

MARBELLA NEIGHBORHOOD ASSOCIATION, INC.
(THE “ASSOCIATION”)

Effective: May 29, 2025

LEASING GUIDELINES

These Leasing Guidelines (the “**Leasing Guidelines**”) are in addition to the restrictions set forth in the Declaration for Marbella (“**Declaration**”), and the Association’s Articles of Incorporation, By-Laws, and Architectural Guidelines, and Rules and Regulations, if applicable, and as amended from time to time (all collectively referred to as the “**Governing Documents**”). The Governing Documents are meant to ensure a pleasant, safe and attractive environment for residents, and guests. It is the responsibility of the Owners to notify their tenants, guests, as well as all other occupants and guests of the Leasing Restrictions as well as all of the other Association documents identified above as Governing Documents. The Leasing Restrictions set forth below may be amended from time to time by the Board of Directors (“**Board**”). Owners, tenants, residents, guests and invitees must comply with the Leasing Guidelines set forth below as well as the all of the restrictions contained in the Governing Documents.

In order to provide uniformity and consistency, the Board has the power to enforce compliance of the Leasing Guidelines by all appropriate legal and equitable remedies, including fines, as deemed necessary.

LEASING GUIDELINES

SCREENING GUIDELINES AND APPLICANTS, GENERALLY:

1. These screening guidelines shall apply to prospective tenants of new leases and prospective occupants without a lease (where the Owner does not reside in the home), including family and friends occupying the home without a lease for a period greater than thirty (30) days.
2. An applicant, for purposes of these screening guidelines, includes any party seeking tenancy or occupancy to the extent that an Owner does not reside in his or her home, within the community, including, without limitation, family and friends occupying the home without a lease for a period greater than thirty (30) days.
3. An applicant over the age of eighteen (18) applying to occupy a property must have a background check performed.
4. All leases shall be subject to Association approval, and all tenants and other occupants shall be subject to Association screening.
5. All lease applications must be submitted to Miami Management, Inc. (“**Management**”), or other management as retained from time to time, for processing and final Board approval.
6. A non-refundable application processing fee of \$150.00 must be paid directly to Management with each new lease application. Additionally, each adult applicant (over the age of 18) must pay a \$100.00 background check fee to the Association. Upon renewal of the lease, the same \$150.00 processing fee to Management shall apply, and each adult over the age of 18 must also submit a \$100.00 fee for reassessment of the background check.
7. All tenants are required to submit a \$500.00 security deposit to the Association, or an amount to not exceed one month’s rent, if the monthly rental amount is less than \$500.00.
8. All tenants are required to reapply after the lease term expires.

SCREENING AN APPLICANT:

1. Obtain Credit Bureau Report-Equifax Report.

2. Obtain Criminal History Report.
3. Obtain an Eviction Search dating back five (5) years.
4. Obtain Past and Present Employment Verification dating back five (5) years.
5. Obtain Past and Present Residential History dating back five (5) years.
6. Obtain a copy of the lease or occupancy agreement in writing. No lease term shall be less than six (6) months, or otherwise set forth in the governing documents, as amended from time to time.
7. Confirm whether the lease or occupancy agreement between the Owner and the prospective tenant(s) or occupant(s) comply with the Declaration for Marbella.
8. Compare the address that shows up as current on the credit report to what has been written on the application, checking for accuracy or discrepancies.
9. Disclose to the prospective tenant that the results of the Association's screening will be fully disclosed to the Owner/Landlord.
10. Confirm whether prospective tenant(s) have been sued by their neighbors or a condominium or homeowners association.
11. Confirm whether prospective tenant(s) has ever violated a condominium or homeowners association rule and/or been fined by an association.
12. Confirm whether association security has been called to prospective tenant(s)' home during any prior lease or occupancy.
13. For Homes owned by corporations, partnerships, trusts, or some other form of multiple ownership, confirm the designated occupant(s) and that any change in designation has prior Board approval.
14. Confirm that no prospective occupant is a registered sex offender.
15. Any Renter shall be limited to no more than a total of two (2) domestic animals.
16. Confirm that the use of community pool or community entry devices is only allowed for approved renters with an approved lease.

