

outsiders at an adjusted rate.

- C. Vacant slips in marina areas shall be assigned to members of the club on the basis of seniority. Seniority shall be established as follows:
1. Order of date of written application for slip.

2. If two or more applications are received on the same day, date of admission of membership shall determine seniority status.
- D. Assignments of slips in the inner lagoon shall be permanent provided:
1. The annual fee shall be paid on time.

2. Slip sub-leasing to others is prohibited.
- E. Members may exchange permanently assigned slips provided the following occurs:
1. If vacancy occurs in the desired slip.

2. If two or more members claim such vacant slip, the rule of seniority as established above shall prevail.
- F. Slips must be used by members in good standing only. Use by guest members shall not constitute use by members.
- G. The club is not responsible for damage to or loss of boat, motor, or accessories when berthed in any of the marina areas. As a condition of the slip rental agreement, the boat owner must provide the Chairperson of the Marine Committee with a Certificate of Insurance declaring liability coverage limits in an amount equal to or greater than that indicated on the Boat Slip Rental Application. The term of such insurance must encompass the full period of the slip rental.

SECTION 8 - COMMUNITY RULES

- A. Speed limit on all streets within Ocean Beach and Yacht Club is 10 Miles per hour. This applies to all motorized vehicles including, but not limited to, cars, trucks, motorcycles, motorized bicycles, electric scooters, etc.
- B. There is no parking on any streets except when loading and unloading vehicles.
- C. Extra parking is available at designated areas only for vehicles with permanently affixed Ocean Beach and Yacht Club automobile hang tags.
- D. Excessive noise is strictly prohibited from 11:00 pm through 8:00 am.
- E. Because broken glass presents such a terrible hazard in our community, no glass containers of any kind are permitted outside the cottage property at any time.
- F. No pets shall be permitted by guest members (renters). Owners' pets must be on a leash. No pets are permitted on private property owned by the Ocean Beach and Yacht Club (i.e., Ocean Beach,

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. D (p. 9): 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:

Excessive noise is strictly prohibited from 11:00 pm through 8:00 am. E. Because broken glass presents such a terrible hazard in our community, no glass containers of any kind are permitted outside the cottage property at any time. F. No pets shall be permitted by guest members (renters). Owners' pets must be on a leash. No pets are permitted on private property owned by the Ocean Beach and Yacht Club (i.e., Ocean Beach,

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).

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