

## Memorandum Re Transient Tenants

March 1 2017

The purpose of this memo is to establish a protocol for handling transient tenants from Airbnb, VRBO and like entities.

Airbnb, VRBO and alike are not permitted at the Healey under the following sections of the declaration:

First, Section 14(v) of the Declaration directly prohibits the sort of short-term, transient occupancy of a Unit that Airbnb facilitates. Section 14 (v) states in its entirety:

Transient Tenants: No Transient Tenants or Occupants shall be accommodated In a Unit

Furthermore, Section 14 (a) of the use restriction prohibits owners from conducting business activities from the unit unless the business activity does not bow visitation of clients or invitees, is consistent with the residential character of the community and does not create security or safety issues. The provision states:

Use of Units. Each Unit shall be used for residential purposes only, and no trade or business of any kind may be conducted in or from a unit or any part of the Condominium, except that the Owner or Occupant residing in the Unit may conduct such ancillary business activities within Unit so long as...(ii) the business activity does not bow visitation of the unit by employees, clients, customers, suppliers or other business invitees and greater crime than would normally be expected for guess visitation to a residential Unit without business activity;... and (vi) the business activity is consistent with the residential character of the Community and does not constitute a nuisance or a hazard or offensive use, or threaten the security or safety of other residents of the Condominium, as determined in the Boards this question.

Finally, Section 15 of the Declaration establishes specific procedures for leasing of units within the Healey Condominium. Its purpose is to quote preserve the character of the Condominium as predominantly owner-occupied." Leasing of Units is expressly prohibited, unless the requirements of section 15 are followed. Section 15 requires Owners who wish to lease their Units to apply for and receive from the Board of Directors either a leasing permit or a hardship leasing permit, subject to a total cap on leasing of 25% of the total number of Units.

Additionally, leases are required to be in a form approved by the Board and have been submitted to the Board of the 7 days prior to the leasing a Unit, and all leases must be for an initial term not less than (1) year. Short-term leasing of Unit through Airbnb is inconsistent with all these requirements for leasing a Unit.

The Fulton County Superior Court in City Heights Condominium Association, Inc v. Jennings has ruled that such transient tenants violates the governing documents.

From an owner's perspective why owners don't want Airbnb, VRBO and alike:

- The Healey is not zoned as a hotel ;
- The Healey desires to be a Community and not a transit facility;
- Owner Investment tends to appreciate more as a condominium versus reputation as a transit facility; and
- Security – owners feel more safe if they know their neighbors

Steps to be taken:

Email and U.S. mail a letter to all homeowners that Airbnb, VRBO and similar entities are not allowed at The Healey citing above Declaration quotes and fines will be applied for violations – see fines below

Place Same Information On [www.healeycondos.org](http://www.healeycondos.org)

Institute The Following Financial Fines To Homeowners:

- \$500 If A Healey Condo Is Listed On A Airbnb, VRBO and alike website
- \$1000 If A unit is actually rented to Airbnb, VRBO and alike website
- FOBS will be turned off to the Unit

Placement of Signage

- Signage In Healey Mailroom & Elevators Indicating The Above Fines
- Signage At Security desk stating Airbnb, VRBO an alike are not allowed at the Healey
- Possibly decals on doors of Healey Airbnb, VRBO an alike are not allowed at the Healey

Owner Responsibilities

- Owners must provide security desk with name and dates of family, guests who will be visiting to eliminate accusations of security officers doing their job when they do not recognize visitors to the condominium.

Board will periodically check Airbnb, VRBO and alike sites

Security can ask and person(s) if they are Airbnb or alike entity, and if answer is yes, security needs to inform the person(s) that Airbnb and alike are not permitted at the Healey and they must to go to hotel. If they have personal property they will be allowed to retrieve and exit the building.

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF HEALEY CONDOMINIUM ASSOCIATION, INC.**

This Resolution has been adopted as of the 20<sup>th</sup> day of March, 2017 by the undersigned members of the Board of Directors of Healey Condominium Association, Inc. ("Association") pursuant to Sections 14(a), 14(v) and 15 of the Declaration of Condominium for the Healey, A Condominium.

Resolved, that the Board of Directors have considered the ongoing issue with unauthorized transient tenants through the use of Airbnb, VRBO and like entities, and having sought legal counsel concerning this issue, do hereby adopt and incorporated the attached memorandum re transient tenants.

This Resolution has been unanimously adopted in writing by all of the members of the Board of Directors of Healey Condominium Association, Inc.

HEALEY CONDOMINIUM ASSOCIATION, INC.

BOARD OF DIRECTORS:

Bill Balzer BOD PRES

Print:

Cathrine Jordan BOD TREAS

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Namer Adams BOD

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