Lake of the Woods Association Inc.,
Policy Resolution 2015-9
Registered Tenants

WHEREAS, the General Manager and Finance Director requested amendments to Regulation III, Registered Tenants, to clarify payment responsibility, exceptions, and violations process, which have been reviewed and commented on by the Rules Committee, the LOWA Attorney, and the Membership; and

WHEREAS, there is a need for clear, concise and consistent regulations clarifying Member responsibility regarding Tenants; and

WHEREAS, the Board of Directors wishes to comply with the new state legislation, effective July 1, 2015, placing considerable limitations on regulating rentals in a community.

THEREFORE, RESOLVED, the Board of Directors hereby approves the following:

III. REGISTERED TENANTS

A. GENERAL

1. LOWA is a community comprised of single family residence dwellings. A Tenant is a Non-Member residing in a home in LOWA where the homeowner does not reside, regardless of whether any money or in-kind consideration is exchanged with the homeowner. The exception is the homeowner's parents, children, brothers and sisters.

2. All Tenants must be registered by Members. A Registered Tenant is anyone who (1) meets the Tenant requirements in Subsection A.1, (2) has a properly executed Tenant Information and Acknowledgement Form on file with LOWA documenting the Tenant/Member relationship, including a listing and contact information of all occupants of the property and acknowledgement and consent to LOWA's rules and regulations, and (3) has Tenant Fees paid by the member in advance of occupancy, and annually thereafter.

3. Members with Tenants must pay LOWA the Tenant Fee for all of their Tenants. The Tenant Fee is a fee charged to Members who make arrangements with Non-Members to allow them to occupy their homes, in accordance with Paragraph 12.D of their Section's Declaration. (See Regulation III.B). The purpose of the Fee is to compensate LOWA for the management and use of amenities and for the wear and tear on LOWA streets, parks, recreational amenities, assets, and resources by Tenants residing in the community. The Tenant Fee will be charged to the Member for each tenancy. The amount of the Tenant Fee will be set by the Board of Directors annually and will run from May 1 to April 30 of the following year. One day of occupancy in a calendar month will count as a whole month.
4. Members must also pay Tenant fees prorated by the month for Short-Term Tenants (registered for thirty (30) days or less), especially when money is paid to the homeowner or agent. If the period of occupancy encompasses parts of two (2) months, a two (2) month Tenant Fee is required. (See also Regulation II.B.3.a for definition of Guest.)

5. Registered Tenants will be authorized to use LOWA amenities upon payment of applicable fees set forth in the Board Adopted Fee Schedule for such use.

B. RENTAL LIMITATIONS SET BY DECLARATIONS OF RESTRICTION

Lake of the Woods Declarations of Restrictions Section 4.B. states as follows: "Homeowners may rent up to two homes within Lake of the Woods to tenants who will comply with all Lake of the Woods Covenants and regulations. This provision applies to every lease application submitted to LOWA on or after March 8, 1998." (Referendum August 1996).

Lake of the Woods Declarations of Restrictions Section 12.D, states in part as follows (except for Declarations for LOWA Sections 5, 9, 10, 12 and 18):

"Additionally, the Association shall have the power to levy a tenant fee in an amount not to exceed the current annual charge upon the owners of lots occupied by other than the lot owners." (Referendum August 2014)

C. MEMBER RESPONSIBILITIES

1. Members who wish to lease their homes to Non-Members (Tenants) must complete a properly executed Tenant Form prior to Tenant occupancy and pay all Tenant Fees in advance.

2. Members will be responsible for the actions of their Tenants, including charges and summons for each occupant of the household as well as all guests the Tenant authorizes to have access to the community. (See Regulation I.G.)

3. The Member’s account will be billed for all Tenant Fees and any other charges levied against the property, and the Member will be responsible for making payment, or assuring that such charges and fees are paid timely.

4. The Member will complete and submit the Tenant Check Out Form when the Tenancy relationship terminates.

D. TENANT RESPONSIBILITIES

Tenants must sign the Tenant Form which will require acknowledgement of and consent to any LOWA Rules and Regulations.
E. ADMINISTRATION

LOWA will process Tenant Forms within five (5) days of receipt and issue Tenant ID cards as requested by Tenants. The ID card authorizes admittance to LOWA and all amenities. The Tenant Form must be complete in all respects including the names and contact information of the Tenant and all occupants who will reside in the home and their relationship to the Tenant. In addition, LOWA will communicate any issues with respect to a Tenant-occupied home to the Member and the Tenant in a timely manner regarding violations of LOWA rules and regulations, charges, summons, etc. If a Tenant Form is submitted by a Member's agent, a copy of the agency agreement, or a signed statement by the Member and agent that the agent is authorized to act on behalf of the Member must accompany the Tenant form. LOWA will only communicate with a Member's agent if a copy of the agency agreement or written statement is on file with LOWA. LOWA will process the Tenant Check Out Form within seven (7) days and a refund of unused Tenant Fees will be issued. LOWA reserves the right to request from the Member or Agent a copy of the lease agreement with the Tenant.

F. LOWA will accept a Tenant Form to sublease a property for single family dwelling use only.

G. UNREGISTERED TENANTS

Members who allow unregistered Tenants to occupy their homes will be issued a summons and must appear before the Legal and Compliance Committee for adjudication. If found guilty, the Member will be required to contact the Finance Department and register the Tenant in accordance with the requirements of this regulation and bring the account with LOWA to current status, including the payment of the summons and Tenant Fees in arrears.

Effective: Immediately

LAKE OF THE WOODS ASSOCIATION, INC.

By: J. Michael Rugless, President

ATTEST:

I, as Secretary for Lake of the Woods Association, Inc., hereby attest that the foregoing Policy Resolution 2015-9 was adopted by the Board of Directors at a duly-held and noticed Board of Directors meeting held on the 15 day of July 2015.

Louisa Rucker, Secretary

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