption of community rules and standards except where a vote of the membership is specifically required. Section 26.3 OR: 18493:3033.

ISSUE #1

General Rule 1: CHILDREN: Parents must supervise children while they are playing within any common area, using the pool, lakes or any recreational facilities. Children must not play in the public streets within Bonita Lakes. Children must not play so as to trespass on the property of others. ~~Children must be required to respect authority of the Security Officers, Management Team and Association Employees and abide by any instructions given whether permissive or restrictive without argument, backtalk or issuance of obscenity or gesture. Improper behavior by children on the common areas, pool, lakes, clubhouse or gym may result in the individual being banned from that portion of the premises, or the premises will be temporarily closed in order to enforce the standard of conduct in the area. Children must not permit friends from outside the community to enter the community and/or use the recreational facilities unless at least one adult/homeowner representative is present to take responsibility for monitoring such use. Children under 16 years of age must be accompanied by an adult/homeowners representative when using pool, lake, tennis courts, clubhouse or any common area facility. The Association shall not be held responsible for any accident, injury or mishap due to violation of this rule. Parent/homeowner shall be held responsible for any damages or the consequences of any accident as a result of violation of this rule.~~ **See also DOR Section 14.30.**

General Rule 2: TRASH: Trash collection is provided by Miami-Dade County Department of Solid Waste and our scheduled days are Tuesday and Friday. Homeowners must use covered refuse containers of plastic material, no metal "ash cans" are permitted because of the potential of damage to vehicles should they blow about due to wind. Thick plastic garbage bags may be used, but must be securely tied. Containers may be set out the night before, after sundown and in no event before 8 p.m. Plastic bags may not be set out until the morning of collection to prevent animals from breaking into the bags and littering the contents about overnight. Collections begin at 7.a.m. Homeowners are responsible for the consequences of improper trash container posting, including cleanup. **SEE ALSO DOR SECTION 14.33**

General Rule 3 (a-h): PETS: Keeping a pet is not a right, it is a privilege and a choice. Homeowners rights to the peaceful enjoyment of their property take precedence. Pets including only domestic cats and dogs (except Pit Bull Terrier or any dog which will conform substantially to the criteria of that breed is not permitted anywhere in Dade County IAW Dade County Ordinance 89-22, Chapter 5 effective 4-14-89) may be kept wholly within the confines of a homeowners lot and home subject to restrictions as follow and such that the animal does not constitute a nuisance of any kind to any other homeowner: (a) No animal (including cats) shall be permitted to run free upon the common property at any time for any reason. (b) No animal will be tied up outside, or left outside unaccompanied/unattended in any fenced yard. (c) Owners will not permit any animal to make

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

BOARD & COUNSEL REVIEW

Sec. N/A (p. 1): Fair Housing Act (42 U.S.C. § 3604(b)) Familial-Status Pool/Amenity Restriction: Rule restricts or excludes minors based on arbitrary age thresholds rather than neutral swimming-proficiency or health-code standards.
Statutory / Legal Reference: 42 U.S.C. § 3604(b) (Fair Housing Act - Familial Status Discrimination); 24 C.F.R. § 100.65; Fla. Stat. Ch. 720 (Homeowners' Association Act)
Statutory Comparison: Under the federal Fair Housing Act, 42 U.S.C. § 3604(b), and HUD regulations (24 C.F.R. § 100.65; *Iniestra v. Cliff Warren Investments, Inc.*, 886 F. Supp. 2d 1161), rules in non-HOPA communities that exclude children under 14, 16, or 18 from pools/spas/amenities or impose "adult-only" swim periods constitute unlawful disparate-treatment discrimination based on familial status unless narrowly tailored to state health-code age limits.

CURRENT WORDING IN DOCUMENT:

General Rule 1: CHILDREN: Parents must supervise children while they are playing within any common area, using the pool, lakes or any recreational facilities. Children must not play in the public streets within Bonita Lakes.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section this provision to replace arbitrary age-14/16/18 exclusions with neutral, state health-code-compliant safety and swimming-proficiency standards in compliance with 42 U.S.C. § 3604(b).