

Treehill Park Homeowners Assn.

RESOLUTION 02-6

Home Businesses

Background:

The Treehill Park Board of Directors has received a written request from a resident to operate a home business. Because the Treehill governing documents do not specifically address this issue, the Association's attorney drafted this resolution to enable the Board to respond fairly and equally to this request and to any future requests.

This resolution provides guidelines that the Board must take into consideration prior to making a decision on a resident's request to operate a home business. It provides procedures and behaviors that must be followed by the homeowner making the request. The resolution also gives the Board authority to terminate the business or to levy fines if the request is approved but the requirements and conditions are not followed.

WHEREAS "Declaration" is the *Declaration of Unit Ownership for Treehill Park Condominiums*, "Bylaws" are the *Bylaws of Treehill Park Unit Owners Association*, and "Association" is the *Treehill Park Homeowners Assn.*"

WHEREAS, Section 8.2 of the Declaration provides as follows:

Each Unit shall be occupied and used by the respective Unit Owner only for single family residential purposes.

WHEREAS, unit owners may request permission from the Board to operate a home occupation business in their respective units, such as meeting with clients, academic tutoring, sewing classes, etc.;

WHEREAS, Section 4.2 of the Bylaws grants the Board "the powers and duties necessary for the administration of the affairs of the Association and may do all acts and things are not by law or by these bylaws directed to be exercised and done by the owners"; and under Section 4.3(e) of the Bylaws the Board has the power and responsibility for "promulgation (dissemination) and enforcement of rules of conduct of condominium owners, employees, and invitees, and the use or restrictions thereof relative to common elements";

WHEREAS, the Board deems it necessary and in the best interests of the Association to establish uniform policies and procedures for home occupation businesses:

NOW THEREFORE BE IT RESOLVED that the Board interprets Section 8.2 of the Declaration as follows:

- A. Section 8.2 prohibits:
 - 1. Use of a unit for multifamily residential purposes: and
 - 2. Use of a unit for primarily commercial or other nonresidential activities
- B. Section 8.2 does not prohibit:
Home occupation businesses, approved by the Board, in which the home occupation business is merely incidental to the single family residential, use of the unit, and does not disrupt the residential character, atmosphere, and living conditions of the community.

NOW THEREFORE BE IT RESOLVED that the following be adopted to provide for the uniform and systematic procedure for establishing and maintaining home occupation business activities on the premises:

- A. No owner shall operate a home occupation business on Treehill property without prior written approval of the Association's Board.
- B. All approved home businesses shall comply with local governmental home occupation ordinances, rules, and regulations.
- C. If the home business is to be operated by a renter, the renter must provide written permission from the unit owner.
- D. Upon application by a unit owner or renter to operate a home occupation business, the Board will consider the following factors in determining whether the proposed home occupation business is likely to disrupt the residential character, atmosphere, and living conditions of the community:
 - 1. Impact on community traffic
 - 2. Impact on community parking
 - 3. Noise
 - 4. Nuisances to other unit owners
 - 5. Nature of the business
 - 6. Risk of personal injury or property damage to the Association, it's members and other occupants
 - 7. Impact on the insurability or insurance costs of the Association or its members
 - 8. Potential liability to the Association or its members
 - 9. Compliance with the declaration, bylaws, and rules and regulations of the Association.
- E. If, after an application has been approved, the Board receives complaints about the home occupation business activities or their impact, or otherwise determines that the home occupation business no longer meets the criteria for approval, the Board may require the applicant to:
 - 1. Abate the offending activity, or
 - 2. Terminate the home occupation business

Before requiring an abatement of the offending home occupation business activity or termination of the home occupation business, the Board shall give the owner or renter a reasonable opportunity for a hearing.

However, if the Board determines that immediate action is warranted to protect the health, safety, or welfare of the Association, its members or other occupants, the Board has the authority to require immediate termination without the opportunity for a hearing.

F. Operation of a home business occupation after Board approval has been withdrawn shall be grounds for the imposition of fines and possible legal action against the owner as well as any other remedy available to the Association under the Oregon Condominium Act, the Declaration, Bylaws, and the Association Rules and Regulations.

NOW BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all Owners at their last know address.

Adopted by the Board November 25, 2002

Board Chair /s/Carol Colleen)
Board Secretary /s/ Aloha Rath

The wording for this Resolution was drafted by the Association's attorney.