

**SUBLEASING AND ADDITIONAL OCCUPANT POLICY**  
Adopted by Islander Residents Association Board of Directors on December 21, 2004  
Revised October 2015

**VALUE STATEMENT**

The Islander Mobile Home Park, which is owned and managed by the Islander Residents Association, is an owner-occupied housing cooperative operated by and for its Members with the purpose of providing the benefits and values of resident ownership for the health and stability of the community.

**DEFINITIONS**

“Member” means a person who owns a membership and has entered into a proprietary lease for the lot connected to their membership. All Members are lessees.

“Guest” means an individual who is not named on a Member’s lease nor part of a Member’s dependent family under age 19 who resides in a Member’s home for up to 90 days annually with the Member in residence

“House Sitter” means an individual who is caretaking a Member’s home for up to 90 days while the Member is not in residence. After 90 days the Member must follow policy guidelines to request permission from the Board to Sublease their home.

“Occupant” means an individual who is not named on a Member’s lease or part of a Member’s dependent family under age 19 who stays in a Member’s home with the Member in residence for more than 90 days annually. Member must be concurrently resident when Occupants reside in the Member’s home.

“Absentee Member Sublease” (Sublease) means an arrangement that gives a person the right to reside in the Member’s home when the Member is absent. Subleases are for a time period of 90 days to one year with the option to renew for a total of 3 consecutive years with Board approval annually or before any other period of renewal. The Member must follow policy guidelines to request permission from the Board to renew a Sublease of their home. Absentee Member Sublease does not include the City of Bainbridge Island subleases.

**SUBLEASING IS PROHIBITED**

As provided in the cooperative’s Articles of Incorporation, bylaws, and proprietary leases (the “Organizational Documents”), Subleases are prohibited. As stated in Section 9 of each lease:

Lessee shall use the Lot only for the placement of Lessee’s manufactured or mobile home and its accessory buildings for the exclusive occupation and use by Lessee as Lessee’s residence.

The Organizational Documents allow the cooperative's Board to grant certain exceptions to this Sublease prohibition. Any Subleases that do not qualify for one of the exceptions listed below shall constitute a breach of the Member's lease and may lead to an action against the Member for unlawful detainer and eviction from the Park as provided in the Organizational Documents.

### **Allowable exceptions**

#### *Exception 1. City of Bainbridge Island Subleases*

The City of Bainbridge Island may execute Subleases for the lots connected to its memberships; provided that the City first obtained the Park's approval of such Subleases, as required by the Organizational Documents.

#### *Exception 2. Subleases Existing at the Time of the Cooperative's Formation.*

Those Subleases existing on October 29, 2004, prior to the Park's conversion to a residential cooperative, may be excepted from the Sublease prohibition once the Park's Board approves the contents of the Subleases. Any Sublease allowed under this exception shall be a temporary license that will expire immediately when the Sublessees who occupied the home on October 29, 2004 terminate their Sublease or it is terminated by IRA Board of Directors action.

This exception is allowed because these Renters have resided in the Park for long periods and the health and stability of the community will be benefited by their continued presence.

#### *Exception 3. Temporary Subleases.*

A Member may ask the Board to approve a temporary Absentee Member Sublease.

The Board may only approve a temporary Sublease if the following four conditions are met:

1. The Member requesting the Sublease has resided in the Park and maintained the Member's home in the Park as the Member's residence for at least twelve consecutive months immediately prior to the Sublease request;
2. The Sublease does not exceed three years;
3. If the Member requesting the Sublease had previously been given approval of a Sublease, the Member returned to and established the Member's residence in the Park for one year prior to requesting the second Sublease;
4. No more than five other Subleases (including those allowed under Exception 2 above but not including those allowed under Exception 1 above) are currently in effect in the Park (i.e., no more than five Subleases, not including the City Subleases, may be in effect at any one time).

The Board shall not unreasonably withhold approval of a temporary Sublease that meets the four conditions listed above. All requests for temporary Subleases must be made following the process described below and must follow a form and include provisions required by the Board, including the Sublessee's agreement to comply with all of the cooperative's Organizational Documents. Any breach of a Sublease shall constitute a

default of the Member's lease. Prospective Sublessees shall, to the extent permitted by law, be subject to the same credit and criminal investigations and review required by the Board for prospective members.

House Sitters, after 90 days, will be considered Sublessees and must comply with all requirements for Sublessees. Approval of a change from House Sitter to Sublessee must be requested thirty (30) days in advance of the end of the 90 day period and may only be approved if it falls into one of the exceptions listed above

If a Member desires a temporary Sublease and does not meet the four conditions listed two paragraphs above, the Board of Directors cannot approve the Sublease. However, a Sublease not meeting the four conditions above can be recommended by the Members. This recommendation must be shown by signatures on the petition below. The petition must state in clear terms the length of the Sublease. The petition must circulate with this policy attached. Once 50% or more of the Members of IRA not currently subleasing have signed this petition (sublessees are not Members), the sublease is deemed recommended by the Members and must go to the Board for approval. The Board may only approve the recommended sublease if the petition was properly written and signed. The Board may reject the petition for reasons that it deems appropriate to protect the character and well being of the Park.

In the case of all temporary Subleases, including those recommended by 50% of the eligible Members, the Board must approve the Sublessee before the Sublessee is deemed authorized to Sublease the unit.

This exception is provided to allow Members the ability to leave their homes for extended periods of time for purposes such as, but not limited to, extended vacations and family emergencies.

*Exception 4. Occupants.*

Members may not allow an Occupant to reside in the Member's home without obtaining Board approval of the Occupant in the manner described below.

Guests, after 90 days, will be considered Occupants and must comply with all requirements for Occupants. Approval of a change from Guest to Occupant must be requested 30 days in advance of the end of the 90-day period.

The Board shall not unreasonably withhold approval of Occupants. Prospective occupants shall, to the extent permitted by law, be subject to the same credit and criminal investigations and review required by the Board for prospective Members. All Occupants must agree to comply with all the terms of the Organizational Documents and any breach shall constitute a default under the Member's lease.

**Sublease and Occupant Approval Process**

A Member seeking approval of a Sublease must fully complete the Application for Approval to Sublease. A Member seeking approval of an Occupant must fully complete the Application for Approval of Occupant. The Member must submit the completed Application to the President of the Board. The Board will act on the Application at its next regularly-scheduled meeting. Although the requesting Member's attendance at the meeting is not required, it is strongly recommended. The Board will make every effort to make a decision as quickly as possible and will notify the requesting Member, in writing, immediately following its decision.

**Petition Recommending Opportunity to Sublease**

Adopted by Islander Residents Association Board of Directors on 21 May 2015

Member requesting approval to sublet \_\_\_\_\_  
 Member's address \_\_\_\_\_ Sublease term (mo/year to  
 mo/year) \_\_\_\_\_  
 Prospective Sublessee name \_\_\_\_\_

Reason for requesting approval to sublet  
 home \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

With my signature I recommend the Member's application to sublease their home.

#	Print name legibly	Signature	Address
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Date approved/denied (circle one) by IRA Board \_\_\_\_\_

Board President: Print \_\_\_\_\_

Signature \_\_\_\_\_