



MEMBER COMMENTS:
PROPOSED NEW SHORT TERM RENTAL RULES AND ENFORCEMENT PROCEDURES
PROPOSED NEW AND AMENDED PRIVATE PROPERTY RULES
July 1 – August 12, 2018

Below are comments sent in for the 45-day member notification and comment period for the proposed new Short-Term Rental Rules and Enforcement Procedures, and new and amended Private Property Rules. Comments were received between July 1 and August 12, 2018. A total of 167 comments were received. Names, addresses and email addresses were redacted.

I am completely opposed to any licensing fee required by TD. We already pay 12% TOT. And online services such as VRBO add up to 10%. Many of us depend on rental income to off-set the costs of owning in TD.

While I agree with "on mountain" representation, the costs of this are not available at this time. I do not use an agency locally. This cost could make it impossible to offer my home for rent at a competitive rate.

It seems having 24/7 hotline at TD is an unreasonable cost to the association. We have a police department, we don't need a police state in TD.

The increasing fine structure is unreasonable. How can a third offender, who unintentionally broke the rule be expected to pay three times the fees the first? This is a reaction to what is likely a concentrated problem at a limited number of properties. We have more than 6000 homes in TD---how many problems are at the same address and complaints by the same neighbors?

We have light fixture limitations in TD. We don't need another on the books.

While placing a limit of the number of guests sounds like a simple solution, it isn't enforceable. My advertising falls within the proposed guidelines but I have no way of knowing how many guests actually arrive. And, how would even the nosiest neighbor know if the tenants are in violation? Are the police going to count bedrooms and noses? "Oops. Your son turned 18 yesterday, too many adults."

While I understand noisy,, unruly neighbors can be a problem the association seems to trying to "legislate" good neighbor behavior. This will penalize those who make their best effort to be a good neighbor and do little to alleviate the problem.





Case in point: on a recent Saturday evening as my family was leaving at 9:15 my two grandsons, 7 and 5, and I were bouncing a ball on our driveway. The neighbor across the street angrily shouted out the window and asked that we bounce the ball in the backyard. None of the problems outlined in these documents were violated. We weren't renters. It was 9:15 on a Saturday, our front lights are within TD guidelines and we weren't parked on the street. What if a call had gone to the hotline?

No police state. No nanny state. Practice being a good neighbor.

We have owned in TD for 17 years. I have had one time that loud music awakened me at night. I asked them to turn it down, they did. End of story. And it was a full time resident, not a renter.

We bought here because we had come as weekend renters. We are huge supporters of this development. I want others to discover TD in the same way.

I am an off hill owner who pays the same dues and property taxes as those who have the joy of living here full time. These changes do not benefit all owners equally-they place limitations and costs on one set of owners that are not set on another.

I strongly support passage of the proposed covenant rules regarding STRs. I think they are a great idea and very much needed. I would also like to see, in addition to providing a list of the applicable TD rules, some winter driving and parking recommendations. And I would like to see snow shovels provided by the homeowners to the renters in the winter months. And also require the homeowners to engage a plow service for the winter season as well.

Please find feed back in regards to the new proposed covenants and amended private property rules and short term rental rules.

I strongly object to enforcing exterior property lights being turned off by 10PM. As a property owner in TD for over two years, we tremendously enjoy time on our deck after 10PM. During this time, we are in observance of quiet hours, but part of the beauty of Tahoe is to enjoy the outdoor lifestyle as much as possible. This property rule directly contradicts the purpose of having an outdoor space in Tahoe. It also makes it less desirable to be in TD, as opposed to other locations in Tahoe. We need to make our community inviting, as visitors help our community and economy thrive.

I also strongly object to the proposed short-term rental rules and fine schedule.





-85% of TD residents are made up of second home owners. It is common practice for many of these homeowners to rent while not in Truckee. All residents are already required to pay a Nevada County TOT, as well as a Truckee TOT (13%). The occupancy tax we pay helps our economy, schools, roads, etc; and the visitors our rentals bring in are shopping, exploring, and eating locally - all supporting the local economy and community. Requiring an additional annual registration fee seems to be nickel and diming your own residents, as there is no reason stated in the notice that this would have any benefit to the community.

-Allowing the Board of Directors the right to limit an Owner's usage of their own home is highly inappropriate. The Board of Directors focus should be on our community consistently operating at a multi-million dollar loss (\$5,123,000 for 2017).

I would like to state that I oppose the proposed STR amendments. Personally, we do not rent our house but one of the reasons we chose to buy in Tahoe Donner was the flexibility that we could if we chose to or needed to for financial reasons. We would like to continue to have that option whether or not we choose to ever do it. One of the things we have considered based on the IRS tax rules is renting our house for 14 days or less as they are not subject to income tax. The STR proposal requires too many hoops to make this a feasible option.

A major concern is the final broad paragraph giving the Board of Directors control over my home and activities. As a member, that is too much power of 5 people over my property. I believe that the HOA Board of Directors should work to the benefit of the members and not as an impediment. I also don't think it adds to our community to have TD staff or our dues investigating neighbor to neighbor complaints. I could foresee a day where everyone is viewing their neighbor with skepticism if they don't know them. I say this because I actually had a woman walking by our house ask if we owned it. I chalked it up to a nosy neighbor. With the Board's STR proposal, she could file a complaint for the HOA to investigate because I was an unfamiliar face to her and then I would have to respond. That is not a good environment to create.

One thing missing from the 45 notice is the background of how this proposal came about. From watching board meetings and reading Nextdoor, it seems like it is in response to anecdotal complaints and I have not seen anything quantified. I understand that the Board wants to come up with a solution to nuisance complaints and over-crowding at member facilities, but I believe more research regarding who and where the complaints are coming from and what type of members of utilizing the member only facilities. I am afraid





that the Board is reacting to the Anti-STR bandwagon with no real quantitative measures to back it up. It would be great to see those quantitative measures.

With the new daily fee structure for member-only facilities, that can be sorted to see who is actually checking into the facilities. Is it predominately people paying the \$12 unaccompanied guest? Or is it members and their direct guests? This quantitative information would be helpful to know where the real problems lay in order to evaluate this proposal as a solution.

The other area of evaluation is on Nuisance complaints. Are these homes from short-term renters, long-term renters or the homeowners? How many calls are received and what is the outcome?

I think there are some numbers that need to be analyzed and shared with members showing that only short-term renters are the overwhelming problem and that this drastic solution is required.

Thank you for soliciting feedback.

While we do not rent out our Tahoe Donner home, we feel strongly that the proposed Short-Term Rental rules are unnecessary, unwarranted, and will cause economic harm to many Tahoe Donner home owners.

Tahoe Donner homes have been used as short-term rentals for decades, for the most part peacefully coexisting with permanent residents. There is no evidence that the behavior of renters has changed. Sometimes, renters act inappropriately. Sometimes, full-time residents do too. An effective remedy has always been available to everyone, namely to call the police. While there will always be noisy and obnoxious renters, the same can be said of homeowners as well. If the issue you're trying to address is overcrowding at TD amenities such as the Marina and the Clubhouse, then address that directly, not in a way that harms homeowners.

The impetus for these new rules appears to be based on the attitude of full-time residents toward part-timers. As evident on social media sites like Nextdoor, there is a set of full-time residents who do not see part-timers as equals and there is quite a bit of animosity, especially towards those who rent out their homes through VRBO (do a quick search for VRBO on Nextdoor Tahoe Donner and you'll see). These new rules are a chilling example of that attitude in the form of a capricious and onerous set of new regulations, written by people whose goal is not to keep the peace but to punish part-time residents and investors.





To be clear, most of these proposed regulations are not needed. But even if they were, the regulations as currently drafted are seriously deficient and need additional clarification.

- The \$150-per-property fee is not justified. These regulations create no apparent additional costs for the Tahoe Donner Association. This fee appears to be nothing other than a money grab.
- Even if justified, this fee is ridiculously high for homeowners who rent out their homes only one or two times per year. The regulations should allow homeowners to rent their properties for a small number of occasions without the imposition of a fee.
- There is no way for the Tahoe Donner Association, or any residents of the area, to know at any given time whether a home is being rented. Sometimes the owner will be in residence. Other times the owner may allow friends and family to use the home without charge. Often, the owner will invite a number of people to share the home with them for a few days. In each of these cases the home would see additional traffic, indistinguishable from a short-term rental situation.
- The requirement for a contact who is available 24/7 is simply not workable for private homeowners. This will force homeowners to hire a local property management company to handle the mere possibility of a complaint, adding an expensive burden to homeowners who wish to rent their homes, even for a few days.
- The criteria for placing a call to the home's contact person is not clearly established in these rules. This opens the homeowner to the possibility of harassment by vindictive neighbors who can initiate a phone call at any time of day or night based on any flimsy excuse, or even an outright lie. The owner will be required to handle the call or face a large fine. There is no provision for recourse in such cases, no penalties for the offender, and neither due process nor appeal for the homeowner.
- If a home is not being rented, but is being used for free by friends or family, or if only the homeowner is in residence, will the homeowner be responsible for receiving a phone call at any hour if a neighbor decides that an outside light is on too long? Who will decide whether a phone call will be placed in such a circumstance, and based on what information?
- The requirement for the homeowner to post evacuation rules is ambiguous. Does it refer to evacuation from the home, from Tahoe Donner, or from Truckee? If it refers





to the home, it is simply unnecessary. It's unlikely that posting a map of evacuation routes will solve any problems.

- The occupancy requirement is capricious and not consistent with the design of many structures in Tahoe Donner, which often have bedrooms that are specifically designed to hold more than two people. What damage is caused if two families with two children each rent a three-bedroom home, and all four children share a room? Such an occupancy restriction should be based on the design of the home, not on a one-size-fits-all guess.
- If a person is accused of a violation of STR regulations and faces a large fine, but was not actually renting the house to anyone at the time of the alleged violation, how can that person prove their innocence? The regulation must state clearly where the burden of proof lies, and the types of evidence that are allowable. However, if a homeowner simply allows a friend to use their house for a few days, there will be no paperwork trail and no way for the homeowner to prove innocence. This situation must not be allowed to happen.
- The proposed fine structure is excessive, and worse, it is unlimited, increasing by \$500 for each occurrence with no limit.
- If a homeowner receives a phone call about unruly tenant behavior and immediately remedies the situation, these regulations apparently still expose the owner to a fine, if one assumes that the reason for the phone call in the first place is a valid violation of STR regulations. Homeowners will then be fined for the behavior of their tenants, which is beyond their control.
- “The discretion of the Covenants Committee” is not sufficient for determining the frequency and severity of fines. Such discretion always leads to favoritism and/or inconsistent behavior. Clear rules must be established to guide the committee’s activities.
- These regulations allow the TDA to recover its costs from a homeowner whose violations force the Association to spend money for repairs. Again, this type of regulation requires very clear rules that specify the circumstances under which the Association will spend that money, and the type of repair that must be made. In addition, it must be stated that the homeowner is not responsible for any *improvements* that the Association may choose to make in addition to the necessary repairs.





These proposed regulations create an unwarranted burden on homeowners, even those who do not rent their homes. They expose the Association to lawsuits from homeowners who are harassed. And the regulations do not even solve a problem that needs to be solved. These regulations should be rejected in their entirety; but if that recommendation is to be ignored, then they must be rewritten with much greater care.

This member comment is in regards to the proposed new STR rules. I do not support the proposed rule changes for the following reasons.

The most concerning omission in the proposed changes, is there is no limit on the number of renters allowed per STR. I would like to see a limit set of 12 person maximum. I believe almost all TD members would support a 12 person maximum limit. This allows a 4 bedroom house at 2 per bedroom plus 4 additional persons. Going above this limit is very impactful to the neighboring properties.

The town of Truckee has rules against hosting events in unpermitted houses. The Town defines a event as any daytime visitors that are not overnight renters. I would like to see this town rule better stated by the new TD rules. That a STR can have no visitors other then the overnight renters.

STR's need to be held to a higher standard over normal residential use, due to high frequency usage and turnover. Rental groups tend to be larger then normal family usage, and come with a party type atmosphere . They often arrive late at night and are unaware of the noise they create unloading vehicles.

Another omission from the STR committee, concerning a existing covenant about business activities, and no increase in traffic. This existing rule must be better defined, it is completely unenforceable, and really goes to the heart of the STR problem properties.

The proposed language of "residential use only" is much to broad, unverifiable, and unenforcable. I have witness all varieties of non residential groups in TD from church groups to swingers parties, and all types of social clubs, business meetings, high school band practice, Frat parties, and ski clubs. There is a endless list of different types of groups that may argue they qualify as residential use. This proposed rule language needs a better definition with thought given as how to verify and enforce.

The STR committee is composed of vocal minority with a financial conflict of interest, These proposed rules were drafted to create the illusion of major changes , but in reality are very weak, and offer no real changes, or safeguards to the community. Problems





will continue, and the Board will not address this issue again. STR's are having a negative impact in TD.

The proposed \$150 permit fee is far too low. TD has devoted a large amount of resources to this issue. In comparison to build a house in TD cost \$4200 and requires a relatively limited amount of TD resources and is generally not very impactful. There are large rental commercial houses that are very impactful on TD resources.

Regarding:

45 day notice of proposed covenants and amended private property, short term rental rules

As property and home owners in Tahoe Donner for 26 years, we place a high level of pride in the ideology and environment that Tahoe Donner development began and has brought forth.

Portions of the amendment being considered, carry some validity that may maintain the quality of ownership and livability of the area as a truly unique community. Other segments of this amendment carry an excessive mandate of impracticality, lacking clarity, costs and specifics.

We believe the general consensus that no noise between the hours of 10 pm and 7am is to be maintained. Yet no mention of whom in TDA is to be on staff day and night hours to determine and monitor the validity of a complaint. The possibility and assumption, just because a home on the street has a current rental and vehicles, that noise is actually coming from that residence or just close proximity would need to be verified. Will, and should monitoring be an amended function of the elected board members themselves or in conjunction with an oversight committee, or a newly staffed department within TDA? Is there consideration that a disgruntled neighbors accusations hold validity or just the fact that a neighborhood rental become basis for complaint and if complaints are found to be habitual and lack basis, what fines or penalties does the false complainant bear? Will this new amendment also administer and penalize homeowner noncompliance actions as well?

Registration fees and penalty fees that are excessive, with no specifics as to how calculated, nor how the funds will be utilized to actually enhance and improve the TDA owner/renter experience, require qualification and explanation.





As an owner we notice many owner occupied homes that habitually disregard the off pavement parking. Should not the same rules and fines apply across the board to all owners/renters then? And why is this not being currently enforced?

Will there be a middle of the night head count to determine how many people are sleeping in the declared number of bedrooms. Are late night visitors subject to some neighbors count and violation complaint? What is defined "curfew" for visitors? Might not TDA be over stepping private rights? In addition, weather in the mountains can keep roads impassable, people can get stranded in their homes or on the roads preventing not just an appointed TDA authority to verify any issue reported, but the responsible property personnel from addressing any issue by phone or on-site in the minimal timeframe that this amendment requires.

In past history of Tahoe Donner, areas and items that became issues were addressed in a less aggressive and timely implementation. An example being the garbage enclosure, bears, wildlife, trash littering driveways and streets. That took time and patience on TDA and owners/renters to address. It carried a logical warning and fine schedule that addressed the issue in a positive, less punitive manner. That approach appears to have achieved positive success. Perhaps a slower less punitive approach, one that educates, informs, with more clarity and carries a democratic approach will produce a desirable, successful, positive transition.

Exactly what is the TDA Boards intent, is it to bring the "vacation community" of Tahoe Donner into a new realm for a positive, affordable, cohesive community experience or reduce the experience to the sights and thinking of a select few?

The right of the Tahoe Donner board to limit the number of rental nights is a most disturbing aspect yet. May we refer back to the term "private property".

We urge the Tahoe Donner Board and management to take a less aggressive, less punitive approach. There is a need and an expectation from this private property owner in Tahoe Donner that the Board provide specifics, make modifications, clarify all directive terms and identify costs of this amendment in order to best serve the community they represent. The community has the right to partner in well-considered decisions relative to the standard of living that supports a more positive mountain home and vacation experience as well as a less divided and adversarial environment among neighbors.

I have a home on Skislope that rents a few weekends a year and I am against any new and additional regulations that may be imposed on the homeowners of Tahoe Donner.





California is already over regulated and Tahoe Donner should not follow their lead. I have never received a complaint about my renters from anyone and I try my best to make sure my renters are respectful of Tahoe Donner and all it's owners. Please do not impose these new regulations. If this over regulation of Tahoe Donner is the future, then I will be selling my home and my family will miss this little community that started out so wonderful.

I support the proposed rules for short term rental properties (STRs) and urge you to adopt them. It could be argued that, as many other communities have done, no commercial STR use of homes should be permitted within our "single family residential community". I nonetheless support the proposal for the purpose of attempting to save the longstanding practice within TDA of owners making their second homes available for a reasonable amount of STR use that "do not generate excessive traffic or noise" (TDA CC&Rs Art. VIII, Sec. 1(f)).

With an increasing number of financial-focused buyer and high levels of bookings enabled by commercial booking agents, the circumstances for STR impact on Tahoe Donner values have dramatically changed in the last ten years. The Town of Truckee has registered approximately 1,000 STRs in Tahoe Donner and as illustrated by the screenshots below, it is easy to find rentals throughout our community. Along with this increase, the frequency of adverse consequences for TDA owners have increased.

The proposed rules are a critical first step to (1) gaining an understanding of the extent of STRs and (2) improving enforcement of rules intended to "preserve the rights of quiet enjoyment of ...Owners) (TDA CC&Rs Art. II, Sec. 3(a)). Without regulation, we are experiencing an effective conversion of the community from residential to mixed hotel and residential use. Homes are now being purchased as investment vehicles with the expected financial return driven by STR rents rather than improving the desirability of our residential community. This is unfair to affected residential owners: the reason that separate use zones are established in well run towns is because of the fundamental incompatibility of residential with commercial activities. Without registration and enforcement of rules that are applicable to Owners, either the quality of life and right to quiet enjoyment will be irrevocably harmed or all STRs may ultimately be banned by the association or Town of Truckee. Property values will be adversely affected with either outcome.

I anticipate that you will hear opposition to registration and also to the enforcement program, specifically the graduated fine structure. Should you consider any modification to the proposed rules, I urge you to consider a supplemental penalty of loss of amenity rights for the Owner and any user of the residence. I also note that the Association is authorized





to take enforcement action without following full due process rights “for circumstances in which immediate corrective action is necessary to prevent damage or destruction to the Properties or to preserve the rights of quiet enjoyment of other Owners (TDA CC&Rs Art. II, Sec. 3(c)). I do not believe this requires the declaration of an emergency. As with traffic citations, people are much more responsive to a citation-first model. Further, many admit their liability and do not exercise their right to a hearing thus providing administrative efficiency.

You may also hear comments about the use of our private amenities by STR renters. I am involved as a volunteer in one of several committee and task force efforts to understand the mix of users of all TDA amenities. I believe that we need better information about the current mix and improvements to the TDA member/guest card and access control programs and that these considerations should not delay the adoption of the proposed rules.

Thank you for your service and for your consideration of my comments.

I have to say I am extremely disappointed in the the MGT or Association elected chair people, in trying to tell people what they can and can't do on your personal property. It's almost an American, my family but I really don't think the association should be able to charge a fee for somebody who rents there house out part-time. I feel that this is so an American. I personally don't rent out my house part-time, family lives there, but I do not condone people who do. And I don't feel that the Association should collect money (a yearly fee) for somebody who does rent their house out. I can understand that a home should not be used as a Commercial Business property. But a short term rental is not the associations business.
Thank for your time,

I strongly oppose this fee. Homeowners should be allowed to be responsible for their property. Already pay a hefty homeowners association fee.

Here are my comments as an owner/STVR. Summary is — **I feel the rules should apply to all properties.**

I feel the rules should apply to all properties. Noise, parking, affect us all. Most homes in TD are used by friends/relatives. They should also know emergency evacuation routes too and since they use amenities, should have access to rules and regulations!!!





I also feel \$500 is a large fine and should be sliding starting from a warning. Should have a form or process to do this so there is a record and an appeal process. How does one report an issue whether it is a rental or not. Same issue and same comment -- **I feel the rules should apply to all properties.**

A \$150/year registration fee for us owners seems very high for no work involved other than a file with them. Penalties for infractions would pay for secretary time. This even if only 1% of properties are rented becomes essentially a profit making avenue which I do not feel is correct. If a property is rented say three times and another one is used 10 times by friends/relatives... again.... **I feel the rules should apply to all properties.**

Times are changing and I understand that. More people both renters/relatives/friends are using properties. There are just more homes as the development fills in the vacant lots. We are closer to each other in other words. So I am not opposed to common sense rules. BUT -- **the rules should apply to all properties.**

Thanks, we have experience on both sides and fully agree on the measures the board is considering.

We are not happy about this. Who is going to be a full time employee to manage this and verify that the complaints are real or not just a cranky neighbor. It's not guilty until proven innocent. We are paying enough fees already - this seems to be just another way to get more money from us - with no real commitment to proving any wrong doing. We need , as members to have the proof of crime and a reasonable way to manage it. A fine of \$500 without proof is devastating. . We have never had trouble with our renters - we have neighbors that leave their lights on all night and we don't complain about them - now we may. We have neighbors with teenagers that have hit our new garbage can on purpose (we have film) we just let that go - now we will make sure they get fined \$500. Is that what you want ? It will go both ways. What has driven this movement? I think you are discriminating against the second home owners.

Alright this is ridiculous. We own single family dwelling and pay are taxes and HOA dues. Now we are expected to pay extra fees and are suppose to be policing people who rent.





