

Co-op Coalition Survey: Sublet Exceptions (2-2022)

15 co-ops responded.

Sent: Thu, Jan 27, 2022 12:48 pm

Subject: CO-OP SURVEY - SUBLET POLICY EXCEPTIONS (REP) (DUE 2-11)

A Coalition member wants to know about exceptions to sublet or rental policies being followed by cooperative associations. The questions are more narrowly focused in this survey than the one on Sublet Restrictions that was conducted in 2019. Please reply by Friday, February 11, 2022.

Thanks in advance for helping another Coalition member. The questions follow:

For associations that require a member to own an apartment for a certain amount of time before renting, do you make a specific exception for any of the following groups? In what manner is the exception made and how is the decision handled? Is the exception case-by-case or is it by right? Do you address the matter in your rules?

1. Active duty members of the military being deployed or transferred
2. Employees of the Department of State being assigned or transferred
3. Other Federal government employees being assigned or transferred

Do you have a blanket exception for any other sort of group? Do you have exceptions to such requirements generally for involuntary job transfers of civilians?

You are receiving this email blind-copied to protect your privacy.

<30 units	<p>We, at a very small co-op, have the following sublet policy:</p> <ul style="list-style-type: none"> * only one of the apartments can be sublet at any time and the tenant must go through the same vetting as a normal sale * we run the building like a private club so guests can only come when the host/owner is there * only immediate family members (children) can stay here without the host/owner present.
<30 units	<p>For associations that require a member to own an apartment for a certain amount of time before renting, do you make a specific exception for any of the following groups? YES</p> <p>In what manner is the exception made and how is the decision handled? The Board has ultimate authority in approving or disapproving a Member's request to sublease but we stick to our guidelines and Board policy of minimum times to own before renting.</p> <p>Is the exception case-by-case or is it by right? Case-by-case.</p> <p>Do you address the matter in your rules? No, we remain committed to understand the individual circumstances of the Member's need to sublease their unit and accordingly the rules provide a general framework of our process rather than provide this exception as an entitlement/right (unless preempted by law).</p> <ol style="list-style-type: none"> 1. Active duty members of the military being deployed or transferred 2. Employees of the Department of State being assigned or transferred 3. Other Federal government employees being assigned or transferred <p>Because DC is a unique jurisdiction with many US Government personnel, our Board commits to complying with the appropriate laws governing these US Government personnel, including Members of the Armed Forces. At first blush, the Servicemember</p>

	<p>Civil Relief Act (SCRA) gives servicemembers some financial relief during the course of their military service. We remain committed to supporting our servicemembers when they serve and would ask that they notify the Board and provide a copy of their orders. However, we would be reluctant to allow an exception for TDY (temporary duty) rather than a permanent change of station (PCS) as we believe that would be circumventing the intent of the law. What we mean by this is someone who is on official travel away from their duty station for a few weeks or other short term period. We would also look at the merits of the individual member's circumstances if they are a State Department employee (foreign service officer) or another Federal government employee, as well.</p> <p>Do you have a blanket exception for any other sort of group? No, we would look at the individual merits of the Member's circumstances.</p> <p>Do you have exceptions to such requirements generally for involuntary job transfers of civilians? No, we would look at the individual merits of the Member's circumstances. But, we would likely question the merits of a Member's "involuntary job transfer."</p>
<30 units	Our CO-OP requires ownership for 2 years before a unit may be rented for up to 2 years before it must be sold or inhabited again (for an additional 2 years before it can be rented again). No blanket exceptions are in place but the board reserves the right to review on a case-by-case basis where these special circumstances are considered. Our CO-OP has a small number of units so this is a rare occurrence.
<30 units	We do not condition subletting on the length of time the potential sub lessor has been a shareholder.
<30 units	We do not make exceptions to our sublet rules for members of any specific groups.
30-50 units	<p>Our rental rules are very strict: must live here for two years before allowed to rent. Can only rent for three years. That does not have to be consecutive but must be a minimum of one year for each rental. Shareholders are always welcome to request an exception but the Board rarely grants them and there are no listed exceptions in our bylaws or house rules.</p> <p>We make the rental policy very clear at the time of the interview with a potential shareholder and underscore that the Board rarely grants exceptions.</p> <p>It has been our belief that a strict policy holds up better over the long run rather than placing the Board in a position of determining who may qualify.</p>
30-50 units	<p>See below for our response to your questions asking about exceptions to the following:</p> <ol style="list-style-type: none"> 1. Active duty members of the military being deployed or transferred 2. Employees of the Department of State being assigned or transferred 3. Other Federal government employees being assigned or transferred <p>Our co-op allows for subleasing of units on a case-by-case basis and takes into consideration all the above items. Our co-op also allowances subleasing for other cases of employment transfers, leaving the area to care for a family member, financial hardship and whether the shareholder has an extra bedroom to let.</p> <p>The surcharge for subleasing is a 50% increase in the monthly fee (not including the tax amt). Sublets are permitted for 2 years periods and may be extended on a case-by-case basis. No sublease may be under 6 mos nor exceed 5 years. Shareholders must have owned the units for a minimum of 2 years before requesting to sublet.</p>
30-50 units	<p>The specific situation is not addressed in our subleasing (rental) policies. Our Bylaws specify a two-year ownership requirement prior to requesting permission to sublet in addition to other restrictions in Bylaws, House Rules, and additional policy documents. In my opinion, the Board would not have authority to make an exception to Bylaw.</p>

