

Section 1: [Board's Position Statement & Enforcement (2022 Policy Guidelines Regarding Lot Rentals)] Short-Term Rentals

The Board of Directors finds that the purchase of a lot for the sole purpose of renting it out for short term, hotel like Rentals from day to day or week to week, will constitute a violation of the covenants... In addition to the right of the Association to institute a court action for enforcement of these rules, the owner/member or members of the Association found to be in violation are subject to a fine in the amount of \$50.00 per day for each day in which the violation continues. All fines and assessments for attorney fees incurred in the enforcement of these rules shall constitute a lien against the real estate of the owner/member(s) found in violation.

MARKUP #1 ->

ISSUE #1

Section 2: [Lake Rules (2012 Owners Information Packet)] Complete Ban on Pets on Beach, Grass, and Parking Lot

Pets are not allowed on the sand at any time. Pets are not allowed in the swimming area while swimmers are present... NO Pets on Sand Area/Beach whatsoever! Or on the grass or parking lot between 10AM and 6PM

Section 3: [House Rules for Rental Units #9 (2022 Rental Policy)] Mandatory Contracted Trash Service for Rental Units

9) All Rentals must be serviced by contracted trash pick-up which is provided by Apple Valley Waste, the Public Service Commission's authorized trash service in the development. The Owners of Rental Units must secure an adequate number of trash containers and Renters must properly dispose of all trash in the containers provided and take any excess trash with them when they leave the unit.

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

BOARD & COUNSEL REVIEW

Sec. 2 (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:

[Lake Rules (2012 Owners Information Packet)] Complete Ban on Pets on Beach, Grass, and Parking Lot Pets are not allowed on the sand at any time. Pets are not allowed in the swimming area while swimmers are present... NO Pets on Sand Area/Beach whatsoever! Or on the grass or parking lot between 10AM and 6PM

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).