Let's get real. The full time people thing they can demand all these ridiculous rules. We are home owners. We are not a coop op or condo association with strict rules.

This full timer vs part time owners

Is absolutely stupid. We purchased our homes and we should not be paying fines for short term rentals. This entitlement by people who live here full time and look down on us he owners needs to stop.

This is absolutely on of line and should not become a reality.

As long-time members and owners, we support these proposed changes. There are those of us who do not rent our properties, but use them for our own families. We truly appreciate the effort the board is making to maintain our neighborhood and family quality of life. Exterior lights that are constantly on, and parties that rage late into the night disrupt the peacefulness that we find at Tahoe Donner. Short-term rentals are important as a tool for some families to help them pay for their second home, and the requirements as listed do not seem prohibitive.

I especially support the quiet hours enforcement. Our next door neighbors, full time residents, are very loud and just to have relief between 10pm to 7am would be appreciated.

I own a home at _____, and I thought I'd offer my feedback regarding the proposal to require all exterior property lights to be turned off from 10PM-7AM unless needed for safety. I've installed exterior solar lights, and solar lights automatically turn on when it gets dark and stay on until sun up. These lights are not especially bright, and I think exterior lighting of this nature highlight the natural beauty of our community as well as provide some measure of safety, especially when the home is unoccupied much of the time. Such lighting cannot be switched off at a specific time.

Thanks for the heads up! I will be there as we have 7 STR's just on our street.





After a review of the proposed changes, I would like the record to reflect my strong opposition to the proposal. Please make sure that my position is voiced at the next general meeting.

I am writing to express my opposition to the proposed changes to the by laws. This association has become overly aggressive and invasive with respect to our property rights. Big Brother needs to get smaller, not bigger. The town's codes are adequate protection from misconduct. We are already over-taxed and over-regulated. Thank you.

I have been a homeowner at Tahoe Donner for ten years and am opposed to the proposed covenants in their current form. My family uses our house in TD as a second home and do not rent our home out. We do occasionally allow close friends a family to use our house. I do not want to worry that we are violating a covenant because they leave behind a bottle of wine or a set serving dishes. Despite not renting, I find the new rules overly restrictive and unnecessary.

Requiring registration is unnecessary. The city of Truckee already requires this and regulates STRs. The \$150 registration fee appears arbitrarily high and just another way to generate revenue from non-residents. The HOA does not need to involve itself in private transactions that are legal and within the current covenants.

The 30 minute response time is unreasonable and turns the homeowner into a 24 hour monitor of the renters. This is an extreme burden to a homeowner.

The compliance and notification seems reasonable as long as there is not a higher bar for compliance being required of a short term renter than a homeowner or long term renter.

I believe the occupancy requirement should exclude children under the age of four.

The parking covenant is not required as it is already covered by the general document.

The proposed covenants appear to single out STR from homeowners and long term renters and the owner and to hold them to higher standard. All the proposals make renting more difficult and expensive. TD is known as a great place for families to vacation. Vacationing families end up as owners and the ability to rent makes owning easier for many. If the HOA appears hostile to STR, it has the potential to harm property values and harms all TD homeowners.





I ask the board to reconsider the proposed covenants and ensure all TD residents whether short term or permanent are held to the same standards.

Our family has owned our home in TD for 21 years. We do rent (hopefully) for ski lease each year. We have a local property manager we use and trust. We love our home in TD and look forward to our family time there each year. We know our neighbors, care for our home and property and would never allow tenants that didn't respect our home, neighbors and/or community to rent. We are sure the vast majority of second home owners share our feelings.

Handle rental issues with the property owners that have issues. We have and have had rules in effect for years that address these problems. Enforce the current rules. We see no need for additional rules that single out paying homeowners. Rules should apply to ALL or none.

Re: The Board's "Proposed New Covenants Short-Term Rental (STR) Rules and Fine Schedule"

It is with great reluctance and fear that I put to paper my thoughts and reactions to your proposed STR policy. The fear is being singled out specifically as one of "those people", those STR's.

After reading and pondering your proposed rules, I still can not really understand what it is that the Board is trying to accomplish with these rules. Is it to punish all STR's no matter the manner or method they might use to rent their homes? Is it to satisfy the complaints of a few property owners? Is it to head off some future worry of having TD populated by non owners? What I see in the publication of these proposed rules is "let's make it virtually impossible for an owner to rent their home". If this is the goal then I suggest the Board be more transparent.

If your goal is to bring out "into the open" and facilitate the short term renting of homes in TD with well thought out objectives to satisfy ALL TD Owner's then let's do that. But when one reads the proposed rules and the clear intimidation directed at all STR's one can only see an attack not a well reasoned approach to STR's in TD. If the Board does not reconsider some of the rules and make them fair to ALL residents of TD, then I believe the Board and these rules will only serve to drive the STR market further underground.

In general creating different "Classes" of TD homeowners and then applying selective, arbitrary, and discriminatory rules that only apply to a certain class is in my opinion not right nor defensible in today's society.





We do rent our home as an STR. We contract with Truckee Mountain Vacation Rentals (TMVR), located there in Tahoe Donner. We only rent via TMVR and their links to the renting public. Our rental occupancy rate is about 0.16 for the year. Clearly we are not making any significant income off our home.

In general conversation with TMVR and other folks knowledgeable in the STR world a consensus of opinion expressed is that, “the Board is after owners that rent privately not through an agency”. In my reading of the published proposal in the July 2018 Tahoe Donner News, page 27, I do NOT see any delineation between STR’s that use an agency such as TMVR and those that rent privately. If this is in fact the case I would request some delineation by the Board as to rental agency participants vs private rental activities. Using TMVR insures that I pay all appropriate local taxes and abide by the rules set forth by TMVR in our contract.

Specifically I would like to comment on the following “Rules, Fees and Fines”

STR Rental Registration

As proposed I have to register annually with the Association that I intend to be an STR for the year. You want my name OK I get it. But without seeing the actual registration form and the data requested within it I do not see how I can blindly endorse a mandatory completion and filing of such a form. If the data requested on the future form requires personal and private data how does the Association plan to keep that data secure? By singling me out as an STR you then impose a Fee of \$150 annually. What are the fee dollars used for and why should not everyone within Tahoe Donner that, for example let family and friends use their home without supervision by the owner, be required to register and pay the annual fee as well. Again singling out a “class” of owners then selectively adding an additional annual fee is not fair and impartial

Occupancy

If the Association is going to start dictating the occupancy only for STR’s, in my opinion an obvious discriminatory action, then the Association needs also to apply the same occupancy rules to every household in Tahoe Donner. Limiting or counting the heads of the folks renting my place is an action I take seriously. It is in my best interest to maintain property worth renting. One of the ways to do that is to closely monitor the occupancy number for each renter.

One can say that those who do not rent their homes don’t worry in the slightest about how many people come and stay. Just go to any of the pools or the lake areas and start counting the families, extended family folks, the kids, grandkids, the friends of the grandkids using





the facilities. Should we not require head counts for these extended families and friends as wells???

Fine Schedule

My first concern with this proposed area is “Who” decides a fine is applicable and in what “legal” structure does said determination take place. Will the STR have the right to defend against any such sanction or fine, what are the rules for determining the facts in connection with the alleged event, and or fine? Is there an appeals process? Is the word of the “block” enforcer all that is required to impose sanctions and fines by whom, the Board?

Clearly the implied intent of the whole “New Covenants” is to deprive certain property owners of their rights of ownership. And to appease certain other property owners. Any infringement on property owners “Due Process” should be defended vigorously.

Section F of Fine Schedule

I do not believe the Board has the “right” to dictate any “Owner’s right to rent his/her property” by any singled out “Class” of owner. Nor to dictate the duration nor to identify “others” who might be renting. In what alternate universe does the Board reserve the right to determine “who” and “under what legal circumstances” I can invite folks to stay in my home. Illegal and discriminatory are words that come to mind.

If the Board’s desire is to keep Tahoe Donner a place for all to come, own and enjoy the benefits of ownership in Tahoe Donner, arbitrarily singling out one group of owners and pitting them against the Board and another group of owners seems to me the wrong way to do it. What’s fair and reasonable for one group of owners should apply to all groups of owners. I think one of the Board’s primary responsibilities should be to insure fairness, not to take sides or to dictate rules, regulations, fines, sanctions, to appease another group of owners.

I strongly support passage of the proposed Covenant Rules, which will help preserve the quality of life and residential nature of Tahoe Donner. I support the proposed STR rules. With the increase in Airbnb and short-term rentals, quality of life has suffered for many, and some homes have been turned into mini-hotels with adverse neighborhood impacts. The current proposals will help with education and enforcement that is much needed, where currently there is none”





Re: Proposed Short Term Rental regulations

I respectfully object to the proposed TD regulation of STRs as described in your 45-Day-Notice:

1 STRs are not the problem, or not the only problem.

I've been a small-scale STR owner for years and in my memory, except maybe once, there has never been a complaint about my guests. The one time I vaguely remember the problem was quickly remedied; logically, even if guests are slow to react they are quickly out of there by the nature of STRs.

But I have received complaints from my guests about the neighbors next door. Not the current neighbors, but neighbors a couple years ago. The house was a ski season rental and the occupants, often were noisy, messy, parked anywhere and allowed their dogs to poop anywhere. They were seasonal restaurant workers who, of course, needed housing but with this kind of behavior? It took months for the owner (if he tried) and I and the HOA to get them out and his place cleaned up. I certainly lost the opportunity of repeat business from my guests.

My experience has been that seasonal renters are a problem, and one that is harder to remedy. They are not addressed by this proposal.

2 Why regressively penalize small-scale STR owners.

I rented my place last year for 15 nights, for stays of just 2 or 3 nights. Your annual registration fee of \$150 plus paperwork is onerous to small-timers such as myself.

3 Wording is at times ambiguous or vague, allowing for misunderstandings and dictatorial interpretations.

"Owners are required to provide renters emergency evacuation information and to have this information prominently posed in the home. It is required the Owner obtain an acknowledgement ..." - Are you talking about cabin emergency exit instructions as we all see in true STRs such as hotels? Or evacuation routes out of TD? In what form must the guests acknowledge all this and the other rules and regulations of the HOA?

The practicality of this, if strictly interpreted, just about requires owners, even small-scale owners, contracting with local agents to make sure everything gets done properly. (I do





have an on-hill agent - TMVR - that handles other aspects and can handle this, but is it right to establish STR requirements that almost mandate having an agent?)

4 Large fines, assessments and restrictions will drive out smaller STR owners.

The fine structure of “up to” \$500 per occurrence, or even higher and more restrictive at the whim of the HOA, seems unfair. Why are STRs being singled out for this treatment? If you have data to support this burden on one class of owners, please provide it along with similar data on other classes of owners. Is the HOA discriminating by “looking the other way” on seasonal renters because of the need for local workers?

I believe that before enacting any regulations they should be reviewed for equity, reasonableness, unintended consequence, burdensome and perhaps unnecessary red tape, having a well defined purpose, and likelihood of achieving the purpose.

What is the basis for the above fee ? Tahoe Donner has always been 70 percent empty of full-time residents, so that means homes have always been rented, and subject to the Town of Truckee 10 percent fee for short-term rentals.

We do not currently rent our property in unit 9 on Falcon Point, and we have not for years.

However, the \$150 seems like an additional tax, which I would oppose.

As fairly new homeowners (bought in January 2018), I would like to suggest that you might first improve the enforcement of your current HOA covenants before taking on additional responsibilities. In the short time we have been members we see multiple infractions listed in the current covenants from trailers parked long-term in driveways, to dogs running wild through the neighborhoods with no leashes etc. etc. and no obvious enforcement action on the part of the HOA.

We are part-time homeowners who do have a STR but also have a contract with a local Tahoe Donner rental agency (TMVR). The idea that you would levy a \$150 fee and escalating \$500 fines to STR homeowners only, is extremely unfair and does nothing to address the problems caused by non-STR renters and even homeowners who invite their own families and friends and proceed to cause the same issues as STR's with very little enforcement as far as I can see.





I hope you will reconsider this plan and show more transparency with the agenda you are pursuing which appears to be the restriction of short-term rentals from online rental agencies. At the very least if you choose to discriminate, you should not be prejudicial against those of us who already pay a premium price for full-time rental agencies to represent our properties in Tahoe Donner and to be onsite for any issues that might come up.

We would like an explanation also as to why this only applies to short-term rentals and not ski-leases or 30+ day rentals that are booked online without an onsite rental agency. These rules are very poorly formed and the underlying problem which is enforcement of current regulations should be addressed instead.

We'll see you at the meeting.

I would like to see the VRBO's go away and be outlawed in TD, but I don't think the folks in charge can relate to this. The STR are ruining TD, so in the mean time please see below. PS I will be at the August 20th meeting if it is still planned.

I strongly support passage of the proposed Covenant Rules, which will help preserve the quality of life and residential nature of Tahoe Donner. I support the proposed STR rules. With the increase in Airbnb and short-term rentals, quality of life has suffered for many, and some homes have been turned into mini-hotels with adverse neighborhood impacts. The current proposals will help with education and enforcement that is much needed, where currently there is none"

I think 8 am rather than 7 would be preferable for quiet time. I'm listening to chain saws now at 7:30 - it's a little too early for this. Also I think rules concerning noise levels at any hour would be helpful- I'm tired of loud music from rental homes that surround our home.

The proposed changes to the CC&R's and new rules for STR's are targeting owner's property rights, some in violation of Davis Sterling act.

Let's consider the impact of the 150 annual registration fee. In TD 84% of the homes are none-full time residences. There are at a minimum 2,000 homes listed on VRBO and HomeAway alone. TD is looking to collect \$300,000 from STR owners for the benefit of the HOA and this is now to continue year after year. Add to that the increased fees that will be charged for violations and that number will grow significantly higher. If TD is going to





charge a specific class of owners to provide information to TD, it should do it to all owners asking everyone to update their contact information and charge all member households \$150 not just single out STR owners.

The restriction on occupancy on per bedroom bases, not to exceed 2 per bedroom plus 4 is an unreasonable restriction. It also singles out's STR's while rentals over 30 days, or owners that have guess over, let's say over the holidays, are able to use their property as they like. It also does not take into consideration or make any provisions for toddlers or children. It also does not take into account sleeping lofts, family rooms, office or dens or other places many owners can reasonably use to accommodate guests. It specifically treats owners with STR's as having less rights then full-time residences or those renting long-term. If TD is going to start limiting how many people can sleep in someone's private home they should do it across the board and not single out one class of owners. Living in YTD full time does not create a greater property right.

There is a provision that empowers the board to *"limit an Owner's right to rent his/her property as an STR, including but not limited to, limiting the number of nights/days a property may be rented, leased or used by other than the owner."* Simply put, this provision give the board power to do what Davis Sterling Act specifically prohibits, restriction on renting your own single family home. This kind of unilateral power over a private property should not be given to a board of an HOA, it violates property rights.

TD is an HOA, with the core purpose to maintain and regulate common areas and amenities. It is not a municipality. TD does not own the roads or regulate them, (although TD is now trying to regulate parking on the roads it does not own or maintain). While some of the proposed restrictions are reasonable, many single out unfairly STR owners and try to restrict property rights that the HOA does not have the power to regulate.

The board should support programs to educate the owners and their prospective tenants, put forth rules and regulations that treat owners with STR's equally to those that live in TD full time or use their home for long term rentals. Rather than specifically restrict owners with STR's, chipping away at their property rights or support regulations that unfairly target none-full time residence.

Thank you for your consideration

The purpose of this e-mail is to express my strong support for the proposed covenant rules (noise, lights and commercial activity) and STR rules that are before you at the August 18th





board meeting. While I don't feel that the STR rules go far enough to control these activities, I do believe they are a good, and essential start.

Over the past few years the availability of Short-Term rentals have exploded in Tahoe Donner. And while many of these rentals have not presented an issue, many have. Late night parties, overcrowding, parking, abuse of trash facilities are now common at rentals. Commercial weddings and large parties. Loud music. Blocked easements. Open fires. Cigarette butts tossed carelessly onto the ground. Each of these are unfortunately becoming common in our residential, family oriented community.

The proposed rules are a good start at aiming to control these activities that are at odds with the traditional character of Tahoe Donner. In addition to the proposed rules, I would like to see limits placed on the number of days properties can be rented to avoid "mini-hotels" in our residential community. We also need to ensure that the rules are enforced. Having rules without enforcement is the same as having no rules at all. If renters violate the rules...they need to know they will be fined. If owners ignore the fact that renters are violating rules they need to be penalized...and the penalty needs to be substantial. It will not work if the process to penalize the violators is lengthy or cumbersome. Both renters and owners need to know that if they violate rules...they will be fined, the fines will be substantial and it will happen quickly.

If we do not do something to control STR's before they truly get out of control I feel we will be faced with putting more draconian rules in place as people buy properties strictly for rental purposes. We may well be put in the position of being forced to ban STR's entirely, as many other communities have done, in order to maintain the Tahoe Donner quality of life most of us desire.

Hi, I read the notice about new proposed rules for short term rentals in Tahoe Donner. By and large, I am supportive of them. I have one question, though.

Our is a three bedroom two bathroom house. One of the bedrooms has two sets of bunk beds - for grandchildren! Is possibly having four grandchildren in that bedroom acceptable?

I'm writing to offer a few opinions on the 45 day notice to Tahoe Donner members regarding Short Term Rentals. No doubt some members are passionate about this issue as it involves both money and quality of life.





First off I'd like to say that I wholeheartedly support ANY restrictions on STR's. I do support an owner's right to rent his/her property but, while I admit that I have used a few STR's in other towns while traveling, I generally feel that they have changed the landscape of home ownership and rental markets in most places..and not for the better.

So I support the board's proposed restrictions on STR's. I do, however, feel that the general tone and scope of the 45 day notice...which seems to focus on issues such as parking, noise, lights left on and complaint resolutions is a little shortsighted, "small town-ish" and petty. Honestly...y'all sound like a couple old bitties standing in their driveways complaining about "those darn teenagers and their skateboards...this used to be a nice neighborhood!"

I'm not saying that parking, noise and lights left on are not valid issues...they are. But I think the larger problem surrounding STR's is that they have caused regular rental prices to go through the roof in nearly every city where they have been allowed to prosper. People are buying properties these days, often in vacation areas such as Truckee/Tahoe, that they can't really afford to keep as a weekend getaway. They rationalize the purchase with the lure of easy money through Air BnB. Others are buying up properties as investments and specifically planning to pay for said properties using the STR model. The net result, in addition to the issues described in the 45 day notice, is that houses that could be part of the regular long term rental market are taken away. There is virtually zero housing for regular workers in Truckee/Tahoe. We need these people in town to work restaurants, resorts, shops, repair and maintenance services and Tahoe Donner facilities. Without labor we have no town, no community...our homes are just a bunch of structures in the woods awaiting the next wildfire.

In my vision the town of Truckee would impose substantial fees and taxes on STR's and use that money to buy and build housing that regular workers can afford to rent. Tahoe Donner, with it's thousands of properties, has an opportunity to encourage a region wide change along these lines. Therefore I support the changes in the 45 day notice, but I feel you can go much further and do better. I notice I get a request every year to rent my house or a room to a Tahoe Donner winter employee...how about a 25% tax on all STR's with the money used to house seasonal workers during the busy seasons?

Where is the proposed \$150 fee going anyway? If it's just intended as a nuisance fee to discourage STR's you're probably going to get some legitimate pushback. I'd much prefer an even bigger fee, with the money then used to help rectify some of the larger problems caused by STR's. I'd like to see a job created that monitors STR's and works with the Town of Truckee to make sure all rentals are above board and the transient occupancy tax is always collected.





Obviously these ideas could have and should have been brought up earlier, before the 45 day notice was written up. Nevertheless I thought I'd take the opportunity to voice my opinions on the subject while we're on the subject! Thanks for listening, and keep up the good work.

I think \$500 to start for fines is too steep and unnecessary to compel compliance. The rules are straightforward and should receive voluntary cooperation. I have seen this sort of thing become a bad dividing line that puts the board and employees at a very antagonistic and adversarial odds to their fellow owners. It gets abused often by misunderstandings and will create conflicts for no reason. Scaling fines so that escalation raises it for cause. There should also be a reasonable notice giving people the opportunity to correct a situation. We are neighbors, not police.

We are opposed to the first of two July 1 45-day notices.

We believe the proposed changes with regard to Noise and Light Pollution are too subjective and therefore would be too difficult to fairly enforce.

We are opposed to the second of two July 1 45-day notices.

There is a long history of short term renting in Tahoe Donner. I first spent a weekend in a short term rental in Tahoe Donner almost 30 years ago - it was an awesome weekend! From then on I worked hard to be able to afford to buy a second home and based on my experiences with weekends in Tahoe Donner there was no doubt I was going to buy here. I imagine many current home owners have had the same progression. These changes specifically targeting short term rentals would seem to unnecessarily open the association up to litigation with such a long and significant history of short term renting.

