

THE FOUNDATION OF PELICAN MARSH RULES, REGULATIONS and POLICIES

MARKUP #1 ->

D. Rules Applicable to the Use and Enjoyment of the Fitness Center

1. All Members must check-in using their Pelican Marsh ID key fob prior to use of the Fitness Center. All guests must pay the guest fee prior to use of the gym.
 - “Local Guests” \$15 per day January thru April – \$10 per day May thru December.
 - “Out of Town Guest” no guest fee.
2. Wipe down equipment after each use.
3. Observe a 30-minute limit on all equipment when others are waiting.
4. Refrain from cell phone use within the fitness center.
5. Return equipment to designated areas after use.
6. Do not drop weights. If you can’t set the weights down quietly, don’t pick them up.
7. Children under the age of 12 are not permitted.
8. Children ages 12 to 15 years of age must be accompanied by and be under the direct supervision of a Member or an adult Guest 18 or over.
9. For safety purposes proper attire and footwear must be worn. Opened toed shoes or flip-flops are not permitted.
10. Only certified personal trainers who are approved by the Director of Fitness may professionally train and/or provide services to Members or Guests.
11. Staff reserves the right to ask children, Members or Guests being disruptive to leave the Facility.
12. In the event there any questions regarding any of the Rules regarding the use of the Fitness Center please call 239-594-7800 Ext. 202.

ISSUE #1

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6 (p. 8): 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:

Do not drop weights. If you can't set the weights down quietly, don't pick them up. 7. Children under the age of 12 are not permitted.

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.