

I. USE OF TENNIS COURTS

- Hours are daily 8:30 am - 11:00 pm. (Lights go out at 11:00 pm)
- No pets of any kind are allowed on the tennis courts.
- Children under the age of twelve must be accompanied by an adult.
- Proper tennis attire must be worn, including shirts and rubber-soled tennis shoes without cleats and bars.
- Each court must have one Dolphin Cay resident as a participant, with the exception of registered overnight Visitors or immediate family of the resident. No tennis instructions are allowed unless approved by the DCPOA.
- Courts must not be reserved more than two days in advance. The sign-up can only be for one court and may be done by a resident or the resident's registered overnight guest. Players are prohibited from filling in consecutive time slots.
- Sign-up is *not* on a first-come, first-served basis. Therefore, if more than three people arrive to sign up for the same time slot, a roll of the die (found inside the tennis sign-up board) should be used to decide which three can sign.
- Play is limited to two hours for either single or double play unless no one is waiting for the court.
- Reservations will be void after fifteen minutes. Please cancel your court if you are unable to play.
- Good tennis etiquette requires that players brush the courts and the lines after each use to keep the courts in good condition.
- The Tennis Committee may post additional modified and temporary rules to accommodate tennis matches or other sanctioned activity.
- Night players must turn off lights.
- Do not park in the car-wash spaces across from the courts.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. I (p. 17): 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(b), 3604(f), 3607(b)(2) & 24 C.F.R. §§ 100.304 - 100.307 (HOPA)

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:

Children under the age of twelve must be accompanied by an adult. * Proper tennis attire must be worn, including shirts and rubber-soled tennis shoes without cleats and bars. * Each court must have one Dolphin Cay resident as a participant, with the exception of registered overnight Visitors or immediate family of the resident.

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.