For simplicity and brevity, we agree with the objections stated in these Nextdoor posts:

David Carman
, Tahoe Donner

PROPOSED NEW COVENANTS SHORT-TERM RENTAL RULES AND FINE SCHEDULE I believe this new covenant is unfairly targeting those living "off the hill" who are trying to offset their cost of ownership or those who are trying to make money on a real estate investment, which is not uncommon in popular vacation areas. That being said (I have not gone through the CC&Rs in a long time so forgive me if they already exist), the STR proposals would be more reasonable if the same standards apply to everyone. 1) The



requirement for Real Time Contact and Complaint Response should apply to all TDA owners. I am fairly familiar with those on our street and those who live behind us. In my observations of behavior in our neighborhood, I have seen and heard more violations of noise (music and dog barking) and parking violations from those who live in TD full time than I have from “off the hill” folks or renter. Obviously each street and neighborhood is different. To be fair, we should be able to report a non-STR in violation to TDA, and have the same owner response time to cure the cause of the complaint. 2) Regarding Occupancy, the standard of occupancy needs to apply to all TDA residences as well. Why should a STR be limited to, for example, 10 people in a 3 bedroom home, when a non-STR can have as many people as they choose. 3) Fines and suspension to common areas and facilities should also apply equally to STR and non-STR. 4) In regards to fines, I am assuming there are already established rules/policies on how hearings are conducted and evidence is considered, however they may need adjusting in regards to STR violations. Renters can be unpredictable in their behavior so to impose higher fines based on the number of complaints alone, in a one year period, seems unreasonable. For example a popular STR that is occupied 70% of the year (36 weeks) with 30+ different renters, has 3 violations in a year and the violations are “cured” in the specified timeline to receive a possible max of \$3,000 in fines is excessive. 5) Lastly, Part f is completely unreasonable. This part allows the Board of Directors too much power and authority to restrict the use of your property, not only in renting, but in letting your friends and family enjoy it (“or used by other than the Owner”).



3 Thanks



Andy May

, Tahoe Donner · 2d ago

Could someone provide context for why short-term rentals are being targeted specifically over mid-term rentals such as ski leases? The attempted restriction of occupancy, for example, seems like a huge over-reach in terms of control over individual property. Are there data to support why a 3-bedroom property rented to 3 families with two children each (banned under the current proposal) would have such a negative impact compared with when the same 3 families would rent a 4-bedroom property (allowed under the current proposal)? The proposal also seems unenforcable. How are the Board proposing to





determine whether a property is being occupied by the correct number of occupants? Does this provide them with walk-in inspection rights in the event of a complaint? For example, what would happen in the case where a short-term rental has the permissible number of occupants, but 2 extra people are invited for dinner, and the party results in the filing of a complaint. How do you intend to determine the number of overnight occupants, rather than the number attending the party? What if a short-term rental has the permissible number of occupants, but the renters allow two extra people to stay overnight to weather a large storm, and self-report to the owner out of courtesy? Is this now a violation that should result in a fine? It also seems grossly unfair. Why would a ski-lease that repeatedly results in 12 people being present in a 3 bedroom house be treated differently to a short term rental that does this at the same or lower frequency

I would like to respond to the HOA Boards proposed new rules regarding rentals in TD. I believe the reasons and intentions behind this issue are important to address. Up until now, we have no idea of the scope of this problem. There has been no attempts that I am aware of to explain the issue and ask for assistance from property owners. This would always seem like the first step an HOA board would take. Instead we are faced with a proposal for forced registration, fees, fines and rules when our lights can be on. Do these rules apply to non paying guests at our house? Am I allowed to have more than two of my kids sleep in a bedroom? These proposals are overbearing and seem completely over blown. They are premature and not well thought out. I am not even sure if they are legal for a homeowners association to enforce. Additionally does the HOA really want to become the enforcement agency for these new rules? Who is going to answer the phone at 10 PM and then go to the offending address to verify a complaint? Who will adjudicate complaints? A whole new set of employee expenses will be added. We come to TD to get away from the rules and regulations of urban life, not to worry about one of my family members or a guest at our house leaving an outdoor light on after 10PM.

After recently voting for new board members and reading their statements, no one seemed overbearing and controlling. Not knowing who is pushing this issue at the board level I hope some degree of tolerance and experience will prevail. While these rules and regulations may be well intentioned, they are not going to solve the problems of occasional noisy renters next door to an elderly resident.

Homeowners associations have a role, but these proposals go way overboard and will only decrease property values and the ability for owners to enjoy, afford and effectively use their TD property. I would hope a less punitive and no fees approach will prevail.





As a long term TD owner and an occasional renter of my home I find the proposed \$150 fee to owner's who rent their homes and many of the new regulations very offensive and potentially grounds for legal action

It is inexcusable to levy rules against STRs and not ALL owners.

I have some questions and then comments below. I am all for a nicer neighborhood and better living area, but I feel many of these are arbitrary.

1. Your maximum occupancy rules favor those with smaller homes. You can have a one bedroom condo and have 6 people, but in our case of a 5 bedroom house with high-end custom built-in bunk beds for 6 kids,, we can only have 14? I only allow 16 although I have beds for 17. I never let guests sleep on our couches. That is against our personal policy.

I propose this is updated to allow for children differently. I only allow 10 adults in our home. 2 per room as you state. There are multiple ways I see you can change this. Here are a few proposals:

A. Similar to today's with a larger house accommodation: "2 people per room plus 4 additional people for 1-3 bedroom houses and 6 additional people for 4+ bedroom houses."

B. A child rule similar to hotels: "2 adults and 1 child per bedroom plus 2 people".

C. A rule not counting children, but being more strict on adult occupants. : "A maximum of 2 adults over the age of 18 per bedroom."

I think C is the best option, and with a bit of wordsmithing would be more clear. My feeling is the HOA is trying to prevent large groups of young adults from taking over homes and having parties. I try at all costs to prevent this in my house.

If one of these is not an option, we should be able to ask the committee for an exemption. You greatly reduce our rental income and property value if a small 1500 sqft 3 bedroom house can have 10 guests and our large 4000 sqft 5 bedroom house can only have 14. That simply does not compute.

2. A 30-minute response window is quite ridiculous. Possibly 30 minutes during normal business hours and 2 hours after business hours. There are many times I am out of cell phone service for longer than 30 minutes. If this goes into effect you are requiring that we hirer an outside organization to do this and they will not meet my expectations. I have high standards and deal with all issues directly myself.





If you insist upon a 30-minute window we should be allowed one late response per year. If my house has an issue I like it attended to immediately and I always try and do this. I never expect there to be an issue as I screen my guests, but being fined for responding in 2 hours and not 30 minutes seems crazy and then starting the escalation of fines would be an issue for me.

If this goes into effect you are increasing my costs and reducing my property value.

3. You also say the task force looked at other groups of similar communities to Tahoe Donner. Can you please provide me with that list. I tried to find this in the minutes without any luck.

4. Can you please make the \$150 fee due at the same time as our regular annual dues to reduce administrative work. Ideal these rules and regulations would go into effect with the next fiscal year so the first \$150 can be paid with our dues in Feb.

Most of the other policies recommendations make common sense and are good to put out as formal rules and regulations. Almost every year someone asks to host a wedding at our house and I say no.

I feel very strongly that your actions are lowering the property values in Tahoe Donner by making it more of a challenge to use the facilities and rent. Last year's guest facilities price increase to \$12 made many of our renters chose not to use the facilities. Now you are imposing more restrictions which makes owning a 2nd home in Tahoe Donner less attractive which then lowers property values for all of us.

We are moving to a future of a gig economy where what was once a mainstay of hotels and resorts are now changing to a better and more personal experience by being able to stay in great places like ours in Tahoe Donner. This is the future and we should embrace it with thought, care, and respect.

I am writing in response to the request for comments on the proposed new short-term rental rules and fines. My husband and I have owned our cabin as a vacation home since 1996. It has been our intention to keep the property in the family to pass on to our children. We have enjoyed more than 20 years of activities over many seasons with our children and now grandchildren.





As we approached retirement and faced living on a fixed income, our vacation home became a source for additional income through short-term rentals to help defray the costs of property taxes, home owners association dues, and maintenance. It has only been a few years that we have engaged in short term rentals and by no means is it a profitable endeavor. We have registered with the Town of Truckee and pay the 12% Transient Occupancy Tax quarterly. We have been very careful to vet potential guests, speaking with them on the phone, requiring a minimum age to rent, and limiting the number of people staying. Our rules about noise, parking, quiet time, garbage, and no parties have been strict. We have never had any complaints from our neighbors, nor has anyone reported guests to TDA or Truckee police.

I do want to point out that over the 20 years of spending time at our home, there have been numerous occasions of noisy neighborhood parties (including hearing wedding parties at the Lodge and concerts on the green waft over the forest), excessive cars parked on the streets, and lots of neighbors coming home (driving and headlight pollution) from bars after 2 am. This was well before 2008 when Airbnb launched. The point being that property owners can cause “nuisance” behavior as well as renters.

We understand that the number of visitors has increased since the advent of short-term rentals in the area. The increase of amenity use by those using guest passes is a double-edged sword. Those guests make it more crowded for property owners and the amenities suffer from more wear and tear as a result. On the other hand, those guests are paying \$12/person with an unaccompanied guest pass. **A conservative estimate of four people using one facility once per weekend for half the year (26 weekends) would net an extra \$1200 in revenue.** You can multiply that by the number of estimated short-term rentals. In addition those guests are also having meals at Pizza on the Hill, the Lodge, Alder Creek Café, renting skis and buying lift passes at both the downhill and cross-country facilities, golfing, renting and using boating activities at Donner Lake, etc.

Yes, there are more tourists. And those tourists provide jobs at restaurants, cafes, shops, stores, banks, hospitals, resorts, TDA, for plumbers, contractors, painters, forestry workers, cleaning crews, snow plow crews, transportation operators, utility and government workers and more.

We understand and agree with association members wanting to protect their property, lifestyle and investment in Tahoe Donner.

As such I will list only the items that we take issue with:

- **An annual short-term rental registration fee of \$150.** What will this be used for? Will TDA hire a Complaint Staff to be available 24/7? Should the same registration fee of \$150





not also be applied to long-term rentals who may also exhibit “nuisance” behavior? And have there been no historical complaints of “nuisance” behavior by Tahoe Donner property owners? I doubt that. So why is the burden only on those who have short-term rentals?

- **Effective date of STR Rules is unclear.** Consider implementing any new rules at the beginning of a new year.
- **Real-time Contact available 24 hours/7 days a week.** What if a property owner is in a work-related meeting or project and has no access to a phone? What if a property owner is driving, ill, traveling, tending to a disabled family member, a new baby, in a class, at a doctor’s appointment? There are many excusable reasons someone may not be able to respond immediately. Call the police for noise disturbances/nuisance behavior. Taxpayers pay the salaries of police services that are available 24/7.
- **Complaint Response within 30 minutes and Resolution within 60 minutes.** These are unduly harsh rules. Are other property owners given a different set of rules for timely response? Leaving a light on or spilled garbage are examples of minor violations, and may not need immediate resolution. For a noise disturbance/nuisance behavior, why not call the local police? That is what has been done for years. Isn’t that part of their responsibility? Why add another layer of administration and cost when we already pay taxes for local police and fire services?
- **Fine Schedule of violations: \$500/violation seems excessive.** It is not clearly stated whether a complaint that gets resolved within the 30/60 minute time frame counts as a violation or not. *Please clarify.* If there is a complaint (especially first-time) that can be resolved in a timely manner, it seems excessive to impose a \$500 fine (for a light left on?). Asking for a security deposit of \$500 may deter potential responsible guests from renting.

Some of the points raised by other property owners should be considered:

As a general comment, why are short-term renters (and the property owners of STRs) treated differently than other property owners, long-term renters, and non-renting guests of owners? Shouldn’t the rules and associated fines be applied the same for all property owners? Fines should be adjusted to take into account the severity and nature of the violation. Finally, a covenant violation should be treated the same regardless of who commits it.

Will Tahoe Donner property owners have a chance to vote on these changes to regulations or will the Board of Directors make a decision with input from the community?

Could not be more timely!





Thank you, thank you for proposing new rules on exterior lights!

Rental down the street just renovated and is now lit up like a racetrack all night long. Can't even drive past it safely at night due to direct blinding light into your eyes.

Definitely in favor of all new rules.

We don't need vrbo, Airbnb and st rentals destroying it for everyone else just to benefit a select few.

As one gm said once, this is not a retirement village. I agree. I add, and this is not a Las Vegas hotel either!

Good luck.

I've owned in TD for over 20 years.

I strongly disagree with these proposals except the posting of emergency evacuation routes, which clearly is a wise idea.

I have not seen the details of the other proposals (we recently moved so have not received the TD quarterly since the winter edition), but they sound quite discriminatory to owners who rent. They also sound completely unnecessary.

Feel free to email the rationale for each proposal, but my vote is a resounding 'no.'

We'll be back in TD on the 15th and would be happy to come by the meeting.

Yes, definitely in favor of these changes. In fact I would love the board to go even further and limit all short term rentals (less than 3 months) as much as possible. We have an amazing community where we can value outdoor, safety for our kids and our amenities, having huge turnover of strangers is the last thing we need

What is the purpose of this fee? Seems excessive unless there is a benefit to it.





- Required STR rental registration of \$150 annual fee per property

1. I feel that the restriction on number of guests per bedroom is restrictive, as some bedrooms are large and accommodate more than 2 people. Also, living rooms and sleeping lofts often have sleeper sofas and beds and we should not be restricted from using these for additional guests. Also, no differentiation between adult guests, children, infants, that often sleep in parent's room.

2. Are ski leases, or long-term rentals being also restricted? Seems rules should be the same. Fines for STR's and Ski leases should be the same. Will both have to pay the annual fee to rent? Do long-term rentals need to do same?

3. A 30 minute response rule is punitive. All of my guests are screened before renting and the rules and local policies are in my rental agreement. I may be asleep at 10 pm and unable to respond upon demand.

Thank you for your consideration of a short term rental that has not had any complaints.

I am able to afford to have a 2nd home that is occupied only 35% of the year, because the rentals allow me to afford the cabin. Also, we don't use the facilities as often as full time residents and should not be punished for our short term rentals.

I am in total support of the proposed new rental rules. Owners of rental properties should be notified of misuse/violations.

I would like to know how these provisions can be legally applied retroactively to homeowners that already purchased their homes given DS act seems to prohibit such provisions. Particularly Item F which seems overbearing and I would like it removed. I think you may be putting the HOA in a legal gray area that could unnecessarily create legal battles & cost for homeowners who ultimately bare the cost of defending such issues. Please advise. Please note that I am not against STR governance, rather I've raised this concern a couple times and have yet to hear the legal grounds for such measures.

https://www.cacm.org/Resources/2017_Davis-StirlingCommonInterestDevelopmentAct.pdf





§4740. Effect of Rental Prohibitions in Governing Documents (a) **An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant unless that governing document, or amendment thereto, was effective prior to the date the owner acquired title to his or her separate interest.** (b) Notwithstanding the provisions of this section, an owner of a separate interest in a common interest development may expressly consent to be subject to a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in the common interest development to a renter, lessee, or tenant. (c) For purposes of this section, the right to rent or lease the separate interest of an owner shall not be deemed to have terminated if the transfer by the owner of all or part of the separate interest meets at least one of the following conditions: (1) Pursuant to Section 62 or 480.3 of the Revenue and Taxation Code, the transfer is exempt, for purposes of reassessment by the county tax assessor. (2) Pursuant to subdivision (b) of, solely with respect to probate transfers, or subdivision (e), (f), or (g) of, Section 1102.2, the transfer is exempt from the requirements to prepare and deliver a Real Estate Transfer Disclosure Statement, as set forth in Section 1102.6.12 (d) Prior to renting or leasing his or her separate interest as provided by this section, an owner shall provide the association verification of the date the owner acquired title to the separate interest and the name and contact information of the prospective tenant or lessee or the prospective tenant's or lessee's representative. (e) Nothing in this section shall be deemed to revise, alter, or otherwise affect the voting process by which a common interest development adopts or amends its governing documents. (f) This section shall apply only to a provision in a governing document or a provision in an amendment to a governing document that becomes effective on or after January 1, 2012. [2012 - Based on former §1360.2]

f. The Board of Directors **reserves the right and is empowered to limit an Owner's right to rent his/her property as an STR,** including but not limited to, limiting the number of nights/days a property may be rented, leased or used by other than the Owner within a specified time period, including temporarily suspending the right to rent, lease or allow use by others than the Owner, based on the particular circumstances. TDA will notify all TDA Owners that these Rules are in effect. The notice will include a recommendation that each Owner owning a rental property within the Tahoe Donner Association should include with terms of their STR rental agreement that any fines may be passed along to the renter. It will also recommend that each STR rental agreement should include a deposit to cover any possible fines that may arise. Additionally, the Association recommends a hardline telephone is installed at the property for safety purposes and to ensure compliance with above stated response rule.





I feel the rules as stated will (or should) make a huge difference to our neighborhoods. The registration fee is fair, since the short term rental prices are substantial. I am happy that we finally may have some control over absentee landlords.

Thank you!

I am writing with comments/questions on the proposed new short-term renewal rules.

1. SHORT-TERM RENTAL REGISTRATION

All Owners of STRs within the Tahoe Donner Association must register with the TDA administrative office to operate a short-term rental property within the Tahoe Donner Community. An annual registration fee of \$150 is required.

question: Why is there a \$150 fee? Do you believe it costs TDA to have STR? I speculate the TDA actually makes money on STR as homes that would not normally be occupied are housing renters, who will spend money at TD facilities.

2. COMPLIANCE + NOTIFICATION

...Owners are required to provide renters emergency evacuation information and to have this information prominently posted in the home.

question: Seriously? homeowner must post the location of doors where the renter has already used to entered the house? This is pretty absurd. When you check into a hotel do you read and memorize the evacuation route or do you know where the door of the hotel is (where you entered the room) and just need a sign for stairs?

...It is required the Owner obtain an acknowledgment from the renter that they have reviewed the rules and agree to comply with them. (C&R Article II, Section 3(a))

Question: again, seriously? You are already proposing to fine the homeowner if something goes wrong - what does this proposed acknowledgment from the renter do?

Please inject some common sense into these regulations instead of speculating on theoretical risks?

Thanks for reaching out to the HOA with the below information. I just read through the details and I do have say I don't understand the rational is for requiring an annual fee to rent our homes for short terms. I understand that there is a burden placed upon the HOA to ensure neighborhood rules are followed by owners and renters alike; so I do understand





the need for fines to support the additional resourcing required. However, the size of the fines seem exorbitantly high, and I certainly do not understand the need to tax homeowners with an annual \$150 fee.

I must therefore preclude that the association is considering these fees to either
i) create additional revenue streams for the neighborhood, i.e. a money grab,
ii) radically discourage short-term renting to begin with

I've seen such rules enacted elsewhere in the Lake Tahoe region being pushed by full-time residents to the detriment of all vacation-home owners. A large (majority?) percentage of the homes in Tahoe Donner are vacation homes, so these proposed fees are a way of burdening many to support the few. Tahoe Donner is a popular location for people to purchase vacation homes is because of the ability to support the costs through short-term renting. And enacting these fees will only serve to discourage second-home ownership, driving down real-estate value for everyone.

Unless I can see explicitly how much of Tahoe Donner's budget goes to enforcing regulations and policing the actions of short-term renters, see how the estimate for these fees equitably addresses those costs, I'm absolutely against the measure.

I would like to provide feedback and some suggestions:

Short Term Rentals

I think you should clarify if a ski lease applies. In some cases homes are leased 1 or 2 weekends per month, but to the same family or person though the lease is for the whole season. I would suggest including verbiage to include a ski lease or a ski lease home owner might not feel the wording applies to them.

First Violation

The verbiage says "up to \$500" - it should specify a minimum. I think at least \$250 for the first violation makes sense.

Nuisances

Are hot tubs already covered under nuisance? Along with turning out lights, hot tubs should not be permitted to operate 10 PM to 7 AM either if they are located outside the home. A common problem with STR's is that they rent a home with a hot tub, go out on the deck late at night and fire up the noisy hot tub.

Parking





In addition to indicating number of bedrooms / people in rental listing, the number of parking slots should be provided as well. This is especially important for those renting condo units where parking is more restrictive or those with short driveways. For example, a "Sleeps 10" home should also indicate "only 4 parking spots available" to avoid the overflow issues. Overflow is what results in people parking on the grass (fire hazard) or worse - on the road in winters.

Subsequent Violations

I would recommend adding verbiage that for the fines to go down to the original amount of \$500 that the property must be free of confirmed violations for a period of 90 days. If the home owner continues to have STR's violating rules within a 90 day window, the fine schedule stays elevated.

Is this also a good opportunity to limit outdoor fire use by STR?

Honestly, there is no reason for a STR to ever have an outdoor fire of any type. Propane grills only. Everything else should be prohibited by STR who may not understand fire season, set backs, etc.

I LOVE IT! These make a lot of sense and I fully support.

Yes I support these proposed rules as a start but believe we should soon also restrict rental usage itself like Mammoth and South Lake .

We are homeowners since 1990 and just recently rented a condo near the Deli Mart for our additional visiting company. They were disturbed by neighbors making noise late at night and did not know how to address since it was not clear which unit was the problem. We also had trouble with renters in the past loudly disturbing the neighborhood. We addressed it by going over to the house and banging on the door which resolved the problem. The str problems are two fold . first, they impose an undue burden on the facilities because one guest pass supports many users. There should be an additional fee beyond the registration fee for owners that rent their property. Like \$500 per year for facility maintenance. Our home uses the facilities perhaps 40 days per year and pays the same for upkeep. The second issue is the inability to control disruptive guests. Are we supposed to call the police each time a renter is having a loud party?





While recognizing that some owners need the rentals to help support their costs, it is unfair to disturb the peace and burden the facilities with non contributing users.

Background on me: I've been an owner since 2013. Part time resident. Previously rented my place on AirBnB approximately 10 times per year. Have not rented since 2017. No complaints received. I don't have a terribly vested interest anymore since I do not rent anymore, though I do fear excess enforcement on friends/family staying in my home.

Observations:

1. Registration: How will this information be used? Is it public to all members of the HOA?
2. Definition of STR: What qualifies? Do part time owners who lend their home to others free of charge qualify?
 - a. Pro tip: Locations that have rules like these always tell their occupants to say they are friends of the owner – not renters – making “STR” rules difficult to enforce.
3. Real-Time contact: Why just applicable to STR properties? Are full time residents immune from being contacted regarding complaints?
4. Parking: Again, this is very much applicable to full timers as well.

