

**RESOLUTION OF THE BOARD OF DIRECTORS OF
BUCKHEAD GRAND CONDOMINIUM ASSOCIATION, INC.**

Short-Term Rentals and Rentals of Portions of Units Prohibited
Updated and Effective as of July 1, 2016

WHEREAS, the Board of Directors of the Buckhead Grand Condominium Association, Inc. (“Association”) is charged with the administration of the Association; and

WHEREAS, in accordance with Paragraphs 9(b), 9(e) and 14 of the Declaration of Condominium for Buckhead Grand Condominium (“Declaration”), and Article III(C), Section 1(f) and Article V, Section 1 of the Association’s Bylaws, the Association’s Board of Directors (“Board”) has the right and authority to make, modify, amend, repeal and enforce reasonable rules and regulations governing the conduct, use and enjoyment of the Condominium, including the Units, Limited Common Elements, and Common Elements and to control and manage the “Area of Common Responsibility” of the Condominium; and

WHEREAS, Paragraph 15 of the Declaration sets forth leasing restrictions that govern all Owners and Occupants in Buckhead Grand, and Paragraph 15(a) states that the purpose of the Association’s leasing restrictions is to preserve the character of the Residential Units as predominately owner-occupied and to comply with eligibility requirements for financing in the secondary mortgage markets; and

WHEREAS, Paragraph 15(a)(iv)(B) of the Declaration provides that Residential Units in Buckhead Grand may be leased only in their entirety and no fraction or portion may be leased without prior written Board approval and that all leases must be for an initial term of not less than one (1) year, except with written Board approval;

WHEREAS, Paragraph 14(a) of the Declaration restricts the use of Residential Units in the Condominium to Residential Purposes only and only provides for limited “ancillary business activity” in accordance with its terms;

WHEREAS, the Federal Housing Administration (“FHA”) and the United States Department of Housing and Urban Development (“HUD”) consider a condominium that allows transient rentals or use of one or more Residential Units for less than 30 days, or that otherwise provides or allows for the provision of services commonly associated with a hotel, to be ineligible for FHA financing approval, and HUD’s position is that a condominium currently on the FHA approved site could find their project eligibility and approval status in jeopardy if any transient or hotel rentals, occupancy or use is found to occur; and

WHEREAS, in accordance with Section 15(a)(i) of the Declaration, the Board has the authority to establish conditions as to the duration and use of Leasing Permits and Hardship Leasing Permits; and

WHEREAS, the Board has determined that that short-term leasing and rentals and other transient or hotel use of Units is not consistent with the residential character of the Condominium and the Residential Units and that it is in the best interest of the Association to ensure that all Owners and Occupants understand that short-term leasing and rentals and other transient or hotel use of Units, including through companies like Airbnb, Inc., VRBO, and HomeAway, are hereby prohibited, and the Board will not approve any lease, rental, occupancy or other use of any room, fraction or portion of a Residential Unit or for an initial term of less than one (1) year;

NOW, THEREFORE, the Board of Directors unanimously voted on June 28, 2016 to adopt the following Association Rule:

Rule Prohibiting Short-Term Rentals or Rentals of Portions of Unit

No Residential Unit or part thereof, unless the same is owned by the Association, shall be rented, occupied or used for transient or hotel purposes, which is defined for the purposes of this Rule as follows:

- (i) rental, use or occupation for any period of thirty (30) days or less;
- (ii) rental, use or occupation under which tenant(s)/occupant(s)/guest(s) are provided services commonly associated with hotel services such as room service for food and beverages, maid service, cleaning services, the furnishing of laundry and linen, busboy or bellhop service, and other hotel services (as determined by the Board in its good faith discretion);
or
- (iii) rental, use or occupation by roomers or boarders, or for less than the entirety of a Residential Unit, except to a bona fide roommate to the extent expressly permitted by the Declaration.

No lease, rental, use or occupancy agreement may be for less than an entire Residential Unit. Any lease, rental, use or occupancy agreement shall be in writing, shall provide that the tenant(s)/occupant(s)/guest(s) shall be subject in all respects to the provisions hereof, and to the rules and regulations promulgated from time to time by the Board of Directors, and shall provide that the failure by the tenant(s)/occupant(s)/guest(s) to comply with the terms of the Declaration and lawful rules and regulations shall be a default under same and a violation of the Declaration. For the purposes of this Rule “occupant” and “occupancy” shall refer to any Person staying at a Residential Unit overnight.

The Board of Directors shall have the authority to determine, in its good faith discretion, whether a specific rental, use or occupation of a Residential Unit (or series of same) violates this Rule and may also allow for periodic overnight visits to a Residential Unit by bona fide friends and family of the resident(s) of the Residential Units.

No Residential Unit may be listed or otherwise advertised (in any way whatsoever) for transient or hotel rental, use or occupation, whether through “Airbnb,” “VRBO,” “HomeAway” or similar service, or otherwise, and any such listing or advertising for a Residential Unit shall only be for residential Leasing, rental, use or occupation that complies with the Declaration. Any violation of this Rule shall be deemed a violation of the Declaration.

A copy of this Rule shall be furnished to the Buckhead Grand Owners and Occupants and the rule shall be effective 10 days thereafter.

RESOLVED AND ADOPTED by the Board of Directors of Buckhead Grand Condominium Association, Inc. and entered in the Association's records on 28th day of June, 2016.

BUCKHEAD GRAND CONDOMINIUM ASSOCIATION, INC.


BOARD MEMBER


BOARD MEMBER


BOARD MEMBER


BOARD MEMBER


BOARD MEMBER