

Brandywine, A Planned Community

Brandywine Non-Owner Occupancy Policy

Executive Board Approval Date: June 5, 2025

Introduction

This Non-Owner Occupancy Policy has been adopted by the Brandywine Homeowners Association Board of Directors pursuant to the Second Amendment to the Declaration of Covenants and Restrictions, recorded on March 24, 2025. The amendment, approved by the requisite majority of unit owners, establishes a cap on non-owner occupied units and sets forth specific requirements for non-owner occupancy arrangements.

The purpose of this policy is to provide clear procedures and expectations for unit owners who lease or otherwise allow occupancy of their units by individuals who are not the owner or qualifying family members, as defined in the amended Declaration. This policy is intended to ensure consistent enforcement, protect the character of the community, and preserve compliance with the Association's governing documents.

All unit owners considering or currently engaged in non-owner occupancy are required to comply with the provisions outlined herein.

Policy Statement

Effective May 23, 2025, no more than five percent (5%) of the 121 Units (i.e., a maximum of six Units) in the Brandywine community may be occupied by individuals other than the Unit Owner(s), the Owner's parents (and their spouses), children (and their spouses), or grandchildren (and their spouses).

Non-Owner Occupants who were residing in a Unit prior to this effective date may continue their occupancy, even if the leasing cap has been met, provided all requirements outlined in Sections 8.2.1 through 8.2.7 of the Declaration (see Attachment A) are continuously met. These Non-Owner Occupants may remain in the Unit until such time as their written agreement for occupancy expires, after which no further non-owner occupancy of that Unit shall be permitted unless and until the Unit complies with all requirements of this Policy and the community is below the leasing cap.

If a qualifying Non-Owner Occupant vacates the Unit or fails to meet the ongoing compliance requirements, any subsequent non-owner occupancy must fully adhere to the guidelines established in this Policy and will only be permitted if the leasing cap has not been reached.

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Guidelines

1. Required Documentation

All non-owner occupancy requires submission of:

- A completed Brandywine Non-Owner Rental Application
- A copy of the signed lease agreement between the Unit Owner(s) and Non-Owner Occupant(s)
- A signed Brandywine Lease Addendum
- The rental fee (see Section 4)

2. Rental Cap and Application Process

Unit Owners must contact the Brandywine Homeowners Association (York H-G Properties at 717-501-4435 or associations@yorkhgproperties.com) to verify whether the rental cap has been met.

- a. If the rental cap has not been met:
 - The Association will provide the Application Packet (consisting of an application and lease addendum) to the Unit Owner.
 - Unit Owners will have 2 weeks to submit a completed application.
 - Unit Owners will then have an additional 30 days to identify a Non-Owner Occupant and submit the signed Lease Agreement, Lease Addendum, and rental fee.
- b. If the rental cap has been met:
 - Unit Owners may request to be added to the rental Waiting List.

3. Waiting List

- a. The Association will maintain a dated rental Waiting List.
- b. When the number of non-owner occupied Units falls below the cap, the Association will contact the first Unit Owner on the Waiting List by phone or email.
- c. The contacted Unit Owner will have 2 weeks to submit a completed Application and 30 additional days to submit a signed lease, Lease Addendum, and rental fee.

4. Rental Fee

- a. The Annual Rental Fee is equal to 10% of the current annual Brandywine HOA dues, prorated annually from January 1 to December 31.
- b. This fee must be submitted with each new or renewed Lease Agreement and Lease Addendum.