I have review the proposed additions related to the Subject and am in complete concurrence with the recommendations and urge the Board to adopt the changes.

Hi - I just have a few questions.

In regards to all exterior lights being turned off between 10pm-7am:

Our main exterior lights are on a dimmer switch. In the winter, when it's snowing, we turn them down, but leave them on for the Element's drivers. Will this be considered a "safety" exception?

We have Xmas lights around our garage (very low light). Will those need to turn off at 10:00pm?

We have solar lights lining our driveway that cannot be turned off. They are not bright enough to disturb anyone. Will this be an issue if it's not an issue for our neighbors?

I would appreciate it if you could discuss these things at your meeting and get back to me.





I fully support the proposed changes in hopes this relieves crowded amenities and recovers the costs the members subsidize to the renters

I believe the extra fees is basically unfair to owners who rent out their homes. Noise etc can happen with owners who don't rent out as well. Responsible owners do not need extra fees or to be policed.

I am all for having quiet hours between 22:00-07:00, however I am curious to know why Tahoe Donner Association can't follow its own rules regarding noise? The leaf blowers and other maintenance equipment used on the golf course has started as early as 6:30 a.m. at times. I come up here to enjoy the peace and quiet, yet it's not the property owners that are disturbing the peace- it's the Tahoe Donner Association crew tending to the golf course. Please be respectful of the owners who pay the dues and salaries around here and let us get our sleep, peace and quiet in the mornings!

Thank you for the opportunity to voice my concern.

I have some comments regarding the proposed short term rental rules that are posted here:

<http://www.tahoedonner.com/45-day-notice-proposed-new-covenants-short-term-rental-rules-and-fine-schedule/>

In general I think it is fair to add additional rules regarding short term rentals. We love Tahoe Donner and want to be responsible owners to help maintain it as the wonderful community that it is. However I do have a few issues with the proposal that I would like to submit for consideration.

- 1) The registration fee seems excessive. We are already paying a 12% occupancy tax for each rental. Adding another \$150 administrative fee seems unfair.
- 2) A 30 minute notification period seems unreasonable. I think an hour would be a lot more manageable while still handling complaints in a timely manner.
- 3) \$500 for the first violation seems excessive. Even traffic tickets don't go this high. This will require that I significantly increase my security deposit which will be an issue for renters.





4) Since we have to provide a copy of the rules to all renters, it would be helpful if Tahoe Donner could provide a document that is specific to renters. I'm thinking about a subset of the rules, removing everything that really only applies to owners. For example, the current rules have lots of detail about defensible space that do not apply to short term renters. It would be helpful if Tahoe Donner could provide a shorter version of the rules that we could provide to renters.

We very much enjoy the time we spend in Tahoe Donner. We would not be able to keep our home there without the income from short term rentals. We are very motivated to be good citizens and make sure that our rental home is not a burden on the community. I hope the comments above will be taken into consideration.

The proposed new rules about light pollution may have a negative effect on how snow removal is currently done in Tahoe Donner.

In winter during snow storms, snow removal company Elements Mountain, which is used by myself and other Tahoe Donner residents, has in the past requested that homeowners who are in their homes leave an exterior light on over night to indicate which houses are occupied.

This lets plow drivers prioritize which driveways are cleared first, so homeowners can get out of their driveways in the morning. Clearing starts in the middle of the night, so it's not practical to wait until 7am to turn on the light.

I wonder if the proposed language could be changed to

"All exterior lights must be turned off between the hours of 10:00 p.m. and 7:00 a.m., seven days a week that are no longer needed for safety, **snow removal signaling**, or other outdoor use."

We don't currently rent or have plans to rent our house on Ramshorn. But I have comments:

- Why is this framed around short-term rental rather than any rental.? Our experience with noise was a LTR rented by TDA for the housing of TDA-employees that went crazy loud at 2am. In this case, who is responsible? TDA? The





employees? The owner? Would TDA prosecute itself, penalize itself, and pay itself? Would not be fair for TDA to assess the owner for TDA employee behavior.

- Seems like in ALL rentals, a penalty should be paid by the occupants as a property owner can't not possibly "filter" for renters to be kind and courteous vs. loud and obnoxious. It's a high risk of renting for \$300/night and risk \$500, \$1000 and \$1500 penalties. Owners can not know renter's behavior in the future. Add the 30 minute response enforced 24 hours a day and there is a huge additional cost, risk and worry.
- TDA is requiring a registration fee and enforcement fees, post issue. I agree. But I believe the requires TDA to step up on responsibility for enforcement and be willing to pursue the group that committed the crime, which is the renter.
- I would suggest a standard TDA contract be available to all owners use. Owners that use the contract are absolved of responsibility and TDA goes after prosecution to ensure it is done consistently. Could be a separate renter "security fee" to TDA so that the renter signs up for accountability on their behavior. Prosecution costs are transferred to the renter by TDA.

Overall, is the goal to reduce/eliminate rentals? From one point of view, penalties and the cost of "on-call 24 hour response" are significant deterrents. This will turn off much of the rental market. If this is the goal, likely mission accomplished.

But have the unintended consequences been considered?

> For example, less renters could impact orgs like Pizza on the Hill.

> Without rental income, some owners will sell their house. The increased supply of houses for sale will likely decrease home value in TD.

Glad TDA is taking actions to make our community better. It's an important but complicated issue.





In my view, a far more important opportunity to improve quality of life in TD is creating incentives to motivate home maintenance and improvement. There are a few too many homes that look dingy, tired, and under-maintained.

I think that this is a significant deterrent to prospective buyers that come looking at the community. While homes are privately owned, there is an HOA. It's not really fair to have some owners not pulling their weight and the community suffering.

We love TD and the grounded down to earth prices and nature of it. But the success of all the new premium communities is showing there is appetite for higher end products. I think TD should evolve with today times and market (at least a little) by starting with the biggest problems and take some concrete actions.

There should be a penalty for under-maintenance. This will be a win/win for TDA. Even in if you have to phase it in over 3 years, let's get something started.

I am not able to attend the August 18 TDA Board meeting, but want to stat that I am **STRONGLY** opposed to the proposed new covenants related to Short Term Rentals. The proposed covenants are unfairly discriminatory toward folks who rent their homes on a short-term basis as compared to folks who occupy their homes, rent long-term, or lend their homes to friends and family without rent. We have done a combination of all these things throughout our years as owners.

I object to the premise that, as a homeowner who should be **EQUALLY** represented and treated within the community, we are subject to much higher fees for covenant violations, more restrictive parking rules (no street parking, even when seasonally allowed), a very stiff penalty for not responding to a covenant complaint within 30 minutes, and arbitrary occupancy restrictions.

Here is a list of the contradictions and discriminations that are currently being proposed:

- 1) Why should a owner who rents their home for a weekend or week at a time be subject to a fine 250% higher than another owner of an identical property?
- 2) Why is noise or light from a STR property any more bothersome than noise or light from a full-time resident, a long-term renter, or a guest of an owner or long-term tenant?





3) Why should an STR guest be prohibited from parking on the street (when seasonally allowed) when full-time residents, long-term tenants, and non-renting guests can park on the street with impunity?

4) Why should an STR owner be required to respond to a covenant complaint within 30 minutes whereas a full-time resident or long-term tenant has no mandatory time in which to respond to a complaint, and is not required to be reachable at all?

(As an aside, I do think expecting anyone to respond to a complaint within 30 minutes is COMPLETELY unreasonable. There are many factors to consider; the nature of the response, the severity, etc. Anything potentially harmful or dangerous as well as severe violations should be handled in another capacity. Leaving an outdoor light on and THEN being penalized for not responding within 30 minutes at 4am is hardly promoting a neighborly environment.)

5) Why should an STR owner with sufficient parking and adequate bed capacity for a large group (beyond the limits proposed) who always complies with covenants related to noise, light, trash, etc. be prohibited to rent to a large group when a non-STR owner can rent to a group for a seasonal ski lease or long term lease or pack their home with friends and family without repercussion?

All homeowners should be treated equally. All covenants should be enforced without discrimination.

The main issues being discussed (excessive noise, light pollution, people parking in prohibited areas, and improper garbage disposal) are problems caused by ALL residents across TD, not specifically related to STRs. I can personally attest to known homeowners within our section violating each and every one of these.

As part of the STR and Amenities committee, I have been privy to the lack of overall enforcement and the recent changes TD has taken to mitigate this. I highly suggest that the TDA board allows the new enforcement and reporting system to take time to work before jumping to conclusions without consistent and reliable data.

Thank you for offering to collect feedback via email. It is really appreciated. Please find my feedback below and do let me know if you have any questions or would like more information.





1. "All exterior property lights must be turned off from 10PM-7AM unless needed for safety" - Who is going to make a determination about is keeping the light safe or not? If I have night vision issues and need lights outside my house, will I have to justify it every-time someone drives by my house? This looks like an unenforceable rule and will only cause headache to homeowners. Also, if i am forced to shut my lights off and someone falls on my property outside, I assume I can sue Tahoe Donner, which I think is a bad thing. This can become a liability for Tahoe Donner.
2. "Required STR rental registration of \$150 annual fee per property" - Any rental property today pays the Transient Occupancy Tax (ToT) to Truckee, why add a new Tax (\$150/annual). What is this tax going to be used for?
3. "Thirty-minute owner response window for all complaints" - I don't understand this at all. Do you expect people to be on call at all times in case someone has ANY complaint? Is this a model that exists anywhere in the country?
4. "Violation enforcement and fines starting at \$500" - Where did the number \$500 come from? Is there a proposed fine schedule (e.g. first offense, repeated offense, etc). Also, the median income tax in Tahoe Donner is \$72,499. The \$500 sum, sees too high to me. How did you come up with this number? What studies is it based on?

I understand the proposed changes and in the 25 years we have owned our cabin we have never abused the short term rental situation. We have found that longer term renters tend to cause more problems.

In any case we are having a family get together at our cabin on August 25th. Our son , who passed away in July loved it here so we have scheduled a family memorial here at the cabin. We aren't sure how many family members will attend at any one time but there may be quite a few throughout the day. We will be conscious of our neighbors and not block any driveways.

We are 100% in favor of enforcing quiet hours and outdoor night lighting regulations. Although quite a few of the homes around here are occupied only part time, it's common for outdoor lights to be on late, occasionally all night. Since we're part-time occupants ourselves, it's especially important for us to be able to enjoy the night starry skies when we are here.

We will also need to know the process for reporting offenders. We don't want to cause trouble for our neighbors. Hoping for direction in handling this.





At the June 22, 2018 Board of Directors meeting, the Board approved the proposed new Covenants Short-Term Rental rules, violation enforcement and fine schedule to go out for 45-day member notification and comment period. Did an email go out on this at that time? I may have missed it. I think the first the membership would have seen it was July magazine, right? Then if you did not read the July magazine, no email until 8/9/2018. Is this accurate? Can we do better? Should we do better? I think only one email sent regarding this issue was 9 days before member comment period. We need more notice. No Flash Vote,... why not?

Have there been problems that are generating this effort? If so could you please share with the membership what these issues have been? What is the background here?

An annual registration fee of \$150 is required. Why, explain and so with real data. Why not no fee?

Fines are too punitive. Too high.

Disclosure of total number of bedrooms (as historically disclosed in rental advertisement) is required. Why Explain??

An Owner must register within 30 days of commencing short-term renting or within 30 days of the effective date of these STR Rules. Why? Why not 1 week.

My perception is a small number (not majority) of members are driving this without full disclosure to the membership regarding land ownership rights. Is Tahoe Donner just simply trying to reduce or eliminate STRs? If the membership through voting desires to be in an area free for STRs, then let's find out if this can legally be done and simply move in that direction. AirBnB and VRBO is a rapidly growing enterprise.

Why is this topic not in Aug magazine edition?

Don't mis-understand me. Protecting the privacy and basic rights of members who have been subjected to noxious activity is great. But this type of rule making should be publicized in greater detail with more notice in more avenues (Vote, news, emails). 9 Days is inadequate.

I'm in favor of the proposed new short term rental ideas.





I am grateful that the TD HOA is taking on STR regulation in TD and designing rules to at least regulate them. While I would be fine with banning this obnoxious activity, I support the board's proposed Covenant Rule changes and regulations with regards STR's. I would like to see the restrictions on occupancy be narrowed more, and the number of days any home can be a STR should be limited. I want to thank the board for addressing and doing something to deal with this growing issue. An issue not only here, but in communities everywhere. This is a much-needed start for TD in order to regulate and control this nuisance to the community.

As a property owner in TD since the early 1980's, I did not purchase and build my home to be living next to a bunch of small hotels with weekly turnover of new and different 'neighbor', bringing new and different problems each week. I have my fingers crossed every time I see the next arriving vehicles to the STR's in my neighborhood bringing a new onslaught of "guests". Who have been at times rude and disruptive. The STRs contribute nothing of value to the neighborhood (besides putting some money into the pocket of the person owning that home. Where is my cut of the action for my putting up with this business next to me?). These also diminish my property values, and worse, disrupts my way of life! This is where I live. Where my neighbors living around me raise their families, and come up to enjoy. We know each other. The STR activity is purely a commercial transaction that has zero benefit to the neighbors.

To those who say that they purchased or invested in a property to be a part of this business fad and it is their right; I say find the broad base support to rezone the neighborhood commercial or leave. TD is not currently zoned to be a commercial area with mini hotels everywhere. Most purchased houses as just that, to be a home or a second home. Just as I do not want a gas station, a bar, a power plant, or some such other venture opening up next to me if those were in fact an option, I do not want these disruptive mini hotels either. I ran a commercial business in Truckee for close to forty years. I did so in a properly zoned commercial property where it belonged. If these hotel owners can't muster the support to rezone the subdivision to commercial, I still say ban them.

I had a few comments about the STR proposal:

a) I think it would be helpful to better define what kind of STR activity you are aiming at.

Correct me if I am wrong, but I think the whole point of this exercise is to regulate the regular STR of a property in TD using AirBnB, or the like. IOW, for lack of a better term, what amounts to a business that generates significant reportable income..





This, as distinguished from the casual use of a property by friends or acquaintances who stay a weekend and leave some money on the kitchen table when they leave.

And, perhaps this would be a better way to define the sort of STR you are talking about.

Perhaps you should qualify the STR as something that generates, say, I don't know, something like \$3K or \$4K a year. Income less than that would not trigger the STR rules.

And, why not do what San Francisco and other cities are doing and require that AirBnB and the other commercial rental agents report activity within TD?

b) I think the time line expectations of 24/7 availability and 30 minutes response are unrealistic and if nothing else, come off as being vindictive and punitive. It is easy to envision any number of reasons why this is not practical.

For example, in our area of the Bay Area, PG&E has indicated that they could cut off power for several days at a time. In that case, and if a resident who lived here but rented their place in TD (and that would NOT be me) could easily be unreachable through no fault of their own.

Not to mention that TD itself has power outages several times a year and these days, such outages affect communications as well as house lights.

It comes off as appearing that whoever wrote those rules was really mad about a situation that they had gone through and were determined not to let happen again.

Well, that's fine, but I don't think it is an appropriate position for TD to take as a rule.

I think the language should be tempered with "best efforts" and other such phrases as appropriate to acknowledge the possibility that 24/7 and 30 minutes is not always possible.

I like the idea of having some regulations around short term rentals. The proposal seems good. I like especially the 30 minute response required and the in person response within 60 minutes, as well. Also the issue of not placing an excessive number of people in houses





sounds good. Quiet hours of 10-7 is excellent! Also, exterior lights off after 10 PM is great, unless needed right then for safety.

We totally agree with the new policies regarding short term renters and all the other policies within the proposal.

It's already out of hand.

As a member of the association since 1989, I am in total opposition to ALL of the proposed draconian measures that the Board is proposing. Yes we all love to live in a quiet noise-free environment, but to infringe on others right to enjoy their properties in their own way is off limits. TD is part of the Town of Truckee which has its own ordinances that apply to everyone. If someone is bothered by the noise from his/her neighbor let them resolve their issues without interference from the Association.

The most outrageous of all these proposals is "Light Pollution"! What is next "WiFi Pollution" or "Wireless Pollution" ? Will the Association hire its own enforcement people to roam the streets of TD checking who forgot to turn off their lights after 10PM? What these guys on the board are smoking ?

We live in a free society that rely more on people's common sense rather than enacting unenforceable rules. If enacted, these rules are likely to face court challenges as it infringes on people's right to live their lives "in pursuit of happiness" whatever they define happiness.

Recently there has been a lot of Associations and towns that have passed new rules or laws on short term rentals.

I propose that the Board and Staff review some of the more logical rules and laws that have been passed by other Associations and Towns and get feedback on what has been successful to enforce before implementing rules for Tahoe Donner. Even San Francisco and Beach towns are experiencing problems from VPBO/ short term rentals.

I recently read that there is currently a new company that has the software set up to monitor the STR's for some resort Towns. The company reviews the posted advertisements on line by VPBO and other on line rentals companies and gathers email addresses on the property owners. Then an email notification is sent to the property owners on the new rules along with the consequences if they don't register their STR. (





reported to towns that collect hotel taxes) The organizations gets a copy of the report to follow up for a fee.

Long Term vs Short Term Rentals:

I do rent my cabin out on a long term ski lease every year and think that long term rentals might share in some but not all of the rules on rental properties.

Long term rentals should also post notices on warming fires and proper disposal of ashes. Renters tend to put ashes on the ground instead of cooling them and disposing them in the trash unless they are told. This can be a problem during the Fall before the snow falls and the ground is dry. Is the Board addressing both long term and short term rentals on the rule changes?

Amenity Overcrowding by Renters:

It is possible that current Amenity access rules in regard to rentals may result in some of the overcrowding issues.

Each Tahoe Donner property gets 4 free registered passes for 4 owners that can be used with additional guests. However each property also gets an additional 2 free Amenity guest passes, which in all actuality equals 6 passes per property. 4 owner passes are monitored by computer at each amenity but how are the guest passes monitored?

It is my recollection that the use of Tahoe Donner Association passes for rentals is covered in our governing documents. I.e. the owner can't both use the Amenities and also offer the renter Amenity passes during the same time period. In other words, the owner has to give up the use of Amenities if the renter is now using them. Currently both the owner can use their 4 passes and the renters can use the 2 guest passes at the same time. The 2 guest passes are usually passed onto the renter.

Thank you for considering my comments,

I don't currently rent my home but I do feel the proposed regulations create an undo burden on homeowners. My home is across from a large home that is rented out and have never encountered any issues. The town of Truckee already regulates this and I don't feel we need additional regulations.

I read the Tahoe Donner email with the bulleted points below regarding STR and have the following feedback. I'm supportive of 4 out of 5 rules except the \$150 STR rental registration fee per year. This is a MONEY GRAB on the part of Tahoe Donner and I fully oppose charging homeowners to pay a registration fee for STR. We already pay TOT taxes





and property managers, now our HOA to trying to grab more money out of our pockets. Not Acceptable!

Absolute joke! I don't agree either of the rule changes you are proposing!. I won't waste my time and yours with a lengthy opposition. Penalize everyone for a few problems. It does generate more income for raises!
You people have already made up your minds.
This really should go to the owners for vote. I have been thinking about my options.

As full time residents of Tahoe Donner, we respect the need for quiet hours, especially for those who have to get up early the following morning to go to work. However, we strongly believe 10pm on Friday and Saturday nights is unreasonable. I'm sure there are many property owners who have guests that stay late into the evening, and in the summer, especially when the weather is so beautiful and the stars are out, it is not unreasonable to think they would be outdoors on their decks after 10pm on weekends or holidays. Personally, we don't think 11pm, or even midnight, is unreasonable. If this is implemented, we can count on "resident police" who patrol the neighborhood looking for people not obeying the ordinance (on weekends), even if they're not causing a noise problem. Also, 10pm on Friday and Saturday seems like you're imposing a curfew on a teenager. After all, there is still the option of calling Truckee police if there is loud music or rowdy people late into the night, and it sounds like those property owners who have short term rentals will be responsible for their renters.

We hope you'll take this into consideration when making your decision.

I would like to express for my full support of the addition of "All exterior property lights must be turned off from 10PM-7AM". As the owner of property at _____, we have had an ongoing problem with the rental property to our north. Just this summer we called your office to find out what we could do about an outdoor spot light that had been on for several days. Unfortunately the tenants were gone for the July 4th week and left their light on. The light shines directly into our bedrooms. While this regulation would not have helped (since the tenant was out of town), perhaps it will in the future. Thank you for considering this change.





My name is _____ and I have a 2nd home at _____. We've been Members for a little over a year and a half now and love everything TD has to offer. We also utilize the property as a rental when we're not there.

I like where the Board is trying to go with setting some rules and procedures for the STR's, seems to be reasonable and probably much needed, especially during peak times throughout the year. My feedback for the Board would be the following:

1. The Annual Registration seems like a good idea, although \$150 appears to be a revenue generator that seems unfair. I understand you want to cover your costs for managing all of this, but \$150 seems too high. \$20-40/year would surely cover the costs.
2. I'm a little bit confused on what constitutes a violation of the rules. If a renter breaks one of the rules and you resolve it within the 30 minute window, is that still considered a violation? Or is the violation if a renter breaks the rules AND you don't respond within the time slot? If it's example #1, I would surely think that a 1st offense at \$500 is way too high.
3. Regardless, it seems like any which way you go with it the 1st offense should be less than a \$500 fine, either a warning, a \$50 fine, or being asked to explain the situation to the board or disciplinary committee. I like many people would be annoyed at a \$10 fine and correct the behavior; \$500 just seems like another money grab, even if we were to potentially enforce back onto the renter themselves.
4. I am sure the board is acutely aware of the effect of becoming too stringent would potentially have on everyone's equity within the association, TOT taxes, and overall spending at local businesses including support to TD amenities. It seems a more prudent approach to take a wait and see approach and use South Lake Tahoe's ballot measure as a case study for what effects putting in these rules may have on the Truckee (and TD) community.

