

# Lakeshore Association

A Private Residential Community on Lake Michigan

## Change of Occupancy Registration – Owners / Tenants

Co-owner must provide to the Association Property Manager:

1. All owners to provide the Association Property Manager with a copy the exact lease form for the Unit being rented.
2. Or if you have an agent managing your condominium unit please have the agent provide the Association Property Manager with a copy of the exact lease form for the unit being rented plus a copy of your signed management agreement.
3. All owners to supply the Association with a copy of the Rental Unit Permit issued by the City of St. Joseph (rentals only).
4. A completed LCA Inspection Form must be supplied to the Association for every occupancy change. This includes a change in tenant, occupant, or owner.
5. Inspection reports must be filed with the Association prior to a new tenant or occupant occupying the unit or, if a new owner, no later than two weeks after closing.
6. A completed Gate Entry Code Registration Form must be supplied to the Association Property Manager for each occupancy change.
7. Payment of the change of occupancy administrative fee. An administrative fee of \$100 is charged for the first (1st) change of occupancy in a calendar year. The administrative fee for each subsequent change of occupant in the same calendar year is \$150.
8. Rules and Responsibility Form signed by Co-owner and/or rental agent.

### **Insurance**

Lakeshore Association strongly recommends all Co-owners who rent their unit, require their tenant to obtain a renter policy (HO-4) for liability purposes.

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Listed below are some highlights from the Lakeshore Condominium by-laws pertaining to the rental of units. If you rent or plan to rent your unit, please comply or have your agent comply with the Lakeshore by-laws. See your copy of the by-laws for additional details.

## **Article VI, Restrictions**

- Under Article VI, Section (a) of the Lakeshore Condominium Association by-laws, units may be used for single-family residential purposes only in accordance with applicable City of St. Joseph ordinances. The common elements shall be used only for purposes consistent with such single-family residential use. The currently applicable St. Joseph zoning ordinance prohibits leasing for a term of less than thirty (30) days.
- The Lakeshore Condominiums Association by-laws do not permit short-term rentals. A lease for a short-term rental will not be approved.

## **Leasing and Rental**

- Article VI, Section (b)(1) of the by-laws requires a Co-owner who leases a unit to disclose the lease transaction in writing to the Association at least ten (10) days before presenting the lease form to a potential tenant and, at the same time, supply the Association with a copy of the exact lease form for review for compliance with the Condominium Documents (The Master Deed and Exhibits A and B, the Articles of Incorporation and Association rules and regulations; Master Deed, Article III, Section 5). Providing the lease to the Property Manager after the lease is signed is not in compliance with these sections of the by-laws.

## **Rental Agents**

- If a Co-owner engages a rental agent to manage the Co-owner's rental property, the rental agent must be legally authorized and appointed to be the Co-owners rental agent and attorney in fact to lease the property by a written agreement. The Co-owner must provide the signed rental management agreement to the Association Property Manager. If the rental agent is to sign leases for the Co-owner, the rental management agreement must specifically state that the rental agent is authorized to sign leases for the Co-owner. A lease signed by the Co-owner's rental agent is binding upon the Co-owner and the Co-owner is responsible for the tenants conduct and any damage caused by the tenant.
- The rental agent, as the legally authorized agent of the Co-owner, is required to comply with the Association by-laws and rules.

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## **Lease Requirements**

- The terms of all leases, occupancy agreements and occupancy arrangements shall incorporate, or be deemed to incorporate, all the provisions of the condominium documents.
- Tenants and non-owner occupants shall comply with all of the conditions of the condominium documents. All leases and rental agreements are required to so state. Bylaws Article VI, Section (b)(2).
- Statement to incorporate in Lease. Approved leases must contain the following paragraph:

Please consult with your lawyer in preparation of your lease to be used for Lakeshore condominium rental / leasing agreements. The association makes no representation as to the legality of the following suggested paragraph.

**Use of Premises:** Resident shall use and occupy the premises in a manner that complies with all public health, police and fire regulations, applicable ordinances of the City of St. Joseph, State of Michigan, requirements of the insurance company carrying insurance on the building and the Lakeshore Condominium Master Deed, Bylaws as recorded at Liber 103 Page 1 of the Berrien County Register of Deeds Office and Rules and Regulations. Occupants and guests shall comply with all of the Rules and Regulations set forth by Lakeshore Condominium. Occupants further agree to comply with all of the Management's changes and additions to the rules and regulations that are permitted by the Master Deed, By-laws or law. Any violation of the Rules and Regulations or Bylaws shall constitute a breach of lease.

## **Co-owner, Tenant, and Occupant liability**

- The Association may hold both the Co-owner and the tenant responsible for any damage to the common elements caused by the tenant. Article VI, Section (b)(3)(iii). The Lakeshore Condominium Association by-laws make a Co-owner responsible for any damage caused by the Co-owner and the Co-owners family, tenants, agents, and guests. By-laws, Article VI, Section 13.
- Co-owners are responsible for their conduct and the conduct of their family, tenants, and guests.
- Rule violations by a Co-owners tenants or guests are grounds for a fine against the Co-owner. By-laws, Article VIII, Section 1.
- These by-laws were made by the original developer and are embodied in the Master Deed and by-laws that each Co-owner accepted and agreed to by taking ownership of a unit at Lakeshore Condominiums.

Approved by the Board of Directors 4-28-16; Revised 8-3-19.