CRITERIA TO APPROVE AN APPLICATION:

1. The application must be completed in its entirety. If it is not properly completed in its entirety, it will be deemed denied (applicants that are denied on this basis must restart the application process). Each application shall include the full name, current address, SSN, and telephone number for everyone over 18 years old who will be living in the property; current and last landlords dating back five (5) years from the date of the tenant application; current and last employers dating back five (5) years from the date of the tenant application; next of kin, vehicle (make, model, license number).
2. Every prospective resident over the age of 18 must complete an application and be subject to the application process. Every tenant over age 18 years must reapply every twelve (12) months with a renewal of the lease.
3. Prospective tenant(s) must not have been evicted from a property within the past five (5) years.
4. Prospective tenant(s) must have a minimum credit score of 650, or otherwise set forth in the governing documents, as amended from time to time. The Association shall not be permitted to deny a prospective tenant solely based upon credit score if it is at or above 650, but a score below 650 shall be considered a negative factor.
5. Prospective tenant(s) must provide proof of identification. Any prospective tenant who is not a citizen of the United States must provide proof of their right to be in the country.
6. Prospective tenant(s) must show through reliable evidence that their net monthly income exceeds the monthly rent by at least three times the amount.
7. A review of each prospective tenant and/or resident's criminal history may be performed, and the board of directors, in their discretion, may determine that prospective tenants with an unacceptable criminal history may be denied (as shall be determined on a case-by-case basis in accordance with HUD Guidelines and other applicable law). In considering a prospective tenant's criminal history, the nature of the conviction, time that has elapsed since such conviction, and what the prospective

tenant has done or accomplished since such conviction may all be considered. In accordance with HUD guidelines, no prospective tenant and/or resident with any conviction relating to the illegal manufacture or distribution of a controlled substance shall be permitted. No Home may be occupied by a registered sex offender.

8. Previous landlord information provided by the prospective tenant(s) must be verifiable and a favorable recommendation must be obtained from previous landlords. Be sure to know the relationship of the recommendation for the prospective tenant(s).
9. Board shall consider prior lawsuits or disputes between prospective tenant(s) and neighbors and/or prior condominium or homeowners associations. Board shall also consider prior association violations and/or prior calls to association security encounters with prospective tenant(s).
10. All leases shall be on forms approved by the Association.
11. Prospective tenant(s) must provide proof of an escrow receipt showing deposit, first and last month's rent for rentals.

NEGATIVE FACTORS OF AN APPLICATION (EVALUATED ON A CASE-BY-CASE BASIS AND IN COMPLIANCE WITH FLORIDA AND FEDERAL LAW):

- Low credit score.
- Criminal history as reflected in police reports (reports of serious incidents may be considered).
- History of financial mischief/troubles which may include non-payment of assessments, foreclosure or eviction lawsuits filed against them, or bankruptcy filings.
- History of non-compliance with governing documents of community associations.
- Poor referrals or negative reviews from prior landlords.
- Missing or misleading information (e.g., failure to disclose prior landlords, prior violations, or prior police reports, etc.).
- Dishonesty on any written application or communication with the Association.
- Taking up residency of a Home prior to a determination of approval/disapproval being reached by the Board.
- Owner is delinquent on a monetary obligation owed to the Association.
- Owner has an existing violation of the Association Documents.

If an applicant has three (3) or more negative factors, the application may be denied.

If an applicant has two (2) or fewer negative factors, the application will be reviewed by the Board on a case-by-case basis.

PROCEDURE:

- Get permission through a separate document to pull a credit report and then pull a credit report on every prospective tenant.
- Get permission to contact current and past landlords and be sure to actually contact them.
- Get permission to contact current employer(s).
- If you are rejecting, make sure to reject in writing. Provide the reasons for declining this tenant, whether it was income, landlord input, credit score, etc. If the reason had anything to do with the information on their credit report, you must identify what agencies you used and provide the required notice.
- Provide these guidelines to prospective tenant(s) so that such prospective tenant will know how their application will be evaluated.
- It is important to remember to apply the following standards consistently to avoid any accusations of discrimination.

GUIDELINES FOR INTERNATIONAL BUYERS OR RENTERS:

The Association recognizes that prospective buyers and renters may not have a U.S. Social Security Number (SSN) or a U.S. credit history. The following guidelines outline the procedures for screening international applicants:

1. ITIN: Provide if available.
2. Documentation: Passport, visa (if applicable), previous landlord reference (translated), employer verification (translated), recent pay stubs (if in U.S.), recent bank statements.
3. International applicants must provide proof of a background check and credit score from their country of residence. Additionally, the applicant's realtor must submit a letter verifying income, converted to U.S. currency.
 1. If no U.S. credit score, provide a credit reference letter, landlord reference, monthly bill statements, bank statements, or a U.S. guarantor may be required.
4. No felony convictions or history as a registered sex offender.
5. Foreign documents must be translated and notarized.

RIGHT OF ASSOCIATION TO EVICT:

The Association has all the rights under the laws of the state of Florida and under the Declaration, to evict tenants who cause a nuisance within the Association or fail to abide by the rules and regulations of the Association. The Association also has the unilateral right to terminate the lease upon default by the tenant in observing any of the provisions of the Association Documents or other applicable provisions of any agreement, document, or instrument governing Marbella or administered by the Association.

Any costs incurred by the Association in enforcing this right, including attorney's fees, may be charged to the homeowner as an Individual Assessment.