

MARKUP #1 ->

- e) Children under 12 years of age cannot enter beach area without a member 18 years of age or older who will be responsible for the safety and supervision of those children. Children under 12 years of age must leave the beach area when their adult guardian leaves. Children 12 years of age and older who demonstrate an inability to swim competently, endangering the safety or well-being of others, or engaging in improper conduct will, at the discretion of the lifeguard, be asked to leave the beach area.
- f) Swimming or playing from the water flow of the dam is prohibited.
- g) Rafts and floats are allowed in the swimming areas with lifeguard approval, so long as they are not disruptive to others.
- h) Fishing is prohibited in the beach and dam areas at all times.
- i) All watercraft is prohibited from encroaching into the posted beach area.
- j) Beach visitors are responsible for trash removal from the site. There is no trash pickup at the beach, the member must take it with them.
- k) Smoking at the beach is prohibited.
- l) Parking facilities are for resident members and their guests only. No overnight parking is permitted.
- m) Members wishing to hold a special function must give 48-hour pre-notification to a Board Beach Committee Chair.
- n) Members holding special functions must remove and dispose of all refuse at end of event.

ISSUE #1

- o) Pets are not allowed on the beach or in the beach swimming area at any time.
 - p) Lifeguards and resident members have authority to police beach, swimming, and parking areas.
 - q) Lifeguards and/or LLIC Board members have the authority to remove anyone from the beach for infraction of rules.
 - r) Non-resident relatives of Members can participate in the swim lessons for an additional established fee if space is available.
- 5) ENVIRONMENTAL - All activities pertaining to environmental concerns fall within the control of the Environmental Committee of the LLIC Board of Directors. Specific regulations include the following:
- a) Dumping on any LLIC property is prohibited and violators are subject to prosecution.
 - b) DO NOT FEED THE GEESE as per New Jersey State law (Department of Environmental Protection).
 - c) Do not blow or rake leaves and grass clippings into any portion of the lake as per Byram Township ordinance.
 - d) Do not use phosphorus type detergents and lawn fertilizers as they accelerate weed growth in the lake. Information at: <https://nj.gov/dep/cleanwater/nj/>
 - e) The township of Byram has enacted septic management rules for Lake Lackawanna households. Information at: <http://ecode360.com/6656513?highlight=septic>

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

BOARD & COUNSEL REVIEW

Sec. i (p. 3): 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:

o) Pets are not allowed on the beach or in the beach swimming area at any time. p) Lifeguards and resident members have authority to police beach, swimming, and parking areas. q) Lifeguards and/or LLIC Board members have the authority to remove anyone from the beach for infraction of rules.

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).