30-50 units	With respect to any apartment transferred to a member on or after December 5, 2012, the member must occupy the apartment for a minimum of two (2) years before being eligible to exercise the right to lease the apartment. The Board of Directors may grant an exception to this two (2) year minimum residency requirement if, in its sole discretion, it concludes that this requirement would create an unreasonable hardship on a member who is required to transfer out of the Washington, DC region due to work or other circumstances beyond the member's control.
30-50 units	Our coop does not allow exemptions for any of the groups mentioned. A shareholder has to own his/her/their unit for 2 years before being allowed to sublease. The Board will consider a request to sublease before 2 years on a case-by-case manner, mostly having to do with considerations of an undue financial burden, especially if the shareholder made an attempt to sell the unit and was not able to do so within the time frame he/she/they needed.
100-200 units	We don't have a specific exemption for type of employment.
100-200 units	We do not have this type of rule.
100-200 units	We typically approve sublet requests if: <ul style="list-style-type: none"> 1. It is for limited time (up to two years max); 2. Shareholder signs a letter stating his/her intent to resume residency after the approved period of sublet expired. Reasons for sublet can vary, overseas postings, other job related, or educational, doesn't really matter as long as it is understood that the arrangement is temporary.
300+ units	We require that all new owners Homestead for the first two (2) years before they can rent. They can also only rent for four (4) years during the entirety of ownership. Our exempt policy is as follows: <p>A shareholder who serves in the US military and is transferred or deployed to a post or duty location more than 50 miles from DC during the two-year period shall be relieved of his/her obligations regarding residency and domicile from the effective date of the transfer or deployment forward. Any shareholder who experiences an unexpected change in circumstances during the two-year period may request the Board release him/her from his/her obligations regarding residency and domicile. The Board, at its sole discretion, may grant or approve a request for an exemption.</p>
300+ units	For associations that require a member to own an apartment for a certain amount of time before renting, do you make a specific exception for any of the following groups? <ul style="list-style-type: none"> 1.Active duty members of the military being deployed or transferred - yes 2. Employees of the Department of State being assigned or transferred - no 3. Other Federal government employees being assigned or transferred - no In what manner is the exception made and how is the decision handled? The owner must send a request of waiver/exemption letter to the Board of Directors before the monthly meeting the exception is to be considered in. The explanation provided in the letter is considered by the Board in executive session and then an official vote is taken. <p>Is the exception case-by-case or is it by right? The exception is case by-case</p> Do you address the matter in your rules? no

	<p>Do you have a blanket exception for any other sort of group? - no</p> <p>Do you have exceptions to such requirements generally for involuntary job transfers of civilians? - no</p>
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