Everything else looks good, and I wish you luck going through what I imagine is a very difficult process of trying to keep both full time residents and rental property owners happy. Thank you for gathering our input and opinions, and best of luck with your decisions!

I have feedback or would like to understand the rule behind this occupancy item:

OCCUPANCY

When functioning as an STR, no home may be (i) advertised to house or (ii) occupied by





more than two (2) people per bedroom plus four (4) additional people total TDA may take disciplinary action on any owner who knowingly supplies false information.

I am very concerned when you say that no more than 2 people per bedroom can be in the room. We have 2 rooms that have a queen bed and bunk beds and my own family uses those rooms with adults and young children. Limiting a bedroom to 2 people only would be like saying that a family of 4 would have to get 2 rooms with small kids at a hotel which is so unrealistic. This really needs to be re-worded and re-stated. I understand the need to not fill a house with too many people so parties aren't thrown but you are really inhibiting family vacations of the such.

thanks for listening.

Hi: Following are our comments. Please know that we are very much in agreement with following appropriate rules and want TD to be enjoyable by all - whether 2nd homeowner, resident, or renter.

Comments on new rules:

- Proposing that there be a contact who can respond, at the property or by phone within 60 minutes, to any infractions of the rules. These rules will affect how our house is managed by that management company, so I have forwarded the proposed rules to them. I hope you have also been able to contact other local companies as they are affected by these rules - since they will be required to be available by phone 24/7 to respond. **What if a local contact person is at a dinner or out camping and have no phone service? Is the owner in violation if no-one is available within 30 minutes? Would this incur a monetary fine? This rule seems to be way too restrictive and unachievable.**

- We will need to pay an annual \$150 and register our STR with them. **What is the \$150 annual fee to cover? If that is for a person to "police" these new rules, then maybe they can be available 24/7 to go respond to the calls.**

- There is a 2 person per bedroom maximum. This isn't practical since 2 of our bedrooms have beds for more than 2 (2 twin beds in a room accommodate 4 people per





room). **Propose that be changed to reflect the number of people the beds can accommodate in the house.**

- Quiet time is every day 10pm to 7am. Since most people enjoy the weekends and generally stay up later, **I strongly recommend that weekends (Fri & Sat) be extended to Midnight to 7am.**

Thanks, (TD property owners since 1979)

I appreciate the task force's efforts on this matter. Since most homes get rented on the weekends, will Tahoe Donner have someone manning a phone line for off hours complaints about a rental property?

My husband and I have read one the new short term rental rules that are to be voted on. I am not in favor of the \$150.00 to be charged yearly for the homeowner who rent out their cabin. I think that it is wrong to target one group of people. There are many people who own cabins in Tahoe Donner and let friends and family stay at their cabin. They are not short term renters, but they can really party on the weekends. The rules should apply to everyone. Call the police if there is a disturbance and let them deal with it. This is their job. We were renting our cabin through Vacasa and have decided not to for this coming year. I questioned my neighbor to see if the renters have been disruptive. She said they have not and everything has been fine. We have been home owners in Tahoe Donner for over 12 years. There where a few time that homeowners or their friends who where staying at their cabin where loud late into the night. These people where not short term rental people. Tahoe area is a place for family and friends to get together and enjoy themselves. I think most people play by the rules.

I am a homeowner in TD and member of the HOA.

I have questions regarding the proposition and would appreciate your answers or the board of trustees answers.

- what motivates these rules proposal?
- what are the expected costs vs expected revenues to TD and HOA of this operation?
- how was the \$150 calculated? what is the \$500 penalty calculated?
- what are the actual numbers of second homes vs principal homes in TD?
- What is the actual number of second homes used for short term rental in TD?
- What is the expected impact on TD local community of these rules?





Thank you in advanced for your consideration and responses.

Why?

While we do not rent our house, we certainly have not encountered any issues with those around us that do rent their houses. Seems like it's just another senseless road block that will diminish our property values. How about a simple, TD property owners that want to rent their houses must comply with all existing State and Local ordinances.

Also, this sounds a lot like Tahoe Donner is putting rules in place just to support the property management companies that have suffered as a result Airbnb and similar websites that have poached their business. Questions that should be addressed:

Are any TD board members in the property management business?

Who proposed this in the first place?

How many complaints have there been?

What will the \$150 fee be used for?

If a fine is issued, is there an appeal process?

What happens to the fine income?

I presume that leaving a porch light on at night to help guide my kids into our driveway/home late at night (they come up every Friday night late in the winter) will not be a violation under the proposed guidelines. Am I correct?

I just got the email talking about the new covenants for short term rentals.

There are a few items that I agree with and some that I would like some clarification/changes. Can you please respond to let me know that my concerns have been taken into account? Can you send an analysis on how the added fees will impact Tahoe Donner's financials?

My wife and I own a property in Tahoe Donner and currently rent it out on airbnb when we don't come up. We can only afford the property tax and HOA dues by renting it out by ourselves. Last year, we got married in Tahoe Donner (ceremony in Bennett Flat and reception at Alder Creek).





I'm going to go through each item and express my opinion

- required STR rental registration and \$150 annual fee per property
 - I don't mind the registration. I think it is good
 - Can the fee be limited for those that rent >'X' days/year (like 10 days/year) (read my parents case below)
 - I would not mind paying the fee if the prices to the amenities removed the "guest without member" fee. One of the best aspects of Tahoe Donner is the amenities. The newish "guest without member" fee takes those amenities further out of reach for some guests
- 30 minute response
 - For those that rent individually, this is impossible to guarantee this. We can usually meet this but its not guaranteed. we have work/meetings during the day and may have other items at night (what if we go to a movie or are travelling???)
- required TD rules and emergency evacuations
 - This is fine and a good idea
- Violations cost \$500 and increase at \$500
 - There should be at least 1 warning.
 - The fees should only go up if complaints are the same. (ex: multiple noise complaints or multiple light violations)

We look forward to coming up multiple times per year. Our wedding at Tahoe Donner introduced many family/friends to Truckee/Tahoe Donner. Some have visited again. We look forward to raising a family skiing in the winter and summer camps in the summer. However, some of these rules will make that harder to do

My parents rented a larger property than mine for 2 weeks this summer and have a reservation for Thanksgiving week. They are also currently looking for a property to buy in Tahoe Donner. However, I can assure you that these new rules will cause them to reconsider the area (but not Tahoe region). They would not regularly rent their property but might during the biggest 2 ski weeks (Christmas-New Years, week kids get off from school in February). The income from these 2 weeks (the worst 2 in my opinion to be in town) is enough to pay the HOA and some of the property tax. The new rules and fee make it less likely for them to go through the hassle of renting their property (and therefore less likely to buy into the association).

Thank you for your time





Ridiculous. Not a reasonable amount of time. Must be a typo. 30 hours? 30 days?

The more restrictions we put on short term rentals the better. I would like the association to do everything in its power to discourage as many str's as possible including fees assessed to the owners for each rental. The more we charge short term renters to use the amenities the better. (or even better the more we restrict short term renter usage the better) I worry that whatever restrictions are put in place will be ignored unless there is a consistent enforcement plan in place including probably hiring a security company to respond to complaints and enforce the rules. More than OK with me even if I have to play a little higher yearly assessment

The City council of San Diego has already voted to eliminate ALL short term rentals in the city. Of course there will a law suit or two I am sure.

THANK YOU!

These new covenants go a good ways toward fixing the frat house/ party atmosphere that exists on many streets in TD.

My question to the Board is, will you be insuring that the short term rentals are properly licensed with the Town of Truckee? It is my understanding that the Town has rules and regs in place and does require licensing of these houses.

Since these are operating rules not covenants and conditions, which can't be amended by the Board, I suggest that the terminology be changed to avoid the word covenants.

The short term rental rules are over the top.

Starting the fine process at 500.00 is ridiculous. Going from 500 dollars to 1000 dollars is even more ridiculous.

Demanding an immediate response for a complaint is ridiculous. If there is a reason so strong that it demands an immediate response call the police otherwise a timely response is in order.

This entire process appeases a few full time residents and does not reflect the interests of the entire community of Tahoe Donner Home Owners.





I oppose this stringent ordinance.

State and local laws already exist and apply to problem properties. It is called code enforcement. If TD wants to establish a procedure for dealing with problem properties, they should not penalize, fine and sanction those owners who have not been a problem. It likens itself to punishing everyone for the crime. Rather a thoughtful process. Like it or not TD is a community of full and part time residents and this does not reflect the good of the community.

my comments below:

The 1st one is "ok" I guess, but wondering why noise complaints can't just be handled by police like any other neighborhood in the world? Why do we need a covenant for this? Feels like a campground rule.

I disagree with "**New Covenants Short-Term Rental Rules and Fine Schedule**". This sounds like a slippery slope to become like South Lake Tahoe who is in the press everyday on this. Yes it seems like small changes right now, but also feels like once in place it will continue on & on.

What % of our membership/owners have actually complained? Sometimes vocal folks on a topic are the only ones heard. Should this be a board vote, or should this be an owners vote?

Honestly we are there 30-40% of time during year. I have never had one issue with people parking, light pollution or parties going past 10pm...and if some folks a bit loud they always were quiet by 11pm.

Why \$150 to register a place as well, disagree with that. Seems like a way to get folks registered that rent on VRBO, Homeway & AirBNB so you have the list of people that will get the new restrictions that come out the next time a few people complain.

I think on discussion on this, and before final vote we need to understand how many people have actually complained (residents), # of noise violations during last year reported, and parking. This feel like a few people saying "get off my lawn" vs how the entire community feels.





I fully support the proposed changes to the STR rules. I believe this is a good solution for homeowners on both sides of the issue. Thanks to all committee members for their hard work.

We don't currently rent our home out. But if we did, a 30 minute response time seems unreasonable.

I interpret this as having to pay a \$500 fee if an outdoor light is left on after 10pm. We don't live in the area and have accidentally left a light on outside when we left. Whether we are renting or using for our personal use would this result in a fine? We live 3 hours away! We could never get there in 30 minutes to turn it off.

And, if we rented and someone was breaking the rules then we would have to be near a phone and so would they to meet that request. This again, seems unreasonable.

It also doesn't address other lights. I am kept awake constantly because the home across from my bedroom has interior lights on as does the one behind me. But there is nothing I can do about lights kept on inside? But they can be just as bright.

First of all, I am not a person who has a Short Term Rental. I think all the proposals are fine; but I do think you need to give someone at least 60 minutes to respond, not 30 minutes. There are many things I can think of that may keep someone from responding within 30 minutes who is otherwise a very responsible person.

Thanks for all the work you do! Just thought it might be fair to give them a bit more time.

I fully support the proposed changes. Long overdue

My name is ___ and our vacation rental management company, HolliHouse, is one of your curated management companies on the TD lodging options page.

We've been in the vacation rental business here in Truckee since 2006 and I just had an opportunity to review TD's proposed regulations and wanted to give you some ideas/feedback.

I love the idea of forcing limitations on the number of people who can stay at a property based on bedroom count. We enforce occupancy limits and often that means potential guests choose other properties that are pretty lax on how many people can stay at a





property. Those are the properties where the problems occur. We haven't had a noise/rules breach complaint in over 2 years in Tahoe Donner because of our contracting procedures with the guests. Over occupancy is the thing that leads to all the other problems.

I don't think its a good idea to place caps on who can rent or how many nights they can rent. That would be very difficult to manage and might encourage owners to go underground so to speak. Tahoe Donner is largely a second home community and many owners depend on some rental income to maintain their homes. If you cut off this income supply, they'll cut corners on maintenance, fall behind on dues, not stain their home or maintain the yard.

You could require owners to use a management company like ours and that would really help to enforce regulations especially cutting down on over occupancy. We have technologies in place now that can provide noise monitoring and can proactively trigger some calls to guests before anything gets out of hand. If our company could pick up more properties we could employ more staff to offer more round the clock services and this would go a long way to solving a lot of the problems.

Requiring larger homes for rental to have 2 bear bins would help with the garbage problem.

The other really painful thing that we experience are the guest passes. Guests are constantly walking off with them and replacing them is difficult. That's perhaps our biggest problem. If Tahoe Donner created a rule that says that paying guests can't use the guest passes, I would be all for that.

If there was some way/system to speed up replacing passes that would be soooo helpful.

The light pollution ordinance is probably the hardest thing for us to manage and my guess is that a lot of the homeowners also fail to turn off lights at night. So putting a special penalty on STRs above and beyond what is in place for all owners doesn't seem fair. We can put signs in the home reminding people to turn off the exterior light but that would be very difficult for anyone to enforce. Maybe the only real way to manage that is to install motion sensor everyone's property so that the lights go off automatically.

As managers, we do have the ability to send out automated reminders to guests about the rules so there is another benefit of making everyone use a manager. Even responsible guests tend to lose their brain somehow when they come up to vacation.





On our properties, we put a sign on the Bear box with our company phone number and this should be a requirement because it allows neighbors to give us a call if they see anything unusual. I think that would be a best practice. There has to be some kind of visible contact phone number.

Anyway, those are my thoughts on the proposed regulations and I would welcome further discussion if you like.

I understand the new short term rental rules that TD is considering adopting have limits that don't include loft space or den areas when considering allowable occupancy. Our home is a 3 bedroom, 2 1/2 bath with a separate den area. This area is considered a den because it does not include a closet, however it is a large space that we use as an extra family room with a sofa bed. With the new rules, we would lose sleeping capacity of 2 additional guests. We have had multiple large groups in the last 8 years and we have never had a complaint, thus I feel it is not fair to exclude the number of guests we have as a result of having the extra space a den and not an official bedroom. I understand that the board is trying to limit the guests so that homeowners don't pile people into small areas, yet in our case we have the room and the space, but it would not be allowed.

Please consider allowing for the option of dens/lofts into your guest allotment when adopting the new TD rules for short term rentals.

I write with great concern regarding admittedly second hand information that I have received regarding what some believe is the Board's negative view toward short term rentals. I understand that there was recently a town of Truckee meeting where some of our representatives were present and spoke. I would ask that you please put forth on the record at the next board meeting the statements made by TDA representations at that meeting. The request is not to disclosure communications by non-TDA representatives that might otherwise be considered confidential. The TDA representatives' statements made on our behalf should not be considered confidential and all members should have a right to understand how you are conveying your views on our property rights to the town of Truckee.

It is important to reemphasize that you owe a fiduciary duty to all Tahoe Donner members, not just the minority who live full time in Tahoe Donner and have easier access to you and board meetings. I would argue that taking positions that could reasonably be expected to negatively impact property values by restricting our highest and best use--outright or





through over regulation--without a clearly defined overriding benefit to the community as whole (as opposed to the 20-25% of the full time residents) is a breach of such duty.

Thank you for your time and consideration.

I hope the Board will take into consideration what has been done in other communities. Personal experience - Santa Cruz limits the number of such units and is presently taking a survey of how often the units are rented. They are permitting no more STRs in the city. It seems that a limit of rented days would be fair to all, since many of the homeowners now renting their houses out are counting on the revenue to make the mortgage. We are lucky to have only one such house in our immediate neighborhood, but other people, not so much.

I also want to make you aware that some homeowners are using 'tiki torches' around their deck. I have talked to the neighbors involved (they assured me they were being very careful) and also checked in with Truckee Police, who said they were legal. We are not happy seeing flames next to our house!! Seems like a string of lights could give the same ambiance without giving us sleepless nights. How some people can enjoy fires burning when half of California is burning is beyond me!

We are writing to you today to voice some of our concerns regarding SHORT TERM RENTALS.

We built our house in 1989 and have been Tahoe Donner full-time residents since then. Tahoe Donner seemed a perfect residential area to raise our family, enjoy the environment and the amenities.

Unfortunately, things have changed greatly. My husband and I are seriously considering selling our property and moving out of Tahoe Donner.

We have a house next door that is used as a Turn Key property (like VRBO /Air B&B).

This house has a consistent turn around of guests. In at 3pm...out at 11am. (2 day minimum). Every other day there is a new group of strangers. They are on vacation. Music, yelling and screaming, whooping and hollering...is how it goes.

We have witnessed people building wood fires in the BBQ, creating campfires on the flat ground behind the house....without regard of it being mid August and high fire danger, dragging hookas (the size of a small child) into the house ...although there is a NO SMOKING rule, wet beach towel hung daily over the front deck, 3 -6 cars parked in the drivewayI could go on but I'm sure you get the picture.

Our quality of life has seriously diminished over the past 3 years.

We implore Tahoe Donner to return to the residential, upscale property it used to be.





I strongly support passage of the proposed Covenant Rules, which will help preserve the quality of life and residential nature of Tahoe Donner. I also support the proposed STR Rules, although I believe the restrictions on occupancy should be narrowed and that the number of days any home can be STRd should be limited to 60 days in total during a calendar year. With the increase in Airbnb and short-term rentals, quality of life has been adversely impacted and some homes are now run as hotels, which have no place in a residential community such as TD. While I do not believe the proposed STR rules go far enough, they are a start and I urge that the proposals be approved. The overload placed on the amenities, especially the marina and Trout Creek during the busy seasons, make it very unpleasant to use for residents.

Thank you,

a concerned tahoe donner resident

My suggestions are in red

PROPOSED NEW COVENANTS RULES AND FINE SCHEDULE RECOMMENDATIONS CONCERNING SHORT-TERM RENTALS:

These Rules will be known as and referred as under a new Covenants Rules section Short-Term Rentals.

SHORT-TERM RENTALS

Short-term rentals (“STRs”) are residential properties offered for rent or lease for one or more terms of less than thirty-one (31) continuous nights. **STR’s are by definition Business Activities, subject to the TDA Business Activities rule restrictions as well as all other TDA rules.**

SHORT-TERM RENTAL REGISTRATION

All Owners of STRs within the Tahoe Donner Association must register with the TDA administrative office to operate a short-term rental property within the Tahoe Donner Community. An annual registration fee of \$150 is required. Disclosure of total number of





bedrooms **and sleeping lofts** (as historically disclosed in rental advertisement) is required. An Owner must register within 30 days of commencing short-term renting or within 30 days of the effective date of these STR Rules. To register, an Owner must provide evidence of a current compliance certificate issued under the Town of Truckee Transient Occupancy Tax program.

REAL-TIME CONTACT

As a condition of registration, the Owner must provide, among other details to be specified in the Registration, contact information for a live person, having authority to address the issue at the property, who is available to respond 24 hours a day/7 days a week within 30 minutes of being notified of any complaint of a violation(s) of TDA rules ("Contact Person").

COMPLAINT RESPONSE

Within 30 minutes of notice by TDA regarding a complaint at an STR, the Contact Person must respond back to TDA. Within 60 minutes of contact by TDA regarding a complaint, the Contact Person must respond at the property in person or by telephone to the property and shall attempt to cure the cause for the complaint. **If telephone contact fails, the Contact Person must respond in person at the property within the stated time frame.**

COMPLIANCE + NOTIFICATION

All Owners, renters, and vacation renters must comply with all provisions in the TDA Governing Documents and rules including provisions which prohibit "nuisance" behavior and set forth rules concerning vehicles, trailers, motorhomes, camping, parking and use of Common Area. (C&R Article VIII)

Owners must provide a list of applicable Tahoe Donner rules, made available by TDA and posted on www.tahoedonner.com, to renters at the time of their booking and advise them of the obligation to follow the rules. A copy of the rules **must** be available in the residence. Owners are required to provide renters emergency evacuation information and to have this information prominently posted in the home. It is required the Owner obtain an





acknowledgement from the renter that they have reviewed the rules and agree to comply with them. (C&R Article II, Section 3(a))

OCCUPANCY

When functioning as an STR, no home may be (i) advertised to house or (ii) occupied by more than two (2) people per bedroom plus four (4) additional people total. TDA may take disciplinary action on any owner who knowingly supplies false information **on his or her registration form.**

PARKING

The number of **parked** vehicles shall not exceed **those spaces available** in garages and **on** the driveway of the property. There is no parking on unpaved areas of Lots. **Parking in the street may constitute evidence that “increased parking” as prohibited in the Business Activity rule has occurred.**

SHORT-TERM RENTAL VIOLATION ENFORCEMENT AND FINE SCHEDULE

In the event TDA determines that a potential violation of these STR Rules or any other Association Rules as it relates to a STR, has occurred, the owner will receive a Notice of Hearing as provided in the Rules Enforcement Procedures. In such event if a violation is found, TDA may impose one or more of the following disciplines:

- a. For a first violation **of any rule**, impose a fine of up to five hundred dollars (\$500) and take appropriate action to collect the fine(s);
- b. For each subsequent violation **of any rule**, impose a fine which increase by five hundred dollars (\$500) per occurrence and take appropriate action to collect the fine(s), i.e. 2nd violation one thousand dollars (\$1000), 3rd Violation one thousand five hundred dollars \$1500, etc. all occurring within a one-year period from the first hearing;





- c. Fines may be assessed, per incident, on a daily, weekly, or monthly basis according to the nature and severity of the infraction and at the discretion of the Covenants Committee;
- d. Suspend the right of the Owner or STR renter to use common areas or common facilities (except for ingress and egress to the property);
- e. Impose a special individual assessment against the Owner for costs incurred by TDA (including sums paid to contractors, attorneys and/or others) to repair damage and/or cure a violation of these STR Rules and to collect any unpaid fines;
- f. The Board of Directors reserves the right and is empowered to limit an Owner's right to rent his/her property as an STR, including but not limited to, limiting the number of nights/days a property may be rented, leased or used by other than the Owner within a specified time period, including temporarily suspending the right to rent, lease or allow use by others than the Owner, based on the particular circumstances. TDA will notify all TDA Owners that these Rules are in effect. The notice will include a recommendation that each Owner owning a rental property within the Tahoe Donner Association should include with terms of their STR rental agreement that any fines may be passed along to the renter. It will also recommend that each STR rental agreement should include a deposit to cover any possible fines that may arise. Additionally, the Association recommends a hardline telephone is installed at the property for safety purposes and to ensure compliance with above stated response rule.

