

ISSUE #1

RULES AND REGULATIONS

POOL RULES

1. The pool will be open from dawn to dusk during pool season.
2. No pets are allowed in the pool area at any time.
3. ~~No playing of loud of music. No offensive or vulgar music is permitted.~~
4. No abusive language, intoxication, boisterous conduct or vandalism is permitted.
5. No pushing, shoving, or running in the pool area.
6. No diving into the pool.
7. No glass containers or bottles are permitted in the pool area.
8. Pool furniture is not permitted to be removed from the pool deck area or placed in the pool.
9. The pool and pool furniture are available on a first come first serve basis and cannot be reserved.
10. Use of floatation devices in the pool must not interfere with the use of the pool by other members or guests.
11. No food or drink is allowed in the pool.
12. Tobacco products, vaping products, or any form of smoking are not permitted in the pool area.
13. No skates, skateboards, bicycles, scooters, or similar equipment are allowed in the pool area.
14. Incontinent persons are not allowed in the pool. In the event of a violation and the pool is soiled, an assessment will be issued to the Owner for the charges incurred to clean the pool.
15. All trash shall be placed in receptacles or taken home with you, all umbrellas shall be closed after use, and all personal belonging shall be removed from the pool area when Owners and their guests leave the pool area.
16. Proper swimming attire must be worn in the pool at all times.
17. Guests must be accompanied by a resident when using the pool.
18. Pool gates must remain closed at all times except when entering and existing the pool area. Pool gates may not be propped open.
19. Swimsuits are not permitted in the main area of the clubhouse.

Facilities are provided through the ramp door on the side of the clubhouse. Be sure to securely close the exterior clubhouse door.

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. RULES AND REGULATIONS (p. 2): 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:

RULES AND REGULATIONS POOL RULES 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. The pool will be open from dawn to dusk during pool season. No pets are allowed in the pool area at any time.

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).