

MARKUP #1 ->

- (e) No pets allowed on the beach.
- (f) To keep the beaches safe, breakable objects are prohibited. Littering is not allowed. All trash must be placed in the containers provided.
- (g) Lifeguards will be present at the beach during posted hours. WHEN THE LIFEGUARDS ARE NOT PRESENT, IT IS SWIM AT YOUR OWN RISK FROM 11:00 A.M. UNTIL SUNSET.
- (h) The lifeguards maintain full authority over the beach area and their judgment must be respected. Report any unsafe conditions to the lifeguards.
- (i) Children under the age of twelve (12) years must be supervised by a responsible adult even when lifeguards are on duty.
- (j) ONLY lifeguards may occupy the lifeguard chair or tower.

4. The Swimming Pool Area

- (a) Specific rules are posted at the pool, and these rules must be strictly followed.
- (b) The pool will be open during posted hours, but may be closed at the discretion of the lifeguards (e.g., inclement weather).
- (c) The lifeguards stationed at the pools shall maintain full authority over the pool area. They are authorized to restrict people to the use of certain pools if deemed necessary, and to remove anyone who, is not following the pool rules or creates an unsafe condition. If the lifeguard feels that further action should be taken against a member or guest, they will inform the General Manager. The General Manager will submit recommendations to the RTA Board such as suspension of pool privileges and/or other penalties.
- (d) No children under the age of twelve (12) years will be left unattended. They must be supervised by a responsible adult.
- (e) For admittance to the pools, members must be “in good standing” with the Lake Association.
- (f) Members may bring guests to the pool, but guests are not allowed at the pool without the member. There will be a fee charged for each guest.
- (g) To avoid overcrowding, the members are urged to limit the number of guests brought to the pool, particularly on weekends and holidays. For a party of ten or more, permission must be obtained from the Pool Manager before those guests are permitted to accompany a member.
- (h) The pool may not be reserved for private use during regular hours.
- (i) A non-refundable deposit and rental agreement is required to rent the pool. The deposit will be refunded if the event is canceled at least seven days prior to the date of the event or due to inclement weather.
- (j) Food, beverages, glass containers, street shoes, smoking, pets, etc. are prohibited in the pool area.
- (k) Appropriate swimwear shall be worn in the pool. (No cut-offs).
- (l) Any child who is not toilet trained must wear a special swim diaper. NO DISPOSABLE DIAPERS ARE ALLOWED.
- (m) All State Health Regulations will be followed and by reference are hereby made a part of these regulations.

ISSUE #1

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. m (p. 33): 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(f)(3)(B) & 24 C.F.R. § 100.204 (Fair Housing Act - Assistance Animals) & HUD FHEO-2020-01

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:

- (d) No children under the age of twelve (12) years will be left unattended. They must be supervised by a responsible adult.
- (e) For admittance to the pools, members must be "in good standing" with the Lake Association.

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.