

- Kitchen use is limited to a maximum of 30 minutes.
 - Only simple meals, such as sandwiches, hot dogs, hamburgers, or warm-ups may be prepared.
 - Upon completion of use, the kitchen shall be cleaned by the user and then inspected by an employee.
- q. The activities hall kitchen may be used only by Committees for association functions and members reserving the activities room.
- r. Basketballs, volleyballs, and pickleballs only are permitted in the activities room, and the game of kickball is prohibited. Clean athletic shoes or other clean, soft-soled shoes are permitted for basketball or volleyball, but street shoes are prohibited. Sitting on the activities room counters is also prohibited.
- s. Clubhouse hours are determined by the Board of Directors.

MARKUP #1 ->

Rule 9. POOL USE.

- a. No person(s) under 14 years of age shall be permitted in pool or pool area except under the direct supervision of a responsible person 18 years of age or older.
- b. You must shower before entering pool.
- c. Swimming suits only - no cutoffs.
- d. Infants in diapers must wear suitable protective pants.
- e. No food or beverages permitted in pool area.
- f. Safety flotation devices only – only toys or equipment provided by PIHA may be used.
- g. No running or rowdy behavior allowed.
- h. Pool and equipment are used at your own risk.
- i. Hours are determined by the board.

Rule 10. SPA USE.

- a. Elderly persons, pregnant women, infants, those with health conditions requiring medical care should consult a physician before entering spa/hot tub.
- b. Unsupervised use by children not permitted.
- c. Do not use spa/hot tub under the influence of alcohol, tranquilizers or other drugs that cause drowsiness or lower blood pressure.
- d. Long exposure may result in nausea, dizziness or fainting.
- e. Observe reasonable time limits of 10-15 minutes; leave water to cool down before returning for another brief stay.
- f. Hours are determined by the board.
- g. Spa and equipment are used at your own risk.
- h. No children under 5 years of age in the spa
- i. Children 5-13 years of age must be accompanied by a responsible adult.

ISSUE #1

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 10. (p. 10): 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:

b. Unsupervised use by children not permitted. c. Do not use spa/hot tub under the influence of alcohol, tranquilizers or other drugs that cause drowsiness or lower blood pressure. d. Long exposure may result in nausea, dizziness or fainting.

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.