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Pine Ridge North Village IV Condominium Association, Inc.
800 Sky Pine Way
West Palm Beach, FL 33415

***Re: Leasing cap and ban on leasing during first year of Ownership
Amendment***

Dear Board of Directors:

Inquiry was made as to the following:

ISSUES:

1. Does the leasing cap and ban on leasing during the first year of ownership Amendment (hereinafter referred to as "Leasing Amendment") apply to all Owners?
2. How is the Leasing Amendment applied?
3. Does the Association have the ability to make exceptions to the Leasing Amendment?

ANSWERS:

1. No, the Leasing Amendment is only applicable to specific Owners based upon the Condominium Statute in effect on April 13, 2021 which is the recording date of the Amendment. Please see reasoning below.
2. The Leasing Amendment requires the Association to determine:
 - a. If the Owner requesting permission to lease their unit purchased after April 13, 2021.

1. If yes, the leasing Amendment applies to new Owners.
 2. If no, the Association must determine if the Owner voted for the Amendment. (Please see reasoning below)
- b. If Leasing Amendment applies, please see reasoning below for procedures.
3. The Association has no power to make any exceptions as Association Documents do not provide for the same.

REASONING:

1. On April 13, 2021, the Association recorded an Amendment to Paragraph 9, Section (a) of the Declaration which imposed a ban on leasing during the first year of ownership and a twenty percent (20%) cap on leased Units. This Amendment was voted on and passed by the Owners.

Section 718.110(13) of the Florida Statutes in 2021 provided as follows:

“(13) An amendment prohibiting unit owners from renting their unit or altering the duration of the rental term or specifying or limiting the number of times unit owners are entitled to rent their units during a specified period applies only to unit owners who consent to the amendment and unit owners who acquire title to their unit after the effective date of that amendment.” (emphasis added)

The 2021 law provided that the Leasing Amendment would apply only to:

- A. All Owners who obtain title after the recording of the Amendment;
and
 - B. Owners who consented to the Amendment.
2. The procedures the Association must follow in order to determine if the Leasing Amendment applies when presented with a proposed lease is as follows:
 - A. Determine the date that Owner took title.
 1. The Leasing Amendment applies if Owner took title after April 13, 2021.
 2. If the Owner obtained title prior to April 13, 2021:
 - a. The Leasing Amendment applies only if Owner voted for the Amendment.

- b. The Leasing Amendment does not apply if Owner voted against Amendment or failed to vote.

B. If the Leasing Amendment applies:

1. Determine if Owner has owned for at least one year-
 - a. If owned for less than one year, Owner cannot lease.
 - b. If owned one year or more **and** no more than 20% of units are leased, Owner is eligible to lease.
 1. Owner cannot lease if more than 20% of units are leased.
 2. The Association should create a waiting list for Owners desiring to lease and who can't Lease as Association leases currently exceed 20% cap. Owner should request to be placed on Leasing waiting list. When leases go below 20%, the first person on list will get a chance to lease. If that person has no lease, then it goes to next person on the list.

I trust this answers the Associations most recent inquiry, If you have any questions concerning same please contact me.

Very Truly Yours,



Natalie C. Chin-Lenn