Noise - Because of the use of the phrase “unreasonable annoyance or nuisance” the wording of this rule doesn’t change the current subjective standard that has been used previously for noise complaints under the Noxious Activities rule. From an enforcement standpoint it will still be incumbent on the complainant to convince the Covenants Committee hearing panel that their annoyance was unreasonable. I don’t have any recommendation to change the draft rule, just pointing out that it is essentially the same as we are currently doing.





Light Pollution – Clarification is needed for the sentence: “Any exterior lights that are used or may come on between the hours of 10:00 pm and 7:00 am shall be required to shine downward and not project beyond the boundaries of the Owners Lot, and shall not interfere with the reasonable enjoyment of another’s Lot”. Is this intended to be a three prong test? Or, is any of the three restrictions alone a violation of the rule? I suggest that the reference to interference with reasonable annoyance be severed from the other two in the following way: **“Any exterior lights that are used or may come on between the hours of 10:00 pm and 7:00 am shall shine downward and not project beyond the boundaries of the Owners Lot. Lights on between the hours of 10:00 pm and 7:00 am may not constitute or become an unreasonable annoyance or nuisance to neighbors.”** This severs the restrictions, and preserves the same wording used in the new NOISE draft rule regarding annoyance.

Business Activity – I suggest adding a phrase to also exclude the activities even if only incidental to a residential rental: “In addition to the activities prohibited above, the property may not be rented for any purpose other than residential use, including without limitation **(even if only incidental to a residential rental)** weddings, civil unions, receptions, corporate events, conferences and large commercial parties.”

Thank you for your consideration.

First, a little about my family. We have owned in TD since 2006, we live "off the hill", we don't rent our house; however we have considered it.

I was looking over the two new STR proposals.

PROPOSED NEW COVENANTS AND AMENDED PRIVATE PROPERTY RULES

We have no issues with this minor change which make sense.

PROPOSED NEW COVENANTS SHORT-TERM RENTAL RULES AND FINE SCHEDULE

I believe this new covenant is unfairly targeting those living “off the hill” who are trying to offset their cost of ownership or those who are trying to make money on a real estate investment, which is not uncommon in popular vacation areas.





That being said (I have not gone through the CC&Rs in a long time so forgive me if they already exist), the STR proposals would be more reasonable if the same standards apply to everyone.

- 1) The requirement for Real Time Contact and Complaint Response should apply to all TDA owners. I am fairly familiar with those on our street and those who live behind us. In my observations of behavior in our neighborhood, I have seen and heard more violations of noise (music and dog barking) and parking violations from those who live in TD full time than I have from “off the hill” folks or renter. Obviously each street and neighborhood is different. To be fair, we should be able to report a non-STR in violation to TDA, and have the same owner response time to cure the cause of the complaint.
- 2) Regarding Occupancy, the standard of occupancy needs to apply to all TDA residences as well. Why should a STR be limited to, for example, 10 people in a 3 bedroom home, when a non-STR can have as many people as they choose.
- 3) Fines and suspension to common areas and facilities should also apply equally to STR and non-STR.
- 4) In regards to fines, I am assuming there are already established rules/policies on how hearings are conducted and evidence is considered, however they may need adjusting in regards to STR violations. Renters can be unpredictable in their behavior so to impose higher fines based on the number of complaints alone, in a one year period, seems unreasonable. For example a popular STR that is occupied 70% of the year (36 weeks) with 30+ different renters, has 3 violations in a year and the violations are “cured” in the specified timeline to receive a possible max of \$3,000 in fines is excessive.
- 5) Lastly, Part f is completely unreasonable. This part allows the Board of Directors too much power and authority to restrict the use of your property, not only in renting, but in letting your friends and family enjoy it (“or used by other than the Owner”).

Thank you for your consideration of my comments.

COMMENTS PERTAINING TO RENTALS IN TAHOE DONNER:

1-Tahoe Donner needs to produce a map showing location of all rentals. Preferably, TD should produce a series of maps showing locations of rentals for each of the last 5 years. Then one could determine if his/her local neighborhood is slowly turning into an STR “district.”





I believe there are maybe 6 rentals within 8 properties on our side of west facing upper Wolfgang. At maybe 12 guests per property that's lots of folks and vehicles in 400 yards of one side street exposure.

2-Tahoe Donner needs a staff Compliance Enforcement Officer.

This officer should be on call 9 pm to 2 am on Friday, Saturday, Sunday and holidays to immediately investigate phoned in obnoxious/noise complaints. This officer would immediately investigate complaints on site and issue citations at the time of infractions. This would eliminate the normal hearing (I said/he said) process before the compliance committee (absentee witnesses) where the complainant (the only onsite witness) justifies his complaint and the defendant (an absentee witness) somehow defends a situation in which he lacks any personal experience.

The Enforcement Officer position could be funded by a very small tax collected on rental fees during a year and levied at the end of that year. Fees from 1 rental unit for one night would likely pay an officers salary for the entire weekend.

in our comment letters submitted to you on July 25, 2018, (we) neglected to state that we TOTALLY support proposed new covenants on private property and STR rules. However, as indicated by our comments, we think the rules should be stricter and more inclusive.

We appreciate the opportunity to comment.

We would like to go on the record as supporting the new recommendations. We have experienced significant disruptions in our neighborhood from the STRs. We hope this can be passed, but we're sure there will be a hue and cry from many owners of these homes who think it is their right to run a hotel business here in TD. Thank you for your efforts to control this.

My wife & I are in total agreement & support of the proposed STR & related Covenants Rules revisions & additions as described in the 45 day notice.

Just want to confirm our support of the task force dealing with covenants etc

I appreciate the Board's efforts regarding the STR controversy. The two proposals seem balanced and include reasonable fines for violations. Hopefully the proposed fines will be





sufficient to discourage violations, but if not, they should provide leverage to encourage STR owners to better respect the rights of other property owners within TD. Many STR owners are very responsible, but others care more about making money at the expense of other property owners. I am tired of hearing how limiting STR will destroy property values.

I have reviewed the proposed rules and am very concerned about some of the changes. These proposals are creating and singling out a subset of property owners. Any change must apply to every owner. Is a "violation" by a on hill resident less obnoxious than one committed by an off hill resident? I think not.

The violation, fines, assessments, etc determinations do not appear to have any provision for due process for the "defendant" and will certainly be subject to legal scrutiny.

If the \$150 annual fee is a good idea, then every owner should pay it, not just the STR owners. I personally see this as an attempt by locals to reduce and limit the impact of the tourists on "their" town. Well I pay the same taxes, fees etc as the locals and use local services much less often so special rules are very offensive.

We are puzzled by the Proposed New Covenants Rules and Fine Schedule for Short Term Rentals (STR). We have owned our home in Tahoe Donner for over 20 years and have never encountered a situation where our neighbors or occupants of a STR have not followed the HOA rules. Therefore, we have a number of concerns about the proposed new covenants.

- What is the background on this issue. What does the data on this subject tell us? How many complaints have been placed in the last 12 month period? Is this a problem that is occurring on a regular basis? Is it widespread or limited to certain properties at Tahoe Donner?
- If the proposed covenants are implemented how is the Tahoe Donner Association going to manage the complaint process 24/7? Hire rent a cops? Or will the Board of Directors be "on call" to address complaints? After all it should be someone that is well versed in the HOA rules.
- Parking - this paragraph should be applicable to everyone! Home owners and renters.
- The fine structure is excessive. A more reasonable approach is first occurrence verbal warning, no fine. Additional occurrences for the same people (doesn't matter if they are renters or home owner) \$250 and third offense increased by \$500. Who





is going to keep track of the offenses for a specific address? Sounds like you could be creating a bookkeeping nightmare.

- There is NO due process in the Proposed New Covenants.
- The annual registration fee of \$150 is excessive. And what does this registration cost cover? What is the basis of the \$150 fee?
- Why is there no mention of the Truckee Police Department?

Thank you for the opportunity to submit our comments on the proposed new covenants.

Thanks for speaking with me the other day about the proposed restrictions. As I understand it, these are proposed and subject (perhaps) to modification pending comments received during the comment period. I intend to offer some comments based upon an abbreviated version of the information I am including in this email to you. Before I post them I would appreciate your input and suggestions as a member of the Short Term Rental Task Force.

Background: As I discussed, my family built our cabin in 1977 so we have been witnesses to the evolution of the community. It was initially sold as a second home community and has remained that during the past 40 years. As such it is residential in nature but not in purpose and has remained that way as only about 16% of homeowners live on hill and the remainder off hill. Our family is contemplating our cabin's future as we now consider how our children and grandchildren will proceed going forward. As costs have increased, we have searched for methods to cover those costs for the next generation. To this end, we initiated short term rentals this past year and rented for 65 nights. We have had no complaints from neighbors. I spent about six weeks at the cabin this past year over six visits in all four seasons. I have noticed one large noisy outdoor party over fourth of July weekend, the inevitable parking of boats at the roadside during summer, and lights on at night. These things did not particularly bother me but I can understand that others might have different sensibilities. From my viewpoint as a long timer, these things are not new at all but have been present since the very beginning. Therefore, my question to you and to Annie Rosenfeld about whether the problem is substantial and getting worse. I heard from you that the problem is getting worse by your measurement but of course you just began formally asking that complaints be forwarded and measured. That leads to a type of sampling error called measurement error. You indicated 80 complaints at the baseline escalating to 180 in the initial measurement year and a 300% increase in the first quarter of 2018. These two data points do not really yield much in the way of an understanding of what is happening. I did try to obtain information from staff in Covenants and Architectural Office and was told there was a "perception" that these things were worse and a "perception" that it had to do with short term rentals through online sites like





AirBnb etc. They did not have any numbers for me. I then checked with the Town of Truckee police department and they too used the phrase “there is a perception” of any increase in incidents which, using their words, “despite trying over the past two years they have been unable to validate”. The number of complaints does vary with the seasons and is worse in the winter and the summer, when the town population swells, but year over year they have specifically not had an increase in incidents reported to them. So, my conclusion from this is that there may or may not be an actual increase in a longstanding situation which may or may not be a problem for a majority of people in the community. Bad examples make bad policy and I am sensitive to your concern about the gentleman who is using his two properties for commercial purposes (weddings, large parties etc). I can understand the community wishing to address this problem by clarification of the Covenants and Restrictions with more specificity. However, I would like to propose that a zoning complaint be made to the Town of Truckee about this gentlemen through the TD attorney and proceed with legal remedies. Zone RS-X does not permit this type of activity. If the town can assess fines for violations, then it has the legal standing to collect those which TD Homeowners Association does not. Imposing a fine is not the same as collecting one and this gentleman sounds like someone who would ignore your fine just as he ignores the covenants. Imposing a rule on all short-term renters to bring one into line is bad policy.

The fairness argument: It has been said by you and others that we homeowners “are all in this together”. We have the right and responsibility to sustain our community. I could not agree more. As one of those (I am told) 700 homeowners who also purchased and maintain the vacant lot next to our cabin, we pay two sets of property taxes, two sets of association fees and in the past have paid two supplemental assessments. As second homeowners we also pay the amenities membership fee for one of the properties. We don’t use the facilities personally but our guests do use them. From the budget reports, I understand that 67% of the operations of the amenities and association come from usage fees. What would happen if those usage fees were to decrease substantially due to lack of guest usage fees from Short Term Rentals? I presume those costs would have to be shifted to homeowners through increased usage fees or increase in TD HOA yearly dues. It seems to me that homeowners should welcome the contribution to these costs from guests, either short term renters, the public at large, or long-term renters. In this way, we are all in this together. The argument for a \$150 per year fee to “permit” people to register and continue to rent their own property has not been a strong one. The argument has been that it will permit the association to collect data to see how big the short-term rental market is and will better prepare the HOA and TD as a community going forward. If that is the case, then I would move that all property owners in TD pay this yearly fee as this information would benefit all homeowners and not just the short-term renter. I would of course exempt double property owners with vacant land like myself from paying this fee twice since it is obvious





from a drive by that a vacant lot cannot serve for short-term rental, long-term rental, or permanent residential occupancy.

I also note a flash poll survey, the results of which appeared this past week on amenities. It indicated both satisfaction with amenities and some complaints about overcrowding which some attributed in that poll to short term rentals, so I am certain that there is some conflation of these issues among homeowners. Having said that, Dart development did build just enough in the way of amenities to sell the properties in its inventory and not to actually service them. It is unreasonable for homeowners to expect anything but amenity overcrowding with the size of the marina and the 200-person capacity of the two pools. Upon interviewing the folks at the Bike works, golf course, two pools, driving range, tennis courts, Archery venue and Trout Creek recreation center, it appears the only problem areas due to overcrowding named to me are the marina, pools during holidays and weekends, driving range, and fitness center at peak times. It may be time for the community to consider expanding these venues if homeowners wish, but of course there would be a substantial cost to do so.

So, having filled in the background, the following are the comments I propose to submit for review outlined in bold:

Context within which my comments will be delivered:

- 1) 41 year homeowner, off the hill (Alabama resident in retirement)**
- 2) Seasonal resident**
- 3) Short term rental and long term rental experience in Tahoe Donner**

Principles used as basis for my comments:

- 1) Principle of fairness**
- 2) Principle of equity**
- 3) Principle of collaborative problem solving to achieve optimal outcome for all**

Personal observations:

- 1) Interviews with individuals in Tahoe Donner and Truckee consistent with a perception that noise ordinance violations, lighting pollution, amenity congestion, and parking violations have increased. Town of Truckee police department has reviewed two years of data and reports to me they are aware of the perception but have been unable to verify an actual increase in these violations reported to them year to year. Since end of 2016, beginning of 2017 Tahoe Donner staff has been documenting and quantifying violations reported to them. This increased vigilance and attention has resulted in some increase in reports, which may be either**





due to the “so-called” measuring effect or actual increase in issues. Over the years I have not noticed an increase in problems personally but am willing to stipulate that the perception by full time residents of a problem is indeed a problem to them.

Comments and Questions:

- 1) The proposed regulations and restrictions submitted for 45-day comment are appreciated but seem to make several assumptions which have not been validated:
 - a) The problems noted are due to short term rentals
 - b) The problems noted will be fixed by the proposed restrictions
 - c) A short term rental registration fee is necessary but it is not clear the purpose of this registration fee
- 2) In interviews with TD staff and others, the phrase I often hear is that “We are all in this together”. However, the restrictions appear to set up a competitive conflict management strategy in which there will be “winners” and “losers”. Those required to register as short term landlords and pay a fee will be the “losers” and those living as permanent residents, those with second homes used for friends and family on a non-rental basis, and long term landlords will be the beneficiaries of the restrictions without paying a fee (winners). It remains to be seen whether the restrictions and registration will improve the four issues addressed in the proposal. The proposed regulations do not have the feel that we are all in this together. They do not feel as though rental people and permanent residents are proposing to collaborate on solving a perceived problem without winners and losers. Simply stated, there is no “win-win” in these proposals.

Questions:

 - 1) Is the fee to be used to hire enforcement staff and collect fines?
 - 2) Is the fee to serve as a vehicle to collect data regarding the magnitude of short term rentals versus other property uses ?
 - 3) Is the fee to be diverted for some other purpose not specified here?
 - 4) Is the STR data required or just desired?
 - 5) With whom and how will the data be used?

If the justification for a registration fee is related to any of the above, and if indeed we property owners are “all in this together”, the fee should be borne by all





homeowners in Tahoe Donner as the data and or enforcement of regulations benefits all. This is governed by the principle of fairness. Costs for the benefit of all, whether in the present or the future, be shared by all. I would propose that registration of home usage and number of occupants, bedrooms, and parking spaces, if required for short term renters, be required of all homeowners. Those who own greenspace land next to their property should not be charged double as empty lots are obviously not a causal factor in any of the issues noted in the restrictions. By way of full disclosure, I am one of those homeowners who owns an adjacent vacant lot. I also note that those who hold these lots as green space contribute in so doing to maintaining the residential and non-suburban nature of our community, and do so already at considerable cost in property taxes and Association fees.

I can in my mind hear objections to the above from those not similarly situated. One argument often voiced is that short term rental guests benefit nobody but the short-term landlord. Countering this argument is that short term landlords provided a marked increase in support to the Town of Truckee in the form of a 12% transient occupancy tax this past year. In interviews with the Town of Truckee employee responsible for collecting and monitoring these fees, the town is heavily dependent upon these to maintain services and to fund improvements. This benefits all. Do we as citizens wish to un-invite guests and deprive them of the opportunity to benefit our town? In a personal note, the Transient Occupancy Tax we paid this past year was more than our property taxes.

An additional counter argument comes from our own budget and our Annual Association Reports. These both show that usage fees from homeowners, their guests, and the public, represent the majority of our operating revenue as an association. Without these additional revenues, the association fees of all homeowners and vacant property owners would escalate considerably. Those who would limit the increased amenity traffic due to short term renters should consider this in their personal budgets. I have personally previously held my property for only family use, long term rental use, and short-term rental use. Believe me when I say that rental property income serves me only to help improve and maintain my cabin, not make a profit. We have paved parking for 6 cars, a cabin of 4 bedrooms and 3 baths which accommodates 10 guests, and to my knowledge we have never had a complaint to the association or the police in 41 years. If we have I would like to know about it.

There is little doubt that Dart built out the minimum amenity infrastructure to sell its vacant residential lots back in the 1970's. The small fitness facility, pools for 200 occupants, and small marina are insufficient for over 6000 homesites regardless of short term rentals. Full time residents and seasonal residents like me must decide whether to personally fund construction of additional amenities or to share what we have and permit guests to share also in the expense. We can easily privatize our





amenities but the financial cost I am afraid will be quite high and perhaps much higher than we wish to bear. It comes down to fairness, a choice - whether accumulation of rental data at some cost to everyone will be worth the price, and a choice in whether limiting access to amenities will benefit the community in the long run. I do however agree, that we are indeed “all in this together.” I pray we have the foresight to act accordingly.

I am writing in response to the 45-day notice on the proposed new covenants and amended private property rules. My two specific comments are on the section concerning short term rentals. One additional recommendation I would make is to put all registered short term rentals on Google Maps. In this way, all residents can assist Tahoe Donner to assure that Short Term Rentals are registered. Second, it is nice to know when there are issues if the resident in question is a STR as residents tend to project blame on short term renters. (I know STR owners will complain that such a map might increase the chance of break-ins. Any sheriff will tell you that element already knows.)

A second comment is to consider a density limit. It would be a shame to own in Tahoe Donner and be totally surrounded by STR's. It could create a backlash like South Lake Tahoe if the density gets too great.

I have been an “off the hill” owner in Tahoe Donner for 33 years. We have always rented our house out on a short term basis (sometimes on a ski lease), using local realtors to manage the process, in addition to using the house ourselves. To my knowledge, there have never been any complaints about our renters.

I expect all owners, renters and visitors to abide by the rules set forth in the rules and fine schedules that govern Tahoe Donner. I also feel that the fine should fit the crime. That is why I have three comments on the subject proposal:

- (1) The rules and fines appear to only apply to short term renters. I believe they should apply to everyone: owners, long term renters and short term renters. After all, if someone's peaceful enjoyment is being disturbed by noise or other “nuisance” behavior, it should not matter whether the alleged culprit is a homeowner or a renter.
- (2) The fines structure of \$500 for the 1st offense and escalating by \$500 for every subsequent offense seems unreasonable. I think a more reasonable structure would be a first time warning (no fine), and subsequent fines in increments of \$250.





(3) The \$150 annual registration fee also seems extremely high. If 25% of Tahoe Donner homeowners were required to register, then $1,500 \times \$150 = \$250,000$ per year (plus any fines that are collected). I don't see how even 1/3 of that cost can be justified.

Let me say in general I am opposed to the proposed rule changes. I will address the issues in the following paragraphs.

First, the owners must vote on this rule change in their entirety, not just the Board of Directors. This change has far-reaching implications and I insist the total membership vote on this and not just the Board of Directors who it appears do not have the general membership's interests at heart.

Historically these types of changes originate from a very small population that is abusing the privilege of vacationing in Tahoe Donner. As such, the board would be better served by addressing the problem, not skimming income off the property owners. I tend to believe this is in response to a small and vocal few who have a tendency to complain. Second, Tahoe Donner charging a fee for me to use my property as I see fit under the Constitution is inappropriate and a travesty. When I purchased this property there were no restrictions associated with the possibility of renting, and as such, I should not now or ever be encumbered by Tahoe Donner board members looking for additional revenue sources. This is an inappropriate scheme to raise funds.

There should be no fee. If you are building bureaucracy and need the \$150.00 fee to support\ it, then do not do it. A \$150.00 registration fee is unreasonable, as well as the 500/1000/1500 level of fines. The Fines are not reasonable, these must be significantly reduced or eliminate in their entirety.

There no definition of durations for the rental, if I rent for one weekend, it is grossly unfair to charge \$150.00 for the year. This fee should only apply in cases where units are rented for more than thirty days a year. Given an owner may be experiencing financial difficulty and they need to rent their property to afford it, why does Tahoe Donner believe they are entitled to \$150.00? Only owners who rent or lease for a period of 30 days should be considered as part of this proposal.

