

Bristol Harbour Village Association (BHVA)

Rental Policy for Owners

2019

Dated - June 18, 2019

This policy was approved by the BHVA Board of Directors on:
June 19, 2019

Rental Policy Introduction

Bristol Harbour Village (BHV) is a community consisting of privately-owned condominiums, townhouses, and single-family houses. Bristol Harbour Village homeowners are committed to the preservation of its pleasant, peaceful, and safe living environment, its scenic, natural beauty, as well as its many amenities.

The purpose of this document is to provide residents who rent their BHV properties to others with guidance regarding their responsibilities to the BHVA in keeping with the intent and spirit of our common vision and the governing documents.\

This policy addresses proper rental protocol with respect to properties managed by the Home Owner Associations (HOAs) for Condos 1, 2 and 3, as well as properties owned and operated by the Bristol Harbour Village Association (BHVA) on behalf of the BHV (hereinafter defined as "Association Land").

Each of the listed HOAs have their own rental policies:

If you are a landlord in any of these condos, you must follow their respective renter/guest policies, as well as acknowledging and accepting the additional obligations set forth herein that apply to Association Land. This policy envelops residences on Andrews Way, Bristol Harbour Boulevard, Bristol Harbour Terrace, Golfside Circle, Hagen Trail, Harbour Drive, Harbour Lane, Hillside Drive, Hogan Lane, Jones Way, Lakeview Trail, Lakewood Trail, Medalist Lane, Spyglass Hill, Vardon Drive.

While this document states policy rules and regulations, it relies on the cooperation of the **entire community to function properly**. Purposely, the intent of the policy was to side on a "less restrictive" document. It may be the desire of individual homeowner associations to add supplementary and more restrictive provisions to this policy based on their individual needs and/or situations.

For those who live in condominiums or homeowner associations within Bristol Harbour Village it is important to understand that BHVA rules and regulations are enforced by the BHVA Board of Directors, while the condominiums have the authority to enforce their own rules and regulations that specifically apply to landlords renting units in their associations. All unit Owners and Tenants renting out any unit within Bristol Harbour must acknowledge that they have read and understand the rules and regulations for landlords that govern the use of any properties owned by the BHVA. These properties are described fully in the following section titled Association Land.

Definition of Terms

A **Resident** is either 1) an Owner or 2) a Tenant as defined below. (Adapted from BHVA Declarations, Section 1.23.)

Owner shall mean and refer to the record owner of any unit or development within the BHV property, as hereinafter defined, or any common or joint interest therein if such unit or development is owned by more than one person or entity. (Adapted from BHVA Declaration Section 1.19 & By-Laws Section 1.19).

Renter shall mean and refer to an individual or individuals (not a Tenant) who rents or otherwise occupies a House or Unit with the consent of its Owner or Tenant.

Tenant shall mean and refer to one or more individuals who make their residence in any House or Unit on the BHV property under a written contract, filed with BHVA, with an Owner.

House/Unit shall mean and include any single-family residence, townhouse, attached duplex dwelling, or condominium residence (adapted from BHVA Declarations, Section 1.27 & By-Laws Section 1.27).

Association Land is defined as real property owned and maintained by Bristol Harbour Village Association (including roads, parking lots, the beach, elevator, tennis and pickleball courts, playground, re-cycling center, and Community Center) for the use and enjoyment of its members and is automatically extended to renters and tenants (from Declaration, Section 7.02 and memorandum from Harter Seacrest & Emery LLP, to BHVA dated 3/13/2013).

Pets shall mean domestic animals whose ownership is permitted by law, including applicable zoning codes. Residents and Renters are subject to the BHVA pet rules (see BHVA R&R document), and must register their pet (see Appendix F) prior to taking occupancy in a House or Unit.

Administration of Policy

Residents who choose to rent their Houses/Units to others need to:

- 1) Regardless of length of stay and for each Renter, the letting Resident (or his/her Condominium if applicable) must submit to the BHVA management office, in advance, a Rental Notification Form (Appendix A) that includes the list of all guest names and color/make/ license plate number of all motor vehicles parking at the rental unit.
- 2) Assure that the name of primary renter/tenant listed in the Rental Notification Form (Appendix B) is of legal age.

- 3) Post BHVA Rental Policy and Rules and Regulations at a visible location in rental unit.
- 4) Inform renters and tenants as to the BHV amenities they are entitled to use based on the duration of the stay (Appendix B).
- 5) If the fitness center is being used by the renter staying 6 months or longer, have those complete the Bristol Harbour Fitness Center application (Appendix C) and Informed Consent Waiver (Appendix D).
- 6) Provide their (the owner's) access card or key fob to any renter staying 6 months or longer for use of the Community Center facilities. The access card or key fob must be returned to the owner at the end of the rental period. Non-returned access cards will be de-activated by the management office.
- 7) Have Renter fill out Form P101 (Appendix E) to register pet(s), if allowed by the Owner. See BHVA pet rules for additional information. Appendix E must be filled out and submitted with Appendix A.
- 8) Submit all required forms to the BHVA office prior to arrival.
- 9) Be aware of the procedure for community residents making a complaint regarding disturbances (Appendix F) and the Incident Report Form (Appendix G).
- 10) Inform all renters that they cannot sub-lease or sub-let a House or Unit to a third party without Owner's prior written permission. Sublessees must abide by all rules that apply to Renters and Tenants, including the filing of all required forms.
- 11) Inform all renters and tenants that parking is not permitted on BHV roads at night and that all roads must be clear for emergency and first-responder vehicles to pass.
- 12) Inform all renters that no parking is permitted on BHVA Property without BHVA approval.

