

MARKUP #1 ->

- i. Any fish caught in the pond must be released back into the pond.
- ii. Owners/Residents fishing in the pond will not discard fish line or other fish equipment or trash into the pond.
- iii. **Fishing is not allowed in the Small Pond.**

6. Tennis/Pickleball/Basketball Courts:

- A. Reservations are not required to use the tennis, pickleball or basketball court. Play is on a first-come, first-serve basis between the hours of 8 am and sunset.
- B. The court shall be relinquished to any waiting players after the players occupying the court have had the opportunity to play for two hours.
- C. All players shall wear non-marking court shoes.
- D. The court access gate should be kept closed at all times.
- E. Smoking, breakable containers, and food are prohibited inside the fenced area. Players should ~~police the area and~~ remove any trash when they finish.
- F. A responsible adult must accompany children under twelve (12) years of age in and around the court areas.

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- G. No pets shall be permitted within the fenced area.
- H. The net must not be removed for any reason. The net can be lowered for Pickleball but must be reset to its original height.

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

BOARD & COUNSEL REVIEW

Sec. C (p. 51): 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:

G. No pets shall be permitted within the fenced area. H. The net must not be removed for any reason. The net can be lowered for Pickleball but must be reset to its original height.

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).