

ISSUE #1

Board of Directors before his/her privileges will be reinstated. If the individual is a minor (under 13), he/she must be accompanied by a parent when a lifeguard is not present.

6. No alcoholic beverages will be allowed in the pool area except for special events designated by the Board of Directors.

7. Glass items and pets are not permitted within the fenced area except for special events designated by the Board of Directors.

8. Persons must place bicycles in the designated area before entering the pool areas.

9. If there is thunder or lightning the pool must be cleared for 30 minutes.

Guests

- 1. Guests must be accompanied by a Village Green member.
- 2. Only one guest permitted per Village Green member.

Conduct: Parents/Caretakers will be held responsible for the conduct of their children at all times while in the pool area.

- 1. Running, pushing, or any other conduct that, in the judgement of the Pool Manager or the lifeguards, endangers the safety of individuals in the pool area is prohibited. After a warning, anyone who continues to act in an unsafe manner will be asked to leave the pool area and will not be allowed back for the remainder of the day. Repeat offenders or cases of gross misconduct will be referred to the Board of Directors for appropriate action.
- 2. Diving can be dangerous; therefore, diving into the pools is prohibited, except in designated areas.
- 3. Acceptable swimming attire must be worn at all times. Clothing with frayed edges is strictly prohibited.
- 4. Flotation devices that are worn are permitted. All other flotation devices and pool toys may be permitted at the discretion of the lifeguard. If the use of flotation devices and pool toys create a nuisance or safety hazard, then they may be banned by the lifeguard.
- 5. Organized pool sports (water ball) may be permitted when advance permission is obtained from the lifeguard and will be terminated when directed by the lifeguard.
- 6. No one suffering from any infectious sores may use the swimming or wading pools. Any protective coverings such as bandages must be removed before entering the pools.
- 7. Children in diapers must wear protective rubber or plastic pants.

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 7 (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:

Glass items and pets are not permitted within the fenced area except for special events designated by the Board of Directors.

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).