

M: DOCKING, PARKING AND STORAGE

MARKUP #1 ->

1. POA docks at the boat launch, access sites, common areas near swim beaches or parks, and other designated common areas are for loading and unloading only. Boats shall not be anchored, moored, or tied at these docks.
2. Fishing is prohibited at the gas pump side of the Marina dock. This also includes the area from the gas pump around to the swimming area.
3. Boats may be left beached and/or tied overnight at the designated areas only after reserving the site and paying the appropriate fees at the HLPOA office.
4. The Association is not liable for theft or damage to boats or for property stored in boats.
5. No docks may utilize steel drums in their construction. Steel drum docks constructed prior to January 1, 1978, must be maintained in a satisfactory condition.
6. Vehicles may not be parked on common areas for more than 48 hours without written approval of the POA Property Manager.

N: MISCELLANEOUS

1. All unattended boats and floating water items, such as mat islands, trampolines, towable toys, etc. when not in use shall be secured immediately adjacent to owner's docks and should not extend more than 24 feet from the owner's shoreline. All such devices shall be removed from the lake at dusk and remain removed until dawn.
2. Deposit or discharge of trash, hazardous materials, debris, chemicals, and garbage in the waters of Heritage Lake is prohibited. Littering from a watercraft or from the shore will be subject to loss of Lake privileges.
3. Aircraft will not be permitted to land on the Lake except in an emergency.
4. Specific water events or activities must be authorized through the Lake Committee by the Board. Notice of such approval will be a posted in advance.
5. Animal hunting or trapping for sport will not be allowed on Heritage Lake waters, shoreline, or common properties. Discharge of firearms for target practice or any other reason shall not be allowed on Heritage Lake waters, shoreline, or common properties.
6. Winter use of Lake: All cars, trucks, ATVs, RVs, or similar vehicles are prohibited from driving on the ice on the Lake. Motorized vehicles are limited to snowmobiles with Heritage Lake stickers and lot number displayed. Proof of ownership is required (no bill of sales accepted). Snowmobiles may not operate on the Lake between sunset and sunrise or within 100 feet of a person, except at a speed of five (5) mph or less.
7. No pets are allowed on the Marina dock, in the Marina facility or in POA restroom facilities, except for guide dogs or service dogs in use.

ISSUE #1

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

BOARD & COUNSEL REVIEW

Sec. 7 (p. 22): 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 (Fair Housing Act - Assistance Animals) & HUD 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:

No pets are allowed on the Marina dock, in the Marina facility or in POA restroom facilities, except for guide dogs or service dogs in use. 21 O: WATERCRAFT ACCIDENT PROCEDURES LEVEL 1 SAFETY RULE VIOLATIONS OF ANY LEVEL 1 SAFETY RULE WILL RESULT IN A \$250 FINE AND A THIRTY (30) DAY SUSPENSION OF LAKE PRIVILEGES.

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).