

Rules and Regulations for The Lakes Common Areas  
(Revised April 2002)

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

ISSUE #1

The common areas are to be used in a manner to ensure equal rights, enjoyment, and safety of all members of The Lakes community. Each homeowner has made a substantial monetary investment, and we all share a common interest in seeing this investment prosper.

In order to have a congenial, functioning, attractive community, some rules and regulations are necessary. As homeowners and residents, each of us must follow and abide by these rules. As parents, each of us must ensure that our children, of all ages, understand and follow these rules.

Homeowners are financially responsible for any and all damages or expenses incurred by their guest(s), children, or pets when using the common elements.

The common areas belong to each of us. Therefore, it is the responsibility of each homeowner to help enforce all of the rules.

Use of these facilities at anytime is at your own risk.

POOLS AND HOT TUBS

The pools and hot tubs are for the private use of the residents and their guest(s) only. Anyone using them must carry The Lakes I.D. Tag or they will be asked to leave.

Pools and hot tubs may be used between the hours of 7:00 A.M. and 10:00 P.M.

Showering is required before entering the pools. Swimming attire must be worn.

Children under 12 years of age ARE NOT permitted to use the pool facilities unless accompanied by an adult. Unsupervised children will be asked to leave. INFANTS are PROHIBITED in the hot tubs. The hot tubs ARE NOT a wading pool or playground for children. Pregnant women or people with health conditions are advised to consult a physician prior to hot tub usage.

At the CLUBHOUSE POOL, Tuesday and Thursday evenings between the hours of 7:00 P.M. and 10:00 P.M. are designated as "QUIET TIME/LAP SWIM HOURS". This time is available to all residents who wish uninterrupted lap swim time. During these hours, other residents are requested to please use the Recreation Center pool.

Anyone with a contagious skin disease must not use the pool or hot tub.

NO rafts or inner tubes are allowed in the pools. Under parental supervision, children's swim aids are allowable (i.e. water wings, flotation rings).

NO bicycles, skateboards, roller skates, street hockey equipment, etc. are allowed in the pool areas or on the deck areas or ramps at either the recreation center or clubhouse.

NO running or horseplay in pool or deck areas allowed.

Sec. N/A (p. 1): 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:

that our children, of all ages, understand and follow these rules. Homeowners are financially responsible for any and all damages or expenses incurred by their guest(s), children, or pets when using the common elements.

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.