

NWC HOA POOL RULES

MARKUP #1 ->

The following rules and regulations are for the protection and benefit of all to assure safe and sanitary operation of the pool facilities. Your cooperation in abiding by these conditions will afford pleasant relaxation and recreation for all members/guests. Parents are requested to caution their children to observe all rules and regulations.

Failure to comply with these rules shall be considered cause for any action deemed necessary by Management or Board of Directors, including the temporary suspension of violators from the use of the pool area.

The pool manager will be in charge of qualified pool attendants, both of whom will be under the direct supervision of the Association. All members and guests using the pool will be required to register with the pool attendant.

Your assistance is not only needed but also required to make the pools safe and enjoyable facilities.

1. **All members** ages six (6) and older must be registered in the CellBadge ID system to be admitted into the pool. One family member may not sign in others in the same household as guests.
2. No one shall use the pool unless it is officially open and pool attendants are on duty.
3. The on-duty pool attendants will be in charge of the pool operation and are responsible for the enforcement of the Rules and Regulations. **All persons must obey the instructions of the pool attendants.**
4. The Association, pool attendants, and Board of Directors will not be responsible for loss or damage to any personal property of any kind.
5. All persons using the facility do so at their own risk in conformance with the rules and regulations. **Any person may be suspended from the recreational facilities at the sole discretion of the pool attendant in charge, for violations of the rules and regulations or for any other reason, which in their judgment, constitutes a hazard to others.**
6. After a person has been removed from the pool area twice, he/she or a parent (if a minor) will be notified in writing. After the third removal, the person will be suspended from using the pool area, and CellBadge ID will be invalidated. Re-instatement will occur upon approval of the Board of Directors only.

ISSUE #1

7. No pets are allowed in the pool area.
8. Admission will be refused to all persons having any infectious diseases, colds, nasal or ear discharges, or any communicable diseases of any kind.
9. Glassware is forbidden in the pool area.
10. No alcohol is allowed in the pool area.
11. Food will be allowed in the pool area; however, no cooking will be allowed inside the fenced area. No food, drinks, bottles, or gum chewing is permitted at the pool's edge or in the pool.
12. All trash such as food wrappers, soda cans, etc. must be placed in containers provided for such use.
13. Smoking is allowed in designated areas only.
14. Skates, skateboards, bicycles, and similar devices will not be allowed inside the pool area.
15. Children 17 years and under must be accompanied by a caretaker at least 18 years old.

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

BOARD & COUNSEL REVIEW

Sec. 7 (p. 1): 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:

No pets are allowed in the pool area. 8. Admission will be refused to all persons having any infectious diseases, colds, nasal or ear discharges, or any communicable diseases of any kind.

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).