

# FOREST LAKES COMMUNITY ASSOCIATION

## RESOLUTION

**WHEREAS**, the Declaration of Forest Lakes Article I, Section (j) defines “Family Dwelling Unit” to “mean and refer to any improved property or any property formerly classified as a Residential Lot for which a building permit has been issued by the appropriate governmental authorities, which property is located within the Properties and intended for use as a Single Family Dwelling, including, without limitation, any single-family detached dwelling, villa home, condominium unit or townhouse unit”; and

**WHEREAS**, “Residential Lot” is defined in the Declaration as any subdivided parcel of land located within the Properties for which no building permit has been issued by the appropriate governmental authorities and which parcel is intended for use as a site for Single Family Detached Dwelling, Townhouse Unit or Villa Home as shown upon any recorded final subdivision plat on any part of the Properties”; and

**WHEREAS**, the Declaration in Article IV, Section (5)(c) permits a guest suite without a kitchen, but which prohibits the rental or lease of a guest suite unless as part of the lease of the entire dwelling; and

**WHEREAS**, the Declaration in Article IV, Section (5)(a) permits the use of a portion of a dwelling unit as an office by its owner or tenant on certain conditions; and

**WHEREAS**, the Declaration does not otherwise permit businesses or multifamily use of dwelling units at Forest Lakes; and

**WHEREAS**, some owners are operating transient lodging businesses through AirBnB, VRBO or other similar business operations in violation of the restrictive covenants applicable to Forest Lakes; and

**WHEREAS**, the Declaration in Article IV, Section (ii) authorizes the Association to “take any and all actions necessary to enforce all Covenants and Restrictions affecting the Properties”; and

**WHEREAS**, in Article VII, Section 2, the Developer reserves the right for the Association to grant approvals (or disapprovals), to establish rules and regulations, to administer

and enforce the provisions of said General Property Covenants, and all or any rights reserved therein by the Company; and

**WHEREAS**, pursuant to Virginia Code §55-513 of the Property Owners' Association Act, the Board of Directors is authorized to adopt rules and regulation with regard to areas of its responsibility;

**WHEREFORE**, the Board of Directors adopts the following regulation pertaining to the use of family dwellings:

1. All Family Dwelling Units are restricted to single-family residential use.
2. Operating a transient lodging business in a Family Dwelling Unit is not allowed because it is a business and violates the covenant permitting only single family residential use.
3. Rental of either a portion or whole of a single-family dwelling for 30 days or less constitutes transient lodging business, is in violation of the restrictive covenants, and is prohibited.
4. Rental of the whole of a single family residence for more than 30 days, but less than six months may or may not constitute a violation and will depend on the circumstances of the owner and tenant and requires written advance approval from the Association on a case by case basis.
5. At no time can an owner continue to reside in a Family Dwelling Unit while at the same time renting any part or the whole of the dwelling.
6. Bed and breakfast operations are prohibited businesses in Family Dwelling Units.
7. A person living in a Family Dwelling Unit to support the health and/or safety of the resident is not prohibited by this rule provided that the person resides in the dwelling to provide such support and is not paying rent.
8. A rent-back agreement between buyer and seller of a dwelling, which is part of the house sale transaction is not prohibited.
9. It is not a violation to permit family or friends to stay overnight in a single-family dwelling unit if the guests are not paying compensation for the right to stay.
10. Rental arrangements through AirBnB, VRBO, and other similar business operations which involves transient lodging are prohibited in Family Dwelling Units.

This regulation was adopted by the Board of Directors on July 25, 2018.



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President, Forest Lakes Community Association, Inc.