

LOFT RIDGE HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 37

POLICY FOR SHORT TERM LODGING RENTALS

WHEREAS, Article VII, Section 1 of the Bylaws provides that the Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of Loft Ridge Homeowners Association and further states that the Board may do all such acts and things as are not required by the Articles of Incorporation, the Declaration or by the Bylaws to be exercised and done by the Association; and

WHEREAS, pursuant to Article II, Section 1(c) of the Declaration of Covenants, Conditions, and Restrictions for Loft Ridge Homeowners Association, Inc. ("Declaration") and Article VII, Section 1(a) of the Association's Bylaws, the Board of Directors is authorized to adopt and publish rules and regulations, and to establish penalties for the infraction thereof; and

WHEREAS, Article VI, Section 11 of the Declaration requires all Lot Owners and occupants to abide by the Association's governing documents and duly adopted rules and regulations; and

WHEREAS, Article VI, Section 4 of the Declaration prohibits any noxious or offensive activity on any Lot or any part of the Association's property, or anything that may become an annoyance or nuisance to the neighborhood, or which shall unreasonably interfere with the quiet enjoyment of the residents; and

WHEREAS, in accordance with Article VI, Section 12 of the Declaration, all leases are required to be in writing, and any lease agreement between a Lot Owner and a lessee must provide that the terms of the lease are subject, in all respects, to the provisions of the Association's governing documents. Furthermore, any failure by the lessee to comply with the terms of such documents shall be a default under the lease, and the liability of any such breach shall be the responsibility of the Lot Owner (STL Operator).

WHEREAS, on July 31, 2018, the Fairfax County Board of Supervisors adopted an amendment to Ch. 112 (Zoning) of the Fairfax County Code to allow short term (i.e. less than thirty (30) days) lodging rentals ("STL") as an accessory use to the primary occupancy of a dwelling unit ("Dwelling"), subject to the issuance by the County of a Short-Term Lodging Permit and certain specified limits and restrictions; and

WHEREAS, the popularity of STL websites, such as Airbnb.com, VRBO.com, etc., continues to grow; and

WHEREAS, the Board of Directors finds that it is in the best interest of the Association to establish rules and procedures pertaining to the short-term renting/leasing of Dwellings and or rooms within a Dwelling, within the Association.

THEREFORE, be it resolved that:

1. **No Dwelling or rooms within the Dwelling** shall be rented/leased as an **STL**, unless a copy of the written rental/lease agreement, and the Association provided information form is **first** submitted to the Association and, which includes the following information:
 - a. Name, address and phone number of the STL (Lot Owner) Operator
 - b. Name, address and phone number of the Authorized Agent when STL (Lot Owner) Operator is not present
 - c. Name, address and phone number of all individuals who will be residing in the Unit under the short-term rental/lease agreement;
 - d. The date(s) of the rental/lease term;
 - e. Vehicle information (make, model, license number and state) for all vehicles being driven by individuals that will be staying at the Dwelling pursuant to the rental/lease agreement;
 - f. Proof that all provisions required by Article VI, Section 12 of the Declaration (i.e. terms of the lease are subject to the Association's governing documents and duly adopted rules and regulations, and any failure to comply with the terms shall be a default under the rental/lease agreement) are included in the rental/lease agreement; and
 - g. Proof of Lot Owners acknowledgment of responsibility for any breach of the Association's governing documents/rules and regulations, including any breach by the renter/lessee, in the form of a signed acknowledgment.
2. No Dwelling or rooms within a Dwelling shall be rented/leased as a STL without the Lot Owner first providing the Association with a copy of a valid Fairfax County Short-Term Lodging Permit. All Dwellings or rooms within a Dwelling rented/leased as a STL must comply with Fairfax County zoning laws and/or regulations.
3. No Dwelling or rooms within a Dwelling shall be rented/leased for a period of less than thirty (30) days that fails to comply with all County requirements for STLs, including, but not limited to:
 - A Dwelling or rooms within a Dwelling may be rented/leased as an STL for no more than sixty (60) nights per calendar year.
 - The maximum number of rental/lease agreements per night is one (1). All renters/lessees occupying a STL must be associated with the same rental/lease agreement.
 - STL Operators must comply with County zoning laws with regards to number of occupants, fire detection and fire prevention devices, and providing proper egress plans.

- Events and activities—including parties, banquets, meetings, fund raisers, commercial or advertising activities, and any other gathering of persons other than the authorized renters/lessees, are prohibited.
- All advertisements for STL, posted on any platform online or in any other format, must include the County STL permit number and identify the location of the required Lot Owner assigned parking space.

4. Enforcement

- a. In the event of any default or failure to comply with the Resolution by the Lot Owner and/or tenant/lessee, the Association reserves the right to take any all such enforcement action as authorized by the Association's Declaration and Bylaws, and by the Virginia Property Owners' Association Act. Such other actions may include, but are not limited to, suspending the Owner's right to use of Association amenities and/or facilities, including the right to park in any Common Area parking space, in accordance with Article VII, Section 1(b) of the Bylaws, Section 55-513 of the Act, and the Association's due process policy.
- b. The Association's Board of Directors reserves the right to take such other measures as it deems reasonable and as may be otherwise provided under the law or the Association's Declaration, Bylaws or Rules and Regulations to enforce the provisions of this Resolution, including the right to file suit for an injunction and/or money damages. In the event of a lawsuit, the Association shall seek its attorneys' fees.

This resolution shall be effective June 1, 2019.

LOFT RIDGE HOMEOWNERS ASSOCIATION RESOLUTION ACTION RECORD

Resolution Type: Policy No. 37

Pertaining to: Short Term Lodging Rentals
Duly adopted at a meeting of the Board
of Directors held May 9, 2019.

Motion by: Drew Lucio, Seconded by: Erika Wheeler

	YES	NO	VOTE: ABSTAIN	ABSENT
<u>D. Drew Lucio</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Eric Mader</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Louise A. Hitt</u> Director	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Matthew D.</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Erika Wheeler</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>D. K. H.</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>R. Raper</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

[Signature]
Secretary/Acting Secretary

9 May 2019
Date

FILE:

Book of Minutes - 2019

Book of Resolutions: 2019