

SWIMMING POOL RULES AND REGULATIONS

(Subject to change yearly)

POOL HOURS: SUNDAY – SATURDAY – 11:00 AM – 9:00 PM

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9 (p. 16): 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:

Children under 14 are not permitted in the pool area unless accompanied by an adult (18 or older). Children in diapers will not be permitted in the pool unless they wear both a "swim" diaper and a diaper cover. Children's diapers and clothes must be changed in the changing room, or a private cabana.

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.

ISSUE #1

1. Lifeguards are responsible for the safe and sanitary operation of the pool, bathhouse cabanas, and grounds and have complete authority to refuse to admit and to eject anyone for health reasons, intoxication, misconduct, overcrowding, or disregard of the Rules and Regulations.
2. The Association will not assume any responsibility for any injuries incurred in the pool area or for any loss or damage to personal property. All persons using the pool area do so at their own risk. No one may be in the pool area once the cover is off the pool without a lifeguard present.
3. All injuries, however minor, must be reported at once to the lifeguard.
4. Everyone entering the pool area must sign name and unit number when entering. All guests must also sign in.
5. There is no charge for guests. Guests (**except for relatives 18 or older**) must be accompanied by an attentive resident of The Regency. The only exception is that grandchildren 17 or under of residents may be accompanied by their attentive parents or a baby sitter. In order to prevent overcrowding, we solicit your cooperation in limiting the number of guests on weekends and holidays. (Please see #8, if over 4 guests).
6. No glass of any kind is allowed in the pool area.
7. The Regency Pool is primarily a quiet area. "Children at play" is acceptable however excessive noise, screaming, loud talking, splashing on others, etc. is a violation of the rules as printed and approved by the Pool Committee and Board of Directors. We all know the importance of staying in touch; however, if you are poolside and receive a call, or need to make a cell phone call, please BE POLITE and take the call away from other residents in the pool area.
8. When planning to entertain more than four (4) guests at the pool facility, please notify the office so your party can be scheduled. The Health Department rules limit the number of people one lifeguard may oversee. **No parties may be scheduled on holidays, Saturdays, or Sundays without prior approval.** With prior approval, a party may continue until 10 PM provided lifeguards are willing to stay, and the host/hostess will be charged \$20.00 per hour after Regency pool hours. A \$25.00 use and cleanup charge is payable to The Regency, if cleanup is not undertaken by resident.
- ~~9. Children under 14 are not permitted in the pool area unless accompanied by an adult (18 or older). Children in diapers will not be permitted in the pool unless they wear both a "swim" diaper and a diaper cover. Children's diapers and clothes must be changed in the changing room, or a private cabana.~~
- ~~10. Swimmers must remove all hairpins, curlers, etc. Swimmers should shower before entering the pool if necessary, i.e., after workout.~~
11. Audio equipment (tape players, radios, etc.) will be permitted only if used with headphones.
12. No rafts or other inflatable objects may be used when the pool is crowded (10 people or more in the water).
13. No pets or smoking are permitted in the pool area.
14. Please do not sit or rest near handrail or ladders.
15. The safety line may be unhooked 15 minutes prior to each hour if anyone wants to lap swim each day, except on Holidays, by the Lifeguard on duty. Per the Board of Health when the safety line is down, no one, other than lap swimmers, is allowed in the water.
16. Pool temperature will be set at 85 degrees and shall not be changed without written approval from the Pool Committee. This temperature is approximate; the heater will be set to turn off at 85. The