

**NEWBERRY CONDOMINIUM UNIT OWNERS ASSOCIATION  
POLICY RESOLUTION 2007- 08 \_\_\_\_\_**

**LEASING AND OCCUPANCY OF UNITS**

**WHEREAS**, Article III, Section 1 of the Bylaws states that the affairs of the Newberry Condominium Unit Owners Association shall be governed by the Board of Directors;

**WHEREAS**, Article III, Section 2(f) of the Bylaws gives the Board the power to make and amend rules and regulations respecting use of the Property;

**WHEREAS**, Article V, Section 8(a) of the Bylaws requires that each Unit be used as a single family residence, in compliance with all local Ordinances and laws;

**WHEREAS**, Article V, Section 8(j) of the Bylaws states that no portion of a Unit may be rented other than the whole Unit and no transient tenants may be accommodated therein;

**WHEREAS**, Loudoun County Ordinances specifically define a family for purposes of residential living;

**WHEREAS**, the secondary lending market prefers minimum lease terms of 6 months or 1 year for approval of FHA and VA loans by lenders;

**WHEREAS**, short term leases with frequent moving of tenants, their furniture and personal property may result in damage to the buildings and grounds, as well as deposits of large amounts of discarded items and trash, which result in increased repair and maintenance costs for the Association and may diminish the property values of the Units;

**WHEREAS**, for the well-being of the Association, the Board deems it necessary to require that any Unit Owners wishing to lease their Units must use an approved lease, which the Board shall provide, and must provide a signed copy of the lease to the Board of Directors; and

**WHEREAS**, there is a need to establish a minimum lease term applicable to the rental of any Units in order to protect the interests of the Association and its members;

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT** the Board of Directors duly adopts the following Rule establishing the requirement for approved written leases, minimum lease term requirements, occupancy limitations and penalties for the violation of this policy resolution:

1. **Lease** All Unit Owners who rent their Units shall use the lease provided by the Association, which shall be available at the on-site management office. A copy of the signed lease shall be returned to the management office.
2. **Term** All leases shall require terms of no less than six (6) months.

- 3. Relationships of Tenants** Loudoun County has established strict requirements regarding what constitutes a "family" for purposes of residential dwelling, which Newberry Condominium hereby adopts. "Family" shall be defined as a group of people living together consisting of: a) One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or b) No more than four (4) unrelated persons; or c) any group identified in Code Section 15.2-2291. "Persons related" shall mean husbands, wives, parents, children, grandparents, grandchildren, brothers, sisters, aunts, uncles, cousins, nephews, nieces (including step or half relationships) as demonstrated by official public records such as government-issued identification, birth or marriage certificates, or by affidavits.
- 4. Occupancy Limitations based on Size of Dwelling** Loudoun County has set minimum area requirements for living and sleeping spaces. Occupancy of any unit shall comply with the maximum allowable number of persons that may live in any unit, in keeping with the familial relationships and the occupancy limitations mandated by Loudoun County. These limitations, as they apply to Newberry Unit models, is attached to this Resolution as Exhibit A.
- 5. Violation** This Resolution and shall be included as an attachment to every lease executed at Newberry following the date of its adoption. Any Unit Owner determined to be renting his Unit without a proper lease form, signed and on file with the Association, or leasing such Unit to more persons than are permitted by law and as set forth in Exhibit A to this Resolution, or permitting more persons than are permitted by law to occupy his Unit as set forth in Exhibit A, shall be in violation of the governing documents and this resolution and may be subjected to violation charges, legal and equitable action by the Association, and all costs of enforcement, including legal fees.

NEWBERRY CONDOMINIUM UNIT OWNERS ASSOCIATION

RESOLUTION ACTION RECORD

Resolution Type Regulatory No. 2007-08

Pertaining to: Rule Establishing Lease & Occupancy Requirements


Duly adopted at a meeting of the Board of Directors of the Newberry Condominium Unit Owners Association held August 21st, 2007. This Resolution supersedes all previously enacted resolutions pertaining to lease terms.

Motion by: Howard Mahoney Seconded by: Heriberto Briceno

VOTE:

		YES	NO	ABSTAIN	ABSENT
Howard Mahony	, Member	<u>X</u>	—		
Heriberto Briceno	, Member	<u>X</u>	—		
Herbert Sharaf	, Member	<u>X</u>	—		
Linda Berend	, Member	<u>X</u>	—		
Jason Kitzmiller	, Member	—	—	—	<u>X</u>

ATTEST:

  
Secretary

08/21/07  
Date

Resolution effective January 1, 2008.

**Exhibit A**  
**To Resolution No. 2007 - \_\_\_\_**

**Occupancy Restrictions**

Loudoun County limitations specify the following limitations on **all occupants**, including adults and children, in Newberry unit models based on the relative sizes and number of bedrooms:

<b>Model</b>	<b>Bdrm #1</b>	<b>Bdrm #2</b>	<b>Bdrm #3</b>	<b>Total</b>
Abingdon	3	2	1	6
Aspen	3	2	1	6
Birch	3	2	1	6
Cedar	3	2	1	6
Covington	3	2	1	6
Dogwood	3	2	n/a	5
Elm	3	2	n/a	5
Kensington	3	2	1	6
Newhall	3	n/a	n/a	3
Oakdale	3	2	n/a	5
Palmdale	3	2	n/a	5
Quinlan	3	2	n/a	5
Riverdale	3	2	3	8
Southdale	3	2	n/a	5