There needs to be an agreed upon statement to what any fees can be used for and not put into a general fund the Board can use as they see fit.





The real time complaint response is inappropriate; no one is available 24/7 to respond in 30 minutes or less. This is not a reasonable timetable. If other owners have issues, they need to call the Police and leave it at that as an owner of any property in California would. Tahoe Donner needs to stay out of active enforcement; it is not a law-enforcing agency. It must be stated that leaving a voice mail does not constitute contact.

Additionally:

What is the fine for someone making a false report because they don't like the other people? Moreover, what is the fine schedule if someone habitually complains? \$500.the first time and increasing at the same rate?

I look forward to when this is when this is challenged in court, you are impairing the owners' right to use the property as they see fit by attempting to mandate a fee. Vacation rentals are a fact of life, and I object to Tahoe Donner attempting to augment their income leveraging owners' rentals.

In General summation:

Fix the problem; this is not the solution. You don't inconvenience all owners with a solution that affects a minority.

These rules will not change people's behavior, but will lead to vandalism of Tahoe Donner in retaliation. If that is the case, are the board members going to pay for repairs or cleanup out of their own pockets? There will be no proof of who the perpetrators are so I want to make it clear, my annual fee cannot be used for repairs. If this occurs, is the person complaining should be held financially responsible, since they triggered the issue?

Thank you for the proposed new covenants containing short-term rental rules and fines.

I have read the proposal for the second time and, in view of certain problems I have personally encountered with a neighbor's short-term rentals, I would like to submit the following two suggestions:

1. I have had continual problems with STRs using fire pits at a neighbor's house. It has been my experience that short term renters are more likely than owners to use fire pits irresponsibly. Among other things, I have had two incidents of a neighbor's STRs using an unscreened fire pit during red flag alerts.

I know that the Forestry Department's "Safety Information for Fire Pits and Fire Safety: One Less Spark, One Less Wildfire," recommends that owners **consider** prohibiting use of fire pits in their rental agreements.





I would like to suggest, in view of the high fire danger that we regularly experience and the increasing fire danger climate scientists tell us we will continue to experience, that the Short-Term Rental Rules **prohibit** use of warming fires/fire pits (whether or not equipped with screens) by short-term renters.

The job of educating STRs, who may not be aware of our serious wildfire risks or may not care, is just too hard given their short presence in the community. The consequences of such ignorance or carelessness can be catastrophic.

2. Merely referring to the TD parking restrictions in the STR rules is insufficient. As a practical matter, when a property is rented to multiple single parties, multiple vehicles are often parked at the rental property-- so many that renters park them on unpaved surfaces. I suggest that STRs be limited in the number of vehicles permitted to be parked to the number under the TD parking restrictions or one per bedroom, whichever is less.

We think the new proposed covenants and amended private property rules are GREAT! The short term rental registration fee could be larger to assure covering Tahoe Donner costs to implement the new rules. Also we believe the violation fine schedule should increase more rapidly with each additional violation, but these are items that perhaps the Board could adjust in the future.

We are home owners in Tahoe Donner and I was wondering if you'd be willing to discuss the new Covenants Short-Term Rental rules. What problem are the rules trying to solve? We rent our house out occasionally and haven't had any related issues. When purchasing in Tahoe Donner we appreciated that the rules allowed a good amount of freedom for using the house as we pleased. The new STR rules seem to reduce that freedom.

I am writing as a Tahoe Donner resident in support of the proposed Covenants Rules and Fine Schedule that was published in the July Tahoe Donner newsletter. I support stricter rules and enforcement in order to maintain the peaceful quality of life in Tahoe Donner.

We would like to submit our thoughts concerning the above subject:

1. Since most homes in T.D. appear to have at least 2-car garages, we would like to recommend that ALL homes limit the parking to the garage and driveway which can amply provide space for 6+ cars at one time. Visitors (those not staying as guests within the





home) should be held accountable to the Town of Truckee regulations i.e. 72-hour parking limit as well.

2. DAYTIME noise: Since so much construction / renovation is an ongoing occurrence, those conducting work on the home should be expected to show respect for neighbors by keeping all music to an absolute minimum (not extending such noise into neighboring homes and/or backyards).

3. As you are aware, we, personally, have had to deal with "sports enthusiasts" wanting to shortcut the THs and cross over private property. Thanks to your help with postings both in front of and behind our home, we have no new issues to date. That said, it would be most unfortunate if T.D. was obliged to set up such signs everywhere to discourage this behavior on other properties. Thus, greater awareness should be made (handouts to all newcomers and constant reminders to current residents) that there could be a fine to the individual if/when caught.

4. Is there any chance a sign could be posted on Northwoods stating "\$1,000 fine" for littering? It's deplorable that so many folks have tossed their trash/garbage especially along Northwoods (between Trout Creek Rec Ctr. and Sierra Glen Way - golf course side & ditch area, particularly) even after the "volunteer" cleaning of our area. This was after 4th of July vacation period.

I wondered how neighbors would know if a residence near them actually bothered to register as a short term rental. Will they put up a sign that says something like "vacation rental" registered with Tahoe Donner. It seems as if they could go on a long time without being registered as long as there are no complaints. Who will monitor, and what if the people staying just say they are friends staying there.?

Along with stating a maximum number of people to be the house, and a parking plan, how about the max number of cars? So that there aren't 10 cars parked on the road for the property. If there are too many cars, will they be able to get a permit to park at say the Adventure center and carpool to the property?

Thank you for taking feedback on the STR proposal. I've owned a vacation home in Tahoe Donner since 2010 and my family and I always look forward to our visits. We love taking advantage of the amenities, trail systems, and organized activities that make visiting Tahoe Donner unique. And, like many other homeowners in the area, we need to rent the house out occasionally in order to help cover the costs of ownership.





I know there are a lot of vacation rentals in Tahoe Donner and I'm happy that the board is taking steps to put rules in place to govern the rentals. I have some questions & comments about the current proposal;

1) The real-time contact clause seems untenable and this is the one I'm most concerned about. There are a whole host of valid reasons an owner may be unavailable - people step onto airplanes, cell phone batteries die, even areas in Truckee and the surrounding area have poor cell coverage which could render even the most responsible owner in violation.

If Tahoe Donner needs a 30 minute response to rental issues, we should fund a dedicated task force to handle them - whether it's through the registration fees or charges per incident (if it's the latter, owners would still need to know immediately so they can contact renters and/or charge them for the cost of the visit).

Our of curiosity, how common are these complaints?

2) What is the purpose of the \$150 registration fee? I'm assuming the funds are used for a specific purpose but the way the proposal is written is sounds arbitrary.

On to some feedback -

One of the most challenging parts about renting in TD is finding reliable help - whether it's contractors, cleaning crews, handymen, etc. I think TD has an opportunity to support it's STR owners (and make additional revenue) by providing these services and potentially even full scale property management. I definitely don't want to turn the community into a resort, but I think there's an opportunity to embrace the home sharing movement so everyone gets a little more out of it.

Regarding the 45 day notice.

We agree with the additional language noted in red for Business Activities.

Regarding new short term rules:

Parking-we agree that short term rentals should be limited to only the number of vehicles that can legally be parked in the garage or driveway. However, we do not want to see regulations that limit street parking for residents having guests visit and near access to Tahoe Donner trails. Having this parking available for daily activities is important to us as seniors living in Tahoe Donner when it is not snow removal time.





We also fully support the new amenities fee structure for accompanied vs unaccompanied guests.

Thank you for trying to remedy problems that some short term rentals have caused.

PROPOSED SHORT- TERM RENTAL COVENANTS

20 + years ago my husband and I discovered Tahoe Donner and purchased a home that has served us well throughout those 20 years. We looked forward to the times spent in this beautiful area during all of the seasons. It has always been a pleasure to escape to the serenity, beautiful blue skies and scenic panoramas that this area has to offer.

Recently, that experience has changed and not necessarily for the better.

The house next door to us is being used as a short term rental. It is advertised to accommodate twelve guests and is occupied approximately 80% of the time.

, when I think about coming up to our home in Tahoe Donner it is not without a certain amount of anxiety. We don't know what situation will present itself during our stay here. Will there be a noise level that has to be addressed? Will the trash/bear box be filled with trash so that there is no room for our small bit of trash and recycles? Will the exterior lights be left on for days at a time? Will cars be blocking the entrance to our driveway? Will the renters show no respect for property lines and wander around our property? Will we find that our hot tub has been used by someone other than ourselves?

The other evening there were several young people out on the back deck of the rental and their language was less than acceptable. My husband confronted them and told them to "clean it up". We don't come here to listen to that. I don't want to have to be a policeman in my own home.

I have not understood why so many vacation destinations have enforced the thirty day minimum rental rules but I do now. Some people always ruin it for others but I am not willing to sacrifice the enjoyment of my property so that others can use property in Tahoe Donner as an investment at the cost to the other property owners who come here to enjoy the beauty, the peace, and the quiet.

Consequently we fully support the proposed covenants governing short term rentals. If those changes do not correct the existing problems with rentals then we fully endorse a 30 day minimum rental policy.

We are homeowners in Tahoe Donner and have been short term renting since 2013 (without incident.)





We manage our own property (through vrbo.) We have used Brown Bear Home Care as overseers of the home.

I am writing in response to the STR rules that are being debated at next month's board meeting.

In particular, my concern is the "real time contact" provision. Having someone on call 24/7 is not a feasible option for anyone managing their own rentals. Even if the homeowner were to make themselves available by phone 24/7, the second stipulation (being able to respond in person or by telephone) is not feasible if the homeowner lives or is traveling outside of the area and is not able to reach the tenant by phone.

The only way to abide by this rule would be to turn over the rental operations to a property management company. A company such as Brown Bear is not set up to be on call 24/7, and we have had great difficulty with their response time in the past. That would, however, change the economics of the rentals. Of greater concern, however, would be that if all of homeowners such as ourselves were to suddenly knock on the doors of the handful of property managers up there, they would not be able to manage the increased workload, especially in the short term. This could create a whole new set of problems.

We don't have a problem with any of the other proposed covenants. We are currently registered and pay taxes to the town of Truckee. We only allow 6 guests for a home with 3 bedrooms and a 4th sleeping area. We don't advertise externally. Our tenants have been compliant with TDHOA rules and we have not received any complaints as to their behavior. We don't have a problem having our tenants sign a statement agreeing to the rules and regulations as part of their rental agreement with us.

I don't know what is driving the new rules, but I suspect, as is usually the case, that a handful of homeowners are not managing their homes well and are causing a problem for other TD residents. If that is in fact the case, I would strongly urge the Board to address these individual homeowners directly, rather than imposing on the rights of homeowners such as ourselves that are not part of the problem.

NOISE:

Who decides what an unreasonable annoyance or nuisance actually is? Who will investigate these complaints? How will these complaints be documented? How much will these activities cost?





Short Term Rentals:

Why are only (STR} renters only subject to fines? How come Ski Leases, and Permanent Residents are not subject fines for violating Tahoe Donner Associating Governing Documents? Shouldn't the complaint process be uniform for all properties in Tahoe Donner?

What is the enforcement process? Who will investigate these complaints? How will these complaints be documented? How will a complain be determined to be an actual violation? Truckee PD? A private security force? What will this enforcement effort cost? Based on my reading of the proposal, it sounds like you are imposing fines without any due process. Are there plans for due process around complains and fines?

Why aren't Truckee Town and Nevada County existing laws not sufficient?

I want to express that I am STRONGLY opposed to the proposed new covenants related to Short Term Rentals. Please consider my concerns below:

1. The proposed covenants are unfairly discriminatory to STR. Covenants should apply equally to all occupants of Tahoe Donner homes. Why is noise or light from a STR property any more bothersome than noise or light from a full-time resident, a long-term tenant, a ski lease, or a guest of an owner? Why should an STR owner be required to respond to a covenant complaint within 30 minutes whereas a full-time resident or long-term tenant has no mandatory time in which to respond to a complaint, and is not required to be reachable at all? Why should an STR guest be prohibited from parking on the street (when seasonally allowed) when full-time residents, long-term tenants, and non-renting guests can park on the street with impunity? Covenants must be applied equally to everyone.

2. The proposed covenants are excessively punitive. A \$500 fine for even a minor violation (such as a porch light on at 10:30 at night) is excessively high. Doubling and tripling the fines, again for even minor violations, makes the penalties even more unreasonable. A light, noise, or parking violation on an STR property should result in a fine that is the same as for a violation on any other property, and the fine should be commensurate with the covenant violation and circumstances.

3. The proposed covenants place Tahoe Donner rental properties at a competitive disadvantage to other Tahoe area properties. The risk of even a \$500 fine being passed on to a guest makes any Tahoe Donner home less desirable to rent than another Truckee or Tahoe home that isn't subject to that risk. The demand for homes in Tahoe Donner will decrease (which has a direct impact on home values) as second home buyers who plan to





supplement their personal use with STR will consider alternatives that don't discriminate against STR.

The primary underlying problems are excessive noise, light pollution, people parking in prohibited areas, and improper garbage disposal. I believe these issues are important and am aligned with the intent to address them. However, these problems can be caused by owners and guests of all types, not just owners of STR properties and their guests. I implore the Board to address the underlying issues directly with increased education and increased and streamlined enforcement of existing covenants applied to all property owners and renters equally rather than by singling out one type of property owner in a discriminatory fashion and with excessively punitive rules that put Tahoe Donner properties at a competitive disadvantage.

In the past year Tahoe Donner has taken steps to increase education and streamline enforcement. It seems like it would be wise to give these approaches more time to work before taking additional steps that may be unnecessary and may have unexpected negative effects.

We have been doing occasional short term rentals for the last 4 years and we have never had any problems with our guests or neighbors. We have always been very selective with who we allow to stay at our home and that we believe is why we have never had any problems. Although with the changes to VRBO/HA & AirBnB vetting guests has become more difficult and their policies basically want you to accept any and all guests without vetting. Due to these reasons we have greatly reduced our short term rentals and may quit altogether if their policies get any more restrictive.

We believe the town of Truckee or even all of Lake Tahoe should create their own booking platform, which would guarantee the town gets the taxes they are due, would make vetting/regulating guests & violations much easier, and would reduce the high service fees our guests are paying to these booking platforms (money which they could be spending in our town).

We are looking at this from both sides as we are currently doing rentals but we also will likely quit doing rental at some point.

The following are our comments in regards to the Short Term Rental Rules & Fine Schedule...

1) Occupancy:





You say there will be a maximum of 2 per bedroom plus 4 additional guest.
Who will verify the number of bedrooms in a home and what actually is considered a bedroom.

For example: We have a 3000 sf, 3 bedroom, 3.5 bath, plus a large loft (we advertise as a 4 bedroom) and we do not allow any more than 10 people. While our neighbors have a house about half our size, and allow 15 people.

You cannot allow the owners to just designate how many bedrooms without some kind of verification or you will still have an over occupancy problem.

Maybe there should be some restrictions on the number of people per square foot also. We believe any more than 10-12 people in any of these homes, I don't care how big it is, is just asking for trouble. Most smaller 3 bedroom homes & condos should probably be maxed out at 8 people but a lot are actually advertising that it sleeps 12-14.

How about 2 people per bedroom, and 2 extra, and an additional 2 extra if the home is 2500 sf or larger.

Also very important -

Is this maximum occupancy going to be enforced as the maximum allowed on the property or just for those "spending the night".

We often get guests who are part of a wedding or multiple groups staying at separate homes but all wanting to gather at one location. They will back out of our contract when they find they can't have additional guests over which can double the occupancy and create lots of noise and parking issues.

2) Short Term Rental Registration:

Says the owner must "disclose the total number of bedrooms as historically advertised". I'm not sure what the reason of this is for, but again you are allowing the owner to give a judgement.

As I said prior we have a 3000 sf, 3 bedroom, plus loft. But, we technically advertise as a 4 bedroom.

So are we allowed 10 guests or 12?

3) The Fine Schedule:

You have the fines increasing per every violation.

You also say we should collect a deposit and charge the guest for the violations.

This means that Guest A could get charged \$500 for a violation and Guest B could get charged \$1000 for the same violation.





This makes it really difficult for the homeowner in collecting deposits. If Guest A books 6 months in advance and owner gets a \$500 deposit, then Guest B & C stays prior to Guest A and each create a violation, the homeowner is now \$1000 short in the deposit if Guest A creates a violation.

Fines need to be the same for each guest and each occurrence.

South Lake Tahoe just went thru the same thing and they have now backed off on their fines because the town was getting such bad publicity.

4) These rules are stated for Short Term Rental, what about for permanent residents and long term rentals?

Permanent residents and long term rentals should be allowed the same occupancy maximums.

Permanent residents and long term rentals should have a contact person for complaints or emergencies.

Permanent residents and long term rentals should be fined in the same manner as short term rentals.

I have a couple of comments (questions) about the proposed changes.

Private Property New Rules - Light Pollution

Do these proposed rules apply to commercial properties or only residential? I ask because we see lights on in the Sotheby's parking lot until very late at night. The lights do shine into our condo. The "lamps" are relatively low light level but there are spotlights that are quite bright.

Short Term Rentals

Very near the end of this section, in particular paragraph f under Violation Enforcement, there are comments about this applying to "use by other than Owner." This is not mentioned earlier in the notification which would seem to imply this proposed set of rules is intended to cover paid use. However, this last section suggests the rules might apply to other non-paid use, such as use by family members or guests of owners. If these rules are intended that way, it should be made clear from the very beginning. If not, this last section might lead to unintended application of the rules.

I believe this set of rules should be specifically and only applied to circumstances described under the section defining "Short-Term Rentals." It is unclear to me what the Board's intent is for guests of Owners if the Owner allows them to stay at the property without the





Owner present.

A couple of days ago I sent a note with some questions about the proposals in the July newsletter. I forgot to include in my note that I am very much in favor of what you are trying to do! This is especially the case for short term rentals as in the short time we have owned property (condo) in Tahoe-Donner, we have experienced the lack of consideration renters can have on neighboring properties.

I am in support of the change to the rules. However, I have questions. I live at 13963 Copenhagen and am often awakened by parties by short term renters next door. They also seem to think that because my backyard is forested it is available for playing and walking. I have addressed this with the owner several times.

The owner would like for me to call them in SJ every time there is an issue at their property. I'm really not interested in keeping an eye on their property or participating in it's management. What is the mechanism for owners responding to complaints within 30 minutes?

Often TD is closed when issues arise and I've been told my only option is to call the police. I see this as an unsatisfactory solution. I bought what I thought was a residential property and ended up in an unmanaged hotel zone! I believe the reputation for TD "party houses" will eventually effect property values. It already effects quality of life for residents.

We are in support of all the proposals.

We love the tranquil and beautiful environs of Tahoe Donner. However, this new Short Term Rental (STR) covenant has an Orwellian feel to it.

We are not sure what problem this is trying to address. Is it just STRs? Shouldn't these rules, or something like them, apply to everyone in TD?

The proposed new covenant rules regarding STRs seem arbitrary, discriminatory and nebulous. Also, it seems like some of them are simply illegal, and can possibly expose TD to civil law suits.

We agree in principal, that after-hours noise, parking, and light-pollution are a nuisance to everyone. We believe an avenue for complaining should be made available to everyone, including short term renters who probably just want some R & R. Every household in Tahoe Donner, regardless of their use status, should be responsible and abide by TD rules.





We have some issues and questions regarding the enforceability and legality of these newly proposed rules.

1. Regarding STRs (definition): What exactly does this mean? "...One or more terms of less than 31 continuous nights. Over what period of time? Per year, per month, etc. If I rented my place once in 2 years am I still considered an STR?
2. Regarding short term rental registration:
 - a. How exactly would this be implemented? In person, on line, etc. What information do I have to disclose in this registration and how does TD insure that it will be free from hacking?
 - b. The \$150 yearly fee seems arbitrarily high. What value do owners get from this charge? How exactly will these funds be used? Would this drive would-be landlords underground.
 - c. How do you verify owners of STRs? Does TD have to scan Town of Truckee documents to glean this information and at what cost to TD? What about 4th Amendment privacy issues?
3. Regarding Real-Time Contact: Most complaints will be made after hours. If a TD contact person isn't available after hours, how will this complaint be verified? Response time of 30 minutes for complaints seems unworkable.
4. Regarding Compliance and Notification: Emergency and evacuation procedures haven't been provided by either TD or the Town of Truckee. TD in conjunction with the Town of Truckee should provide every homeowner and renter with this plan.
5. Regarding STR violation enforcement and fine schedule:
 - a. A \$500 fine for 1st time "offenders" seems unnecessary. How about just a warning? Additional fines also seem excessive. If homeowners haven't learned from the 1st or 2nd experience then more robust action by the board should ensue.
 - b. How fines are assessed makes no sense: "...per incident, daily, weekly, monthly basis ... according to the severity...at the discretion of the covenants committee. Please rewrite this one so that it is more definitive and doesn't make everyone feel like we're being investigated by the FBI.
 - c. Does the Board of Directors really have the legal right to deny a homeowner the ability to rent their property? Better "lawyer-up".
 - d. Can the Board really deny a dues-paying member the use of the facilities. Again better lawyer-up.
 - e. Regarding deposits: I believe California law allows inn-owners to keep an "open" credit card as security.





For all of the above reasons, we believe that this new covenant, the way it is written, is unnecessary, and possibly illegal. Instead the intent of a more user-friendly covenant should be to provide TD owners and renters with a comfortable, safe, and enjoyable environment for all.

We haven't had a problem with noise or light near our home, but from this email it sounds like some people have, and I have sympathy for those people. TD is a quiet sanctuary for us, and that should be preserved. In such a case, rental registration, response time, etc. are great ideas. However, I don't agree that we should limit rentals for weddings and corporate events. Is this really a problem? Very occasional events should be tolerated. I agree that if a property is regularly drawing crowds that would be super annoying and not fair to neighbors.

