

2014209

RESOLUTION NO. 22-01

A RESOLUTION OF THE POINT CLEAR LANDING ASSOCIATION INC. BOARD OF DIRECTORS AMENDING SECTION XIV - RESTRICTIONS UPON USE - OF THE BYLAWS OF THE POINT CLEAR LANDING ASSOCIATION TO LIMIT THE MINIMUM DURATION OF RENTAL AGREEMENTS TO SIX MONTHS, ESTABLISH OTHER RENTAL LIMITATIONS AND PROVIDE FOR LIMITED GRANDFATHERING PROVISIONS.

WHEREAS, the Declaration of Condominium for Point Clear Landing Condominium Association made provision for Bylaws for the administration of the Point Clear Landing Condominium Association, and

WHEREAS, the Bylaws of the Point Clear Landing Condominium Association were lawfully established in 1983, and

WHEREAS, the Association Bylaws recognize the need to adopt rules and regulations governing the use of the condominium units and common areas as deemed necessary to assure the enjoyment of the property by unit owners, and

WHEREAS, Section XIV of said Bylaws establishes a limitation on the minimum duration of rental agreements of one week, and

WHEREAS, the Point Clear Landing Board of Directors, as a function of their governing authority, have determined that real estate rental practices have evolved since 1983 and that a very active short term rental industry has developed around the country, exemplified by businesses such AirBnB and VRBO, and by small business operators and rental agencies with similar short term rental business models, and

WHEREAS, the Point Clear Landing Association property management agency has advised the Board that if short term rentals become common at the property it can lead to problems related to parking due to increased vehicles, wear and tear on the driveway, noise and solid waste issues and other property management problems, all of which could increase Association operating expenses, and

WHEREAS, the Point Clear Landing Association property management agency has advised the Board that if a significant number of the condominiums become rental units, this can have the effect of reducing property values of all the units on the property not just the rental units, and it could reduce the amount lending institutions will lend to a prospective buyer for units within this condominium, and

WHEREAS, the Point Clear Landing Board, as a function of its governing authority, has a responsibility to maintain rules and regulations necessary to maintain conditions that will assure the enjoyment of the property by unit owners, avoid added cost burden associated with rental activity being shifted to non-renting owners, and protect owner's investment and property values:

NOW, THEREFORE, BE IT RESOLVED BY THE POINT CLEAR LANDING ASSOCIATION INC. BOARD OF DIRECTORS, that

- I. Section XIV of the Bylaws of the Point Clear Landing Condominium Association is hereby amended to read as below indicated:

XIV. Restrictions on Use

1. No owner of a condominium unit shall lease less than an entire unit and shall not lease an entire unit for a period of less than six months.
2. Only one lease may exist on a unit during a lease term and leases shall prohibit lessee subleasing or the taking in of tenants not within the lessee's immediate family.
3. No condominium unit shall be leased to a lessee that is not a natural person who will personally occupy the unit during the lease period. Units shall not be leased to LLCs, corporations, leasing agents or agencies, or any other business entity.
4. Any owner of a condominium unit having an existing lease or rental agreement in effect which is not compliant with these restrictions, and which was executed prior to adoption of these restrictions, shall be entitled to allow said agreement to continue to expiration of the lease period or for six months, whichever is the shorter time, but the noncompliant lease may not be renewed.

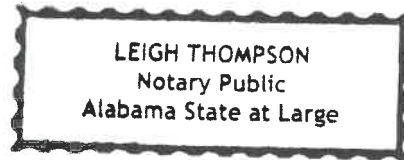
II. This resolution shall become effective after adoption and recording in the County records.


DONE, ADOPTED, AND PASSED by Point Clear Landing Board of Directors and Association Membership this 28th day of May, 2022.

Point Clear Landing Board, Inc.

BY: 

Bruce Downey, III
Board President




5-28-22

**THIS INSTRUMENT
PREPARED BY**

Bruce Downey
c/o Level Property Management Group
7472 Parker Road
Fairhope, AL 36532

**My Commission Expires
November 4, 2025**