

HICKORY CLUSTER ASSOCIATION

POLICY RESOLUTION 23-_____

(Procedures Relating to the Leasing of Lots)

WHEREAS, Article VI, Section 1 of the Bylaws (“Bylaws”) and Section 4 of the Articles of Incorporation (“Articles”) for Hickory Cluster Association (“Association”) state that the affairs of the Association shall be managed by its Board of Directors (“Board”); and

WHEREAS, Section 13.1-826 of the Virginia Nonstock Corporation Act states that the Association may exercise all powers necessary or convenient to effect any or all of the purposes for which the Association is organized; and

WHEREAS, Section 55.1-1806 of the Virginia Property Owners’ Association Act (“Act”) provides owners with the right to lease their lot subject to certain rules and regulations adopted by the Board and also subject to certain restrictions as contained in the Act; and

WHEREAS, Section VI.2.(b)(12) of the Reston Association Deed of Dedication, as amended (“Reston Deed”), states that residential real property shall be used only for residential purposes and such accessory uses and home occupations as permitted by the Reston Association Board of Directors; and

WHEREAS, Section VI.2(b)(1) of the Reston Deed states that no person or entity shall permit anything to be done or kept on their lot which would be in violation of any law, regulation, or administrative ruling; and

WHEREAS, Section VII.1(b) of the Reston Deed provides that the Association shall promote the peace, comfort, safety, and general welfare of the owners and occupants of the Association; and

WHEREAS, Section 4102.7(n) of the Fairfax County Zoning Ordinance (“Ordinance”) permits owners to utilize their primary residences for short-term lodging, subject to the owner obtaining a Fairfax County (“County”) permit, permanently residing in the residence, maintaining County-required safety features in the residence, providing one off-street parking space, limiting the number of stays to 60 nights in a calendar year, and listing the permit number on any advertisement of short-term lodging, among other requirements; and

WHEREAS, the Board deems it in the best interest of the Association to adopt rules and regulations regarding leasing.

NOW, THEREFORE, BE IT RESOLVED THAT the Board adopts the following rulings and regulations:

1. In order to lease their lot for any duration of time, owners must use written agreements. The agreement must require the tenant to comply with the Association’s rules and regulations which include, without limitation, the rules and regulations promulgated by the

Board, the Reston Deed, and the Association's Articles of Incorporation and Bylaws ("Rules"). The lease must state that the tenant's failure to comply with the Rules constitutes a default under the lease. Owners are responsible for ensuring that their tenants use and occupy the dwelling, lot, and common area in accord with the Association's Rules.

2. Owners must provide the Association with the name, contact information (phone number and email), and vehicle information (year, make, model, color and license plate) for all occupants/tenants who will be residing in the property, the name and contact information of any authorized agent of the lot owner, and the contact information for the lot owner using the enclosed form and submitting the form to Management within ten (10) days of ratification of the lease. If the written lease contains the information required on the form, the lease may accompany the form. The lot owner is responsible for ensuring the books and records of the Association reflect their current contact information, including mailing address.

3. The Association reserves the right to deny the use of the common facilities to anyone claiming to be a tenant unless all the documentation required herein is submitted.

4. At the time the lease is executed by the tenant, the owner shall provide the tenant with copies of the Rules, as defined above.

8. Any owner or occupant engaging in short-term lodging activity must comply with the Ordinance in all aspects, including, without limitation:

- (a) being a permanent resident of the lot hosting the short-term lodging use;
- (b) having a valid permit issued by the County;
- (c) complying with the requirements of the applicable version of the Uniform State Building Code ("USBC");
- (d) having a working multi-purpose fire extinguisher and interconnected smoke detectors and carbon monoxide detectors (when required);
- (e) having a plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling;
- (f) having one designated off-street parking space available for lodgers;
- (g) not renting the dwelling for more than 60 nights per calendar year;
- (h) not allowing more than six adult lodgers per night, unless the USBC requires fewer occupants due to the size of the dwelling;
- (i) requiring all lodgers occupying the dwelling to be associated with the same rental contract;
- (j) only allowing one rental contract per night;
- (k) prohibiting events and activities, including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation; and
- (l) complying with all other requirements imposed by the County.

Any violation of the Ordinance shall also be a violation of this Policy. To the extent that the Ordinance's short-term rental provisions are subsequently amended, such amendments are incorporated into this Policy without the need for the Board to further amend the Policy.

9. Fairfax County prohibits the creation of accessory living units (a secondary dwelling unit within the principal dwelling that provides for separate eating, sleeping, living and sanitation) in townhomes. Accordingly, no owner or occupant may create an accessory living unit within their dwelling for any purpose, including for rentals of any duration.

10. The Association shall enforce this Policy in accordance with its enforcement procedures and available remedies under the Association's governing documents and Virginia law.

This Policy Resolution shall supersede any and all prior Policy Resolutions and/or Rules and Regulations regarding this subject matter.

Adopted on _____, 2023. The effective date of this Resolution shall be _____, 2023.

HICKORY CLUSTER ASSOCIATION

By: _____
Name: _____
Title: President

Owner's Representations:

By my/our signature(s) below, I/we affirm the following:

I/we represent that we have provided the tenants with the Reston Deed, Hickory Cluster Association Bylaws, Articles of Incorporation, and rules and regulations.

The representations made are true and correct.

Owner's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

FOR MANAGEMENT USE ONLY

Received on (insert date): _____

By (insert name): _____

FOR ASSOCIATION RECORDS

I hereby attest that this Resolution was published and/or distributed to the addresses of record of the members on this _____ day of _____, 2023.

By: _____

Print Name: Amanda Smith

Title: Community Manager