Owner Occupancy Exemption Application (rev 07/22)

THE WATERFRONT DISTRICT

Master Declaration of CC&R's, ARTICLE IV, Section 4.21

Owner Occupancy. The Owner of the Building Lot or Property Unit shall be required to occupy the Building Lot or Property Unit as Owner's primary residence, or a secondary residence, for all Building Lots or Property Units having residential as their primary use. That is ,this provision shall not apply to retail or office Building Lots or Property Units or Common Area. No other person or persons shall occupy the Building Lot or Property Unit, neither as a tenant or as a gratuitous long--term guest, except for parents or adult children with or without the Owner in residence. **The Board may allow reasonable and temporary exemptions, upon application to the Board and the Board's approval in writing, and subject to such conditions as the Board may deem appropriate.** Such exemptions may include, but are not limited to, ownership by a trust or estate, or rental when the Owner is out of the area in connection with a move or business transfer. Provided, at no time shall the total number of non--Owner occupancy exceed ten percent (10%) of the Building Lots or Property Units in any Neighborhood Area or Local Association.

Waterfront District Property Address:	

Owner Information			
Name:			
Home Phone:		Cell:	
Email:			

Requested exemption start date of lease: ___ / ___ / ____
MM DD YYYY

End date of lease: ___ / ___ / ____
MM DD YYYY

Application Request Fee	250.00 due upon submittal
Application request fee is refundable if application is denied	

Reason for temporary exemption?

How many times a year do you plan to rent your home?
What is the term length of your lease?
How will you accommodate parking for your renters?
How will you mitigate potential impacts from noise, overuse of common areas, including excess dog feces?
Are you requesting renter access to the pool and or clubhouse? If so the proper form will need to be completed with execution of the lease and submitted to the management company along with all required documents.

Owner Signature:	Date:

Neighborhood area:		10% cap exceeded?	☐ Yes ☐ No
Total # or Neighborhood Area Property Units:		Board approval?	☐ Yes ☐ No
Current # of non-Owner occupied:			
Percent of Neighborhood Area Property Units non-Owner occupied:		Approval letter sent?	☐ Yes ☐ N/A
Notes:			

Resolution of the Board of Directors Owner Occupancy
Effective May 1, 2017

WHEREAS "Master Declaration" is the "Declaration of Covenants, Conditions and Restrictions for Waterfront District" pertaining to and affecting Waterfront District; "Association" is the Waterfront District Homeowners Association; "Bylaws" are the Bylaws of Waterfront District Homeowners Association; and "Board" is the Waterfront District Board of Directors.

WHEREAS, Article V, Section 5.4 of the Master Declaration directs that the affairs of the Master Association shall be conducted and managed by a Board.

WHEREAS Article V, Section 5.5 of the Master Declaration and Article VII of the Bylaws vests the Board with the powers and duties to perform any and all acts which may be necessary to, proper for or incidental to the property management and operation of the Common Areas and its other assets, to adopt, amend and repeal rules and regulations, including suspension of privileges and monetary fines for infractions of the rules and regulations.

WHEREAS, Article IV, Section 4.21 Owner Occupancy, of the Master Declaration states that the owner of the Building Lot or Property Unit shall be required to occupy the Building Lot or Property Unit as Owner's primary residence, or a secondary residence for all Building Lots or Property Units have residential as their primary use. The Board may allow reasonable and temporary exemptions, upon application to the Board and the Board's approval in writing and subject to such conditions as the Board may deem appropriate. Provided, at no time shall the total number of non-Owner occupancy exceed ten percent (10%) of the Building Lots or Property Units in any Neighborhood Area or Local Association.

WHEREAS, "Enforcement Resolution", effective July 1, 2016, defines the Association's updated procedure for enforcing rules, covenants, and restrictions in accordance with Idaho Law. (HOA Fine Statute I.C. §55-115).

WHEREAS, in order to maintain the pleasant living environment for which Waterfront District was created, the Board deems it necessary to adopt a uniform method of procedures outlining the manner with which the Association will deal with Owner Occupancy issues applicable to all members and their activities consistent with the covenants and policies of the Association. This method of procedures may be modified from time to time as the Board determines to be in the interest of the Association.

NOW, THEREFORE, BE IT RESOLVED THAT the following procedures be adopted:

When a violation of the above Master Declaration is reported to the management company or Board, the following process will be followed.

1. The member responsible for violating the Master Declaration will be identified and their address will be noted.
2. A violation ticket or notification will be submitted to the Association management company and copied to the Board.
3. The management company will contact the member and relate the violation to them and issue a warning of non-compliance and request that the violation cease, and the Building Lot or Property Unit become Owner Occupied. The member may contact a member of the board to discuss the "non-compliance" violation at any point during this process.
4. Additionally, the member account will be marked as "non-compliant" for a period of 60 days.
5. If the non-Owner occupancy is less than 10% of the Building Lots or Property Units in the Neighborhood Area or Local Association affiliated with said Building Lot or Property Unit, the member may apply for a temporary exemption and if approved, the "non-compliant" status will be removed.
6. If an approved temporary exemption is not in place and a second violation is reported to the management company or Board within a 12-month period, the management company will contact the member and relate the violation to them and request that the violation cease, and the Building Lot or Property Unit become Owner Occupied.
7. Additionally, the member account will be marked as "non-compliant" again for 60 days.
8. Furthermore, the Board will determine if the violations warrant utilizing the Enforcement Resolution which may include a fine and/or legal action, as an additional encouragement to cease the violations.
9. The fines assessed for a rental violation will be $100/week, up to a maximum amount of $2000.
10. If the violation isn't resolved pursuant to the Enforcement Resolution, the Board may seek an injunction to force compliance.

NOW, BE IT FURTHER RESOLVED THAT if furl her violations occur after the procedures described above, the Board may seek legal counsel to determine subsequent procedures to deal with the violations.

Adopted this 8th day of May, 2017.

I hereby certify that this procedure was adopted by the vote of the Board at a properly-called meeting of the Board of Waterfront District Homeowners Association, Inc.

Name: Craig Weaver
President

Name: Becky Bunderson
Secretary