

MARKUP #1 ->

includes no use of equipment for lawn or structure repair, construction, or maintenance before 8am or after 10pm, seven days a week.

- 4. We ask neighbors to store Trash/Recycle and yard waste containers at a location where they are not clearly visible from any public street except when placed at curb for pick-up.
- 5. A member must be present with guests at all times in the park, pool, and racquetball areas unless otherwise approved by the Director Recreational Facilities. Member’s will be responsible for his/her guests' actions at all times. People staying for an extended visit in a member’s home may use the facilities unoccupied by residents as well as children of HOA members. (moved section here from Park rules to apply to all recreational areas)

PARK

- 1. Park Hours: 6am - 10pm. Use of the Park and Facilities outside the posted hours of operation may constitute trespassing enforceable by GPD.
- 2. Smoking is not permitted.
- 3. Pets are not permitted in the playground areas, including not walking through.
- 4. Abusive or unacceptable language will not be tolerated. GPD should be contacted if there are any threatening arguments or inappropriate physical contact.
- 5. Residents and guests should take responsibility to care for the grounds, courts, pool, and playground equipment at all times.
- 6. All trash should be placed in the provided containers.
- 7. A parked car at the park should be locked. Rock Creek is not responsible for any stolen contents or damage to the vehicle. The parking spaces at the Park are to be only for residents and their guests while using the Park. There is to be no overnight parking. If this occurs, GPD may be called and the vehicle may be towed.
- 8. Rock Creek is not responsible for stolen or damaged bicycles or other personal property in the park.
- 9. No weapons are permitted in Park. Please call GPD if observed.

ISSUE #1

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

BOARD & COUNSEL REVIEW

Sec. 2 (p. 2): 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; HUD Notice 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 is not permitted. 3. Pets are not permitted in the playground areas, including not walking through.

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).