

**LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING
HERRIN LOFTS CONDOMINIUM HOMEOWNERS ASSOCIATION, INC.**

WHEREAS Herrin Lofts Condominium Homeowners Association, Inc., (hereinafter the "Association") is the governing entity for Herrin Lofts Condominium, located in Harris County, Texas, according to the Declaration recorded under Clerk's File No. 20070088441 of the Condominium Records of Harris County, Texas, and any amendments thereto (hereinafter the "Condominium"); and,

WHEREAS Article 10, Section 10.8 of the Herrin Lofts Declaration of Condominium entitles the Declarant, but not the Association's Owners, to lease or rent Units; and,

WHEREAS Section 82.102(a)(7) of the Texas Property Code authorizes the Association, by and through its Board of Directors, to adopt and amend rules regulating the leasing of Units; and,

WHEREAS Section 82.102(a)(12) of the Texas Property Code authorizes the Association, by and through its Board of Directors, to impose reasonable fines for violations of the Association's rules; and,

WHEREAS the Association previously adopted its Short Term Rental and Visitor Parking Guidelines, which are filed for record in the Real Property Records of Harris County, Texas, under Clerk's File No. RP-2016-413276 (hereinafter the "Guidelines"); and,

WHEREAS the Association has determined that short-term leases are inconsistent with the residential use of the Condominium and diminish the residential character of the Condominium; and,

WHEREAS the Association has determined that short-term leases negatively affect common areas, negatively affect the use and enjoyment by Owners of their Units, and create a nuisance, annoyance, and/or undue burden on the Condominium's Owners; and,

WHEREAS the Association therefore wishes to prohibit short-term leases, so as to best serve the Association's purposes and so as to protect property values in the Condominium by preserving the Condominium's character as a residential community of single-family residences; and,

WHEREAS, this Dedicatory Instrument consists of Restrictive Covenants as defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants;

NOW THEREFORE, pursuant to the above, and as evidenced by the certification hereto, the Association, by and through its Board of Directors, hereby these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING**, as follows:

LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING

1. **Written Leases Required:** No Owner may lease or rent their Unit except pursuant to a written agreement executed by and between the Owner and the Owner's tenant or lessee. Each written agreement creating a lease or rental shall include within it a provision stating that any breach by tenant or lessee of the Condominium's restrictive covenants, rules, regulations, and/or policies, shall be considered a substantive breach of the written agreement and that such a breach shall constitute grounds for eviction.
2. **Short-Term Leases Prohibited:** No Owner in the Condominium may lease or rent their Unit, or allow their Unit to be leased or rented, for a term of less than thirty (30) consecutive days. No lease or rental term of less than thirty (30) consecutive days shall be permitted under any circumstances in the Condominium, except as outlined herein. No Owner may allow a tenant or lessee to lease or rent the Owner's Unit for a term of less than thirty (30) consecutive days, except as outlined herein.
3. **Partial Unit Leases Prohibited:** No Owner may lease or rent their Unit, unless and except the lease or rental is for the entirety of the Owner's Unit and encompasses the entirety of the Owner's Unit. No Owner may lease or rent a fraction, portion, or part of Owner's Unit and/or any improvement thereon, nor allow any lease or rental of their Unit that would violate these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING**.
4. **Subleasing Prohibited:** No Unit in the Condominium may be subleased, and any Owner renting or leasing their Unit must include in the written agreement creating the lease or rental, a provision stating that any subleasing by Owner's tenant or lessee shall be considered a substantive breach of said written agreement and that such a breach shall constitute grounds for eviction.
5. **Certain Advertising Prohibited:** No Unit shall be advertised on Airbnb.com, VRBO, or any similar site or advertisement source, unless such advertisement specifically states that the Unit advertised may not be leased or rented for a term of less than thirty (30) consecutive days.
6. **Fines for Violations of these Rules and Regulations:**
 - a. Subject to any and all notice provisions and requirements imposed by the laws of the State of Texas, there shall be a five hundred dollar (\$500.00) fine imposed against any Owner who leases and/or rents their Unit for a term of less than thirty (30) consecutive days, or who allows their Unit to be leased or rented for a term of less than thirty (30) consecutive days.
 - b. Subject to any and all notice provisions and requirements imposed by the laws of the State of Texas, there shall be a two hundred and fifty dollar (\$250.00) fine imposed against any Owner who solicits tenant and/or lessees by offering (in writing) rental terms and/or lease terms which would be in violation of these

LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING.

7. Grandfathered Units:

- a. A Unit that is advertised for lease or rent at the time for a lease term of less than thirty (30) days of the recording of these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING**, and/or a Unit that was leased or rented for a lease term of less than thirty (30) days pursuant to a written agreement at the time of the recording of these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING**, may, subject to certain procedures outlined herein, be considered a “Grandfathered Unit” subject to the conditions outlined herein.
- b. Any Owner wishing to designate their Unit a Grandfathered Unit must submit to the Association, within sixty (60) days of the recording of these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING**, written documentation, as follows:
 - i. If an Owner wishes to designate their Unit a Grandfathered Unit because said Unit was leased or rented at the time of the recording of these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING**, then the Owner of such Unit must submit a fully executed lease or rental agreement which demonstrates the Unit at issue was leased or rented pursuant to said written agreement at the time of the recording of these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING**.
 - ii. If an Owner wishes to designate their Unit a Grandfathered Unit because said Unit was advertised for lease or rent at the time of the recording of these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING**, then the Owner of such Unit must submit a copy of the advertisement and/or listing, as well as documentation demonstrating that the Unit had been so advertised and/or listed for rent or lease at the time of the recording of these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING**.
 - iii. In the event the Association receives valid written documentation as outlined herein, then the Association shall designate the Unit at issue a Grandfathered Unit and shall notify the Owner of such designation in writing.
- c. Any Grandfathered Unit shall remain a Grandfathered Unit until the first of any one (1) of the following events:

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- i. The Owner of the Unit at the time of the recording of these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING** transfers any of Owner's ownership interest in said Unit; or,
 - ii. The Owner of the Unit at the time of the recording of these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING** becomes deceased; or,
 - iii. The expiration of three (3) months from the recording of this Amendment.
- d. Upon the happening of the first of these above-listed events, the Unit shall no longer be considered a Grandfathered Unit.

8. In the event of any conflict between these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING** and any other policy, rule, and/or regulation previously adopted by the Association, then these **LEASING RULES AND REGULATIONS PROHIBITING SHORT-TERM LEASING** shall control.

CERTIFICATION

"I the undersigned, being a Director of Herrin Lofts Condominium Homeowners Association, Inc., hereby certifies that the foregoing was approved, by the Association's Board of Directors, at a properly noticed open meeting of the Board, on April 6th 2021, 2021, at which meeting a quorum of directors was present."

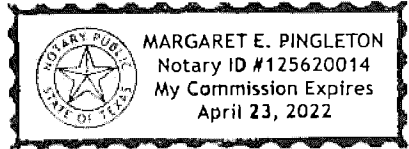
By: [Signature]
 Print Name: Mike Perrott Title: President

STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on the day personally appeared the person whose name is subscribed to this instrument, and being by me first duly sworn, declared that he signed the foregoing document in his representative capacity, as the act and deed of the corporation, and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 6th day of April, 2021.

[Signature]
 Notary Public, State of Texas



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Pages 5
05/04/2021 02:22 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$30.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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