LAKE OF THE WOODS ASSOCIATION, INC.
RESOLUTION 2020-14
A POLICY RESOLUTION
AMENDING LOWA REGULATION III, REGISTERED TENANTS
REGARDING TENANT CHECK OUT FORM AND TENANT FEE REFUND

WHEREAS, Article VIII of the Bylaws gives the Board of Directors the authority to amend and adopt association Rules and Regulations; and

WHEREAS, there is a need for clear, concise and consistent regulations on the matter of tenant check out; and

WHEREAS, the Rules Committee and the LOWA Attorney gave advice on the amendments; and

WHEREAS, the Association published the proposed amendment in Lake Currents soliciting member comments.

THEREFORE, RESOLVED, the Board of Directors hereby amends Regulation III, Registered Tenants.

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 (including Short-Term Tenants, who are deemed to be Tenants registered for thirty (30) days or less) 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 if applicable, annually thereafter. Short-Term Tenants shall be registered through Member Services or entered into the Visitor Management System with LOWA Security.

3. Members with Tenants (including Short-Term 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 in LOWA's fiscal year from May 1 to April 30 of the following year. For purposes of measuring the length of any tenancy, one day of Tenant occupancy in a calendar month will be deemed as Tenant occupancy for that entire month.

4. 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 in a timely manner, but no more than thirty (30) days of when the Tenancy relationship terminates. Delays in submission may impact the total amount of Member refund.

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

1. LOWA will process Tenant Forms within five (5) days of receipt and will issue up to two (2) Tenant ID cards. The ID card authorizes admittance to LOWA and all amenities. All other authorized occupants must be issued other types of ID cards or guest passes.

2. The Tenant Form must be complete in all respects including the names and contact information and vehicle information for the Tenants and all authorized occupants who will reside in the home and their relationship to the Tenant. The Tenant Form will include the tenant's acknowledgment of and consent to LOWA rules and regulations. 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.

3. 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.

4. LOWA will process the Tenant Check Out Form within seven (7) days of receipt and a refund of unused Tenant Fees will be issued. Tenant Fees for Annual tenancies terminating early will qualify for refunds based upon the amount of months left in the fiscal year (May 1 through April 30). Such refund will comprise prorated amounts representing all full months remaining under the lease term up through April 30 beginning with the full month on which the date the Tenant Fee refund request is submitted in writing to the Finance Department.

5. 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: June 10, 2020

LAKE OF THE WOODS ASSOCIATION, INC.

By: [Signature]
Clifton D. Wilks, President

ATTEST:

I, as Secretary for Lake of the Woods Association, Inc., hereby attest that the foregoing Policy Resolution 2020-14 was adopted by the Board of Directors at a duly-held and noticed Board of Directors meeting held on the 10th day of June 2020.

[Signature]
Phillip Davis Brown, Secretary