Rental Violation Schedule of Fines

If a disturbance occurs on BHVA Property, the first level of finding an amicable resolution should be between the owners.

Please refer to the BHVA Rules and Regulations Enforcement Provisions document for warnings and fines.

Note - A unit owner can appeal the fine levied by the management company to the BHVA Board of Directors.

Appendix A: Rental Notification Form

Name of Resident submitting rental information _____

House/unit address _____

Name of renter/tenant _____

Total number in family including children _____

Name of rental agency (if applicable) _____

Check-in date _____

Check-out date _____

Number of vehicles _____

License plate(s): State ____ Plate number _____ Make _____ Color _____

State ____ Plate number _____ Make _____ Color _____

Additional information: 1) Resident must have Rental Information Notification Form on file in the management office before check-in date (Fax or e-mail info below), and 2) Resident must have current copy of rules and regulations available inside of the House/Unit for Renters to view and understand.

Signature of owner _____ Date signed _____

This form is to be filled out by either the Resident or whomever the Resident has designated as its rental agent and submitted to the management office.

APPENDIX B: AMENITIES FOR RENTERS AND TENANTS

The amenities available to renters and tenants at Bristol Harbour Village are determined by the length of stay and in accordance with the Bristol Harbour Community Center Rules and Regulations (page 5) dated December 2, 2010.

Short-term renters staying less than 1 week to 6 months have access to the following amenities: beach, tennis courts, playground, basketball court, BBQ grill, volleyball area, outdoor car wash, and the Community Center bathrooms.

Extended short-term renters staying 6 to 12 months and long-term renters/tenants staying 1 year or longer have access to the above amenities plus the Community Center library, fitness center, and game room.

For more information regarding the Community Center facilities, see the Bristol Harbour Community Center Rules and Regulations dated December 2, 2010.

**APPENDIX C: BHCC Fitness Center Application
(for extended short-term and long-term renters/tenants only)**

Please Print Clearly

First Name: _____

Last Name: _____

Age: _____

Street Address: _____

City: _____

State: _____ Zip Code: _____

Office/Cell Phone: _____ Home Phone: _____

Signature: _____

In case of emergency contact information

Name: _____

Address: _____

Cell Phone: _____ Home Phone: _____

Office Phone: _____

Informed Consent Waiver

Filed on: _____
Date

**APPENDIX D: Informed Consent Waiver
(for extended short-term and long-term renters/tenants only)**

I, the undersigned, wish to use the fitness center at the Bristol Harbour Community Center. I certify that I am physically able to participate in exercise activities. I have a reasonable basis for this opinion due to examination and/or consultation with my physician. I also certify that I will use good judgment while exercising and will not overexert. I recognize that I am responsible for knowledge of my own state of health.

I realize that any time one engages in physical activity there are inherent dangers. I, therefore, accept all responsibility and assume risk of all injury or damage to my person which may arise, whether directly or indirectly, because of my participation in the fitness program, or because of the prescriptive advice I receive. I hereby release and hold harmless from any liability, whatsoever, the BHVA, as well as its affiliates, directors, officers, employees, and representatives.

I also agree to abide by the rules and regulations as established by the BHVA with the understanding that violation of such rules may result in withdrawal of my privilege to utilize the fitness facility or engage in the prescribed fitness program.

I certify that I understand and agree to the contents of this waiver.

Signed: _____

Parent or Legal Guardian Signature if under 18 years of age:

Date: _____

Witness: _____

APPENDIX E: Pet Registration Form

If the owner allows pets for a rental unit, the tenant must complete and submit Pet Registration - Form P101 available at the BHVA management office at 30 Golfside Circle. A \$5.00 lifetime registration fee is required to receive a BHV pet identification tag for each dog or cat brought onto BHVA property. The fees collected for the pet registration go towards the maintenance of the pet waste stations located throughout Bristol Harbour Village. Short and Extended short-term Renters may not have pets.

Pet Registration Form P101

Tenant's name _____

Bristol Harbour Village address _____

Tenant dates from _____ to _____

Permanent address _____

Pet's Name _____

Dog _____ Breed _____

Cat _____

Identifying markings _____

Tenant signature _____

Date _____

*Signature of Tenant assumes understanding of BHV pet rules and agrees to follow such rules.

Return this form to: Bristol Harbour Village Association

30 Golfside Circle

Canandaigua, NY 14424

Tag # _____

APPENDIX F: Making a Complaint

What is the process for making a complaint?

- 1) In the event of a problem or disturbance caused by a renter or tenant, the first point of contact should be with the owner. If the problem is resolved, no further action is required.
- 2) If the problem is brought to the attention of the owner and the owner (a) does not respond to the complaint, (b) does not provide a response within 24 hours, or (c) has reoccurring rental problems, the person making the complaint should call the BHVA office at _____ during regular weekday business hours and file a written complaint (see Appendix G). If the problem occurs on the weekend or after regular business hours, the complainant should call the management emergency number at 585-453-2142 and file a written complaint as soon as possible.
- 3) As a last resort and for extreme issues, the complainant should call 911.
- 4) Complaints involving occupants of a unit rented in a Condominium should also be reported to the Condominium office (amorey@kenrickfirst.com).

What are the actions for a complaint?

Please refer to the BHVA Enforcement Provisions document for a schedule of warnings and fines.

Can the owner appeal the fine?

The owner can appeal the fine to the BHVA board. The form is available from the BHVA management office.

APPENDIX G : Incident Report Form

Incident Time/Date _____

House/Unit Address _____

Unit Owner (if known) _____

Person Filing Incident _____

Incident Details

To be completed by the Management Office:

Incident Reported to Management Office _____

Action Taken/Resolution

OFFICE USE ONLY - Add copy of this complaint to Owners file.