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Section F Common Use Facilities

- 1) Use of the clubhouse, swimming pool, basketball court, picnic area and common areas shall be subject to the rules and regulations.
- 2) Usage of the facilities is reserved for those members in good standing, members’ families, their guests, and renters.
- 3) The Board of Directors reserves the right to bar the usage of the common use facilities, for a period. To any member who violates the rules and regulations of the association.
- 4) Non sponsored events held in the clubhouse must be approved by the Board of Directors.
- 5) Members are responsible for the actions of their guests. Any property damage caused by their guests is the responsibility of the member.

Section G Swimming Pool Regulations

Membership, Guests Admittance

- 1) Access to the pool is contingent upon membership assessments being current.
- 2) A member is a property owner, and their immediate family members who reside at the same address and whose membership dues are current. Property must be legally recorded in the member's name and proof of ownership must be on record in the Shorecrest Office.
- 3) A member is allowed five guests and must be either present while their guests are at the swimming pool or guests must have written permission to use the pool.
- 4) Members are responsible for the actions of their guests. Any property damage caused by their guests is the responsibility of the member.
- 5) Landlords must provide names and addresses of their tenants before tenants can use the pool.
- 6) Tenants may bring guests as above in item 3 and 4. Each guest shall pay an admittance fee (fee to be reviewed annually by the Board of Directors.)
- 7) A responsible adult, 18 years or older, must accompany and child under age 13. Any child under 13 who is being by an adult not living in their residence, must have written permission from their parent stating such. A person has full responsibilities for the child while at the pool. An adult supervising a child under 13 who is not the legal parent, or guardian, must sign a responsibility declaration. When the adult leaves, the child must also leave the pool area.
- 8) Shorecrest Beach Club adheres to the buddy system and as a result, NO child aged 13 to 17 can be in the pool when no other person is present in the pool.
- 9) Admission shall be refused to persons having infections, communicable diseases, inflamed eyes, nasal or ear discharge, excessive sunburn, or open sores of any kind.
- 10) No pets except service dogs are allowed in the swimming pool area.
- 11) No wheeled vehicles except wheelchairs or baby strollers are allowed in the pool area.
- 12) Pool Attendants and the Board reserves the right to refuse pool access to any individual.
- 13) Use of the pool when no attendant is present requires a signed waiver.
- 14) No Lewd acts in the pool.

Swimming Rules

MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 3 (p. 7): 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:

10) No pets except service dogs are allowed in the swimming pool area. 11) No wheeled vehicles except wheelchairs or baby strollers are allowed in the pool area. 12) Pool Attendants and the Board reserves the right to refuse pool access to any individual.

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).

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