Overall, I feel that as long as the rules dictate reasonable usage and behavior, we should not dictate how people rent out their homes. Let's put specific rules and penalties in place to limit repeated bad behavior, and not encroach on people's rights as homeowners.

So, register to rent (should apply to ALL, not just short term), but rent to whoever you want, have responsibilities... but we should go further!!!

We are concerned about the over-crowding especially of the Marina / beach. It is quite a zoo on some weekends and around the 4th of July. Unlike pools and tennis courts, we can't build more beach. I have to assume that a good deal of the crowd is not homeowners.

Two things have changed since we bought our property in 2011:

1) More homes have been built out. We can't do much about this; I assume it was in the plan all along and it mostly is what it is. Can we require more space per home? Construction of more higher-density units would be *bad*. Anyway...

2) Percent usage of homes has gone up with people renting out more easily. We have a lot of options to deal with this. For example, the West End homeowners association limits beach access on peak days to homeowners and their guests only if they are physically brought in by the homeowners. Not renters. Not unaccompanied guests.

Have you considered putting in place **a policy to limit beach usage on weekends to physically-present registered TD members and their guests**, or at least to put a certain cap and after that only people accompanied by a registered TD member can get in? This





same concern might apply to the tennis center and other constrained resources. Homeowners / Members should have priority over renters, short-term or otherwise. I get that the Marina is a big profit center, but it is getting nuts down there.

Most people bought their TD homes assuming a certain level of access to facilities, and not as investments to rent out on Airbnb. There is time to make policies to limit renter rights without affecting people's financial investments. This will change over time; if start buying houses specifically to rent out because we allow full rights to short-term renters then they will have a valid beef if we make changes. So let's get on that now! In summary...

Please limit the rights of unaccompanied non-Members during peak usage windows. It should be up to homeowners if they invite renters to be members, allocating the limited membership slots available to that homeowner. We should not need to specify a duration for what is short/long term. Leave it up to the homeowner to decide how to allocate their membership slots and simply put in place a fee to change the designation of the limited slots available on the account. (If this becomes an issue, perhaps charge more to change names during a membership year, for example \$200 or more.)

I am writing in response to the 45 day notices recently posted with proposed changes to covenants rules and fine schedule recommendations concerning short-term rentals.

Tahoe Donner is a diverse community of homeowners, many of whom (approximately 80%) own their properties as second or vacation residences. There has been a long history of properties being rented in Tahoe Donner, both for short-term and long-term rental periods. Many second homeowners rent their properties as a means of affording their properties. The proposed changes to the covenants rules target short-term rentals, defined as less than 31 days. The proposed changes impose significant burdens on homeowners who will choose to rent for short-terms rather than those who rent for longer terms or who are permanent residents. Furthermore, it is unclear what problems they intend to solve, and there are no data provided to support the need for their imposition.

I object strongly to the adoption of these changes as currently proposed. They unfairly impose rules and regulations on property owners renting for short-term periods, compared with longer-term rentals and full-time residents; are largely unenforceable and potentially expose the HOA to significant legal challenges.

Firstly, It is unclear why there is a need for changes that target short-term rentals specifically over mid-term rentals such as ski leases. Why would a ski-lease that repeatedly





results in 12 people being present in a 3 bedroom house be treated differently to a short term rental that does this at the same or lower frequency? Why would a permanent resident who hosts multiple people in excess of the proposed numbers for a week not be subject to the same regulations.

The attempted restriction of occupancy, for example, seems like a huge over-reach in terms of control over individual property. Are there data to support why a 3-bedroom property rented to 3 families with two children each (banned under the current proposal) would have such a negative impact compared with when the same 3 families would rent a 4-bedroom property (allowed under the current proposal)?

The proposal also seems unenforcable.

How are the Board proposing to determine whether a property is being occupied by the correct number of occupants? Does this provide them with walk-in inspection rights in the event of a complaint? For example, what would happen in the case where a short-term rental has the permissible number of occupants, but 2 extra people are invited for dinner, and the party results in the filing of a complaint. How do you intend to determine the number of overnight occupants, rather than the number attending the party?

What if a short-term rental has the permissible number of occupants, but the renters allow two extra people to stay overnight to weather a large storm, and self-report to the owner out of courtesy? Is this now a violation that should result in a fine?

Who will verify the number of bedrooms in a home and what actually is considered a bedroom or is this being left to the owner? Can an open loft, or a family room with a pull out couch, or a closet be considered a bedroom? For example, in addition to our three regular bedrooms, we have a large loft that we often use as a sleeping area.

Who is going to enforce these rules of over occupancy, parking, etc?

A more reasonable approach to this problem would be the following: TDA should request, on a voluntary basis, that all rental contracts include a 1 page list of key TDA rules and regulations for renters (any longer and no-one will read them), post a copy of those rules in a prominent place in the property, and recommend that all property owners include language in their rental contracts that any violation of TDA rules will result in a loss of security deposit.

If there is to be a change to the covenants and rules along the proposed lines, then I would suggest the following (somewhat draconian) changes to the current proposal.





The requirement for Real Time Contact and Complaint Response should apply to all TDA owners. Permanent residents in our vicinity breach covenants and rules just as much as any short-term renters. Why should the response time to respond to any complaint be any different for an obnoxious resident rather than an obnoxious renter?

If a standard for Occupancy is to be applied, it should apply to ALL TDA residences, regardless of occupancy purpose. Why should a STR be limited to, for example, 10 people in a 3 bedroom home, when a longer-term rental (i.e. ski-lease) or resident can host as many people as they choose? For the record, I think this standard is absurd. Before owning our property in Tahoe Donner, we frequently rented properties with 2-3 other families, with up to 16 people per house (albeit with 6-8 of those people being small children), and as responsible renters, were not the cause of any problems. I suspect we are firmly in the majority in that category.

Fines and suspension of access to all facilities and common areas should apply to all TDA owners, along with liability for legal fees, etc. as laid out in the proposed changes.

The process for inspection, and definition of room numbers and allowed occupancy should be clearly defined. Procedures for enforcement should be clearly defined along with a budget and organization chart for enforcement. For example, how will rules be enforced during the peak occupancy weeks of Christmas, New Year, President's week and July 4th? How will the TDA management provide effective enforcement during these periods where (presumably) most complaints and violations will occur? Will they introduce STR Rangers to patrol TDA? Through the proposed Part f, the Board is provided with too much power and authority to restrict the use of property, not just as a rental, but in allowing friends and family to use it ("or used by other than Owner"). Further more, the Board seeks through these changes to reserve rights to limit any Owner's right to rent their property as a short-term rental, or add other restrictions. This is an unnecessary and gross over-reach of the authority of the Board.

It would be very helpful if you would publish by email to our members the Town of Truckee as well as The county regulations regarding STR. We need to know what regulations are already in place to prevent overlap. Why pay employees of Tahoe Donner to enforce regulations the town or county should be enforcing?

Our association, in my opinion, is too involved in limiting our private property rights. I do not rent my property as a STR or long term rental.





My only comment on the proposed STR rules is that a thirty minute owner response window is an extremely short amount of time. An hour seems more realistic / reasonable.

PROPOSED NEW COVENANTS RULES AND FINE SCHEDULE RECOMMENDATIONS CONCERNING SHORT-TERM RENTALS:

These Rules will be known as and referred as under a new Covenants Rules section Short-Term Rentals.

SHORT-TERM RENTALS

Short-term rentals (“STRs”) are residential properties offered for rent or lease for one or more terms of less than thirty-one (31) continuous nights. **OK no issue**

SHORT-TERM RENTAL REGISTRATION

All Owners of STRs within the Tahoe Donner Association must register with the TDA administrative office to operate a short-term rental property within the Tahoe Donner Community. An annual registration fee of \$150 is required. Disclosure of total number of bedrooms (as historically disclosed in rental advertisement) is required. An Owner must register within 30 days of commencing short-term renting or within 30 days of the effective date of these STR Rules. To register, an Owner must provide evidence of a current compliance certificate issued under the Town of Truckee Transient Occupancy Tax program. We must already provide TOT program and pay taxes/fees. **I do not understand why we need to have additional fees for TDA. The association already collects HOA and extra fees from Guests and STR's. This seems like piling on**

REAL-TIME CONTACT

As a condition of registration, the Owner must provide, among other details to be specified in the Registration, contact information for a live person, having authority to address the issue at the property, who is available to respond 24 hours a day/7days a week within 30 minutes of being notified of any complaint of a violation(s) of TDA rules (“Contact Person”). **I agree with all but 30 minutes is unrealistic. I manage 6 M SF of commercial manufacturing and Laboratory space for Genentech and our response time in a critical environment is one hour and for non critical environments (which I would consider a complaint here at TD) is 4 hours. If you are going to make a rule int needs to be realistic. I would suggest that a 2-4 hour response be considered.**

COMPLAINT RESPONSE

Within 30 minutes of notice by TDA regarding a complaint at an STR, the Contact Person must respond back to TDA. Within 60 minutes of contact by TDA regarding a complaint, the





Contact Person must respond at the property in person or by telephone to the property and shall attempt to cure the cause for the complaint. **I agree with intent but again 30 minutes is unrealistic. I manage 6 M SF of commercial manufacturing and Laboratory space for Genentech and our response time in a critical environment is one hour and for non critical environments (which I would consider a complaint here at TD) is 4 hours. If you are going to make a rule int needs to be realistic. I would suggest that a 2-4 hour response be considered.**

COMPLIANCE + NOTIFICATION

All Owners, renters, and vacation renters must comply with all provisions in the TDA Governing Documents and rules including provisions which prohibit "nuisance" behavior and set forth rules concerning vehicles, trailers, motorhomes, camping, parking and use of Common Area. (C&R Article VIII)

Owners must provide a list of applicable Tahoe Donner rules, made available by TDA and posted on www.tahoedonner.com, to renters at the time of their booking and advise them of the obligation to follow the rules. A copy of the rules should be available in the residence. Owners are required to provide renters emergency evacuation information and to have this information prominently posted in the home. It is required the Owner obtain an acknowledgement from the renter that they have reviewed the rules and agree to comply with them. (C&R Article II, Section 3(a)) **OK no issue**

OCCUPANCY

When functioning as an STR, no home may be (i) advertised to house or (ii) occupied by more than two (2) people per bedroom plus four (4) additional people total TDA may take disciplinary action on any owner who knowingly supplies false information. **Need to consider Lofts that have beds within them as bedrooms**

PARKING

The number of vehicles shall not exceed the number set forth in the Governing Documents which limits parking to garages and in the driveway of the property. There is no parking on unpaved areas of Lots; **No issue**

SHORT-TERM RENTAL VIOLATION ENFORCEMENT AND FINE SCHEDULE

In the event TDA determines that a potential violation of these STR Rules or any other Association Rules as it relates to a STR, has occurred, the owner will receive a Notice of





Hearing as provided in the Rules Enforcement Procedures. In such event if a violation is found, TDA may impose one or more of the following disciplines:

- a. For a first violation impose a fine of up to five hundred dollars (\$500) (**This is excessive and gouging for a first violation I recommend \$100**) and take appropriate action to collect the fine(s);
- b. For each subsequent violation impose a fine which increase by five hundred dollars (\$500) (**again excessive increase by (\$250) seems more reasonable** per occurrence and take appropriate action to collect the fine(s), i.e. 2nd violation one thousand dollars (\$1000), 3rd Violation one thousand five hundred dollars \$1500, etc. all occurring within a one-year period from the first hearing;
- c. Fines may be assessed, per incident, on a daily, weekly, or monthly basis according to the nature and severity of the infraction and at the discretion of the Covenants Committee; **(OK)**
- d. Suspend the right of the Owner or STR renter to use common areas or common facilities (except for ingress and egress to the property); **This is excessive**
- e. Impose a special individual assessment against the Owner for costs incurred by TDA (including sums paid to contractors, attorneys and/or others) to repair damage and/or cure a violation of these STR Rules and to collect any unpaid fines; **OK**
- f. The Board of Directors reserves the right and is empowered to limit an Owner's right to rent his/her property as an STR (**I do not agree with this**), including but not limited to, limiting the number of nights/days a property may be rented, leased or used by other than the Owner within a specified time period, including temporarily suspending the right to rent, lease or allow use by others than the Owner, based on the particular circumstances. TDA will notify all TDA Owners that these Rules are in effect. The notice will include a recommendation that each Owner owning a rental property within the Tahoe Donner Association should include with terms of their STR rental agreement that any fines may be passed along to the renter. It will also recommend that each STR rental agreement should include a deposit to cover any possible fines that may arise. **DO not agree We are not a police state** Additionally, the Association recommends a hardline telephone is installed at the property for safety purposes and to ensure compliance with above stated response rule. **BULL shit. almost no where in the work are hard line phones even available and all major carrier have seen use drop by >90% the world is a wireless world.**





In general I believe that many of these rules are unrealistic. As FYI I only rent out our home for <14 days per year to maintain my 2nd home IRS status and have never had an issue with a renter or any of my neighbor srentors. I believe that these rules will actually lead to a reduction in the appeal of people to purchase a home here in TD and thus lower the overall value tonot only the owners but the existing HOA.

Just some addition comments on the proposals. Hopefully I sent them in time.

I looked at the STR task force decision paper. The document was somewhat useful, in addition to the overall complaint info found on the TDA website.

However I saw no reference to complaints in the task force report nor does the available information reveal data such as:

1. How many complaints on suspected (based on complaint or observations) STRs vs. non-STRs over a 1 year or longer time period
2. Identification of where in TDA they occurred by either street or unit
3. How many repeat offenders and were they suspected STRs or non-STRs

Not being on the task force or the board, the report appears incomplete to be able to come to a conclusion that either:

1. STRs are THE problem and new rules are needed; or
2. THE problem is rule violations by both STRs and non-STRs therefor some additions rules or changes to existing rules are needed that are applicable to everyone equally.

It appears to me that more information should be analyzed, or if done so already, documented and made available to all members to make more informed comment and/or for the board to make a more informed decision if better data analysis hasn't been made available to them.

My concern is whether these proposed changes are being done because of a vocal minority or due to a real need expressed by a large part of the membership. Looking at the number of reported noxious activity complaints (and associated complaint types) during this year, they seem minuscule compared to the number of TDA residents.





I am deeply disturbed by the newly proposed covenants for Tahoe Donner concerning short term rentals, as they grossly impact second home owners. I live in Tahoe Donner full time, but see how the second home owner is not well represented on the board and appears to lose their voice. When I was a second home owner, I defrayed my costs by renting my home short term, as an owner should have the right too. The VRBO and Airbnb systems work well to advertise and generate the most amount of income in a short period of time, allowing owners to have more time to access their properties. These covenants will deter new buyers and lower our property values, which is shooting ourselves in the foot.

As a home owner, I recognize how guest's fees at our amenities reduce my yearly activity fees, for really amazing amenities. There really is no comparison anywhere, for that low of a fee. The Trout Creek Recreation amenity alone is worth more.

I realize that a few permanent owners feel impacted by the renters. So far, I haven't personally experienced any problems with the short-term renters.

I have an Airbnb in the Bay area and my renters have to comply with my rules. I would suggest that we make those rules part of the application process. The rules have to be available for the guests to read.

I know that your want to set up a system for compliance of Tahoe Donner rules, but I find the penalties to be extreme. A \$250.00 fine, would attract plenty of attention from an owner. I don't see how increasing it exponentially improves the outcome. I also find the application fee of \$150.00 to be extreme. Truckee already charges that plus hotel renting taxes or fees. The intention is to track users, but that seems exorbitant.

In conclusion, I feel the new covenants highly impact second home owners, reduce our property values, discourage renter amenity fees, and charge the owners in an exorbitant fashion.

Please take note of our strong support for the new short-term rental rules and fine schedule. As 18-year homeowners in Tahoe Donner, we are invested in preserving the character of our resort neighborhood for all members. There is one aspect of the rules that we disagree with, and that is specific mention of telephones and landlines, as newer and fully-adequate technologies will make these obsolete in the near future.

Thank you for sending this. I'd like to submit my objection to the following proposed covenants:

- Required STR rental registration of \$150 annual fee per property





There are already a ridiculous amount of fees paid for our property in Tahoe Donner. 2 HOA Fees, Property Tax, TOT Registration, TOT Truckee Tax, etc. We pay our fair share of fees to Tahoe Donner, the Town of Truckee, and Nevada County. You haven't articulated what these extra funds will be used for. It's simply gouging people for sake of trying to get more money. This fee is completely unnecessary, unjustified, and I am completely opposed to it.

- Thirty-minute owner response window for all complaints

This is unrealistic. I work full time and often have meetings longer than 1 hour. There is no reasonable way I can commit to being able to respond to a complaint at all times within a 30 min window. I'm not opposed to having a some time window (8 hours maybe), but I'd like you consider normal working conditions and sleeping hours of the owner.

I agree with all the rules for STR.
The rentals next door still leave the lights on all night!

This email is to formally protest the proposed draconian changes to the home owners who rent their houses out short term.

This legislation will result in either my doubling my charges to short term renters or getting out completely.

The only way a home owner can abide by these draconian rules is to have a management company handling this.

Please notify me of nay board member that votes in favor of this legislation so I can notify the VRBO community of their votes against them.

I am responding to the 45 day notice regarding the new covenants for short term rentals (STRs). I certainly understand there have been complaints regarding light pollution, noise pollution, garbage overflowing, and overcrowding of the amenities.

This issue has been attributed solely to STRs, and the covenants changes unjustly target STR owners. In fact, the task force was named the "STR Taskforce". Why wasn't the task force named the "noise, light, pollution, etc.." or another name to address the real issues. The very vocal, organized and over-represented (but minority) group of full time homeowners are driving this focus. Their intent to eliminate STRs from Tahoe Donner is no secret.





My objection to the new covenants is that they are targeted to STRs. What about everyone else in the community? What about when my neighbor has a large family gathering and the traffic is high, more than allowable people are staying the night, etc? The same rules need to apply uniformly to all occupants, regardless of use of the home. If I were to register my home as a STR does that mean I myself can never have a gathering with more than the allowable number of people? What if my extended family is staying there? How can you differentiate these situations? What about other part-time owners who don't register as a STR and have their friends stay? The same rules need to apply. There is very likely a legal issue if it is targeted just to STR owners.

In addition, shouldn't all property owners be responsible for responding to an issue within 30 minutes? Why is this targeted to STR owners?

If the covenants are going to change for the number of cars, people, responsiveness, etc. they must apply to all property owners, not just STR properties.

Thank you for considering this perspective.

I also want to add that in my home I have two very large bedrooms that were built intentionally for my children and grandchildren to stay as a family, as they do in a hotel room. Having my family stay in my home which was purchased for that reason would violate the proposed limits per bedroom. I am opposed to these limits. Again, particularly if they are targeted to STR owners.

Also, why doesn't the Association focus in enforcing the current rules?

Does the 2 person per room rule include children? At what age would a child count? I can see some homes might have a full size bed and a bunk bed for two kids, would that count as 2 or 4? Then the 4 extra besides those? Does a loft or rec room count as a bedroom? For a 3 bedroom house with a loft and two adults and 2 small kids in each room, that would be 12 people and if 4 more allowed, would be 16, 20 if the loft counts as a bedroom. The house next door at 14997 Wolfgang which has 3 bedrooms, a loft and two baths, had 20 people the last two nights, many of them children and babies, so it depends on how they are counted, still seems like way too many. At least they only had 4 cars, not 6 like previous renters.

We have a loft and a rec room, both with sofa beds, and have a full and a twin in each guest room, we are not renting it out, but with family visiting, only at one point in 30 years did we ever have 14 people overnight, though half of them were gradeschool aged kids at the time. So will these rules for occupancy also apply to non STR homes also? Just in case we





need to get close to that number again, it would be nice to know if we are in violation of anything and what the rules are.

My wife and I purchased _____ in 2011. Since then we have enjoyed spending time in the area with our 4 children. In addition to using the property ourselves we also rent it out through Vacasa. We have always kept up the condition and appearance of our property, and have conformed to all TD rules. When issues with renters have come up we have worked with our property manager to have them addressed quickly.

Many of the new proposed rules are sensible, such as the parking and occupancy restrictions. I am very supportive of ensuring that the community is welcoming and usable for all home owners. Placing reasonable restrictions on parked cars and home occupancy helps achieve that. TDA rules should be structured so that the rights of individual owners are not infringed, and they are permitted to operate their property as they see fit so long as do in a manner that is respectful of the other residents.

I am concerned about some of the proposals for STRs. Specifically:

* The 30 minute and 60 minute response times for any issue, any time, are not realistic. No home owner should be expected to be able to meet those timelines, whether they are occupying the home or renting it. A reasonable response time makes sense, but these windows are too small. They seem aimed specifically at assessing fines that will discourage future rentals. It is very possible that vindictive homeowners who want to drive rentals out of the area will seek to make repeated complaints with the goal of achieving that end. A reasonable owner response time, such as 24 hours, placed upon all owners for all violations, would make more sense.

* As written the rules place a higher, and unrealistic, burden upon on a subset of owners. An owner who operates an STR who violates any Association rule, even those not related to STRs, faces a steeper fine and higher penalties than non-STR owners. That makes no sense.

* The escalation of fines by \$500 increments is not realistic. No limits to the fine are given, and there is no measurement for fines in a specific period. It is very possible that a good homeowner could quickly find themselves faced with fines of thousands of dollars after a few years. I suggest two things. First, the fines escalate each year, and then reset back to \$500 the next year. Also, there should be a cap, so that individual fines would not exceed some reasonable level such as \$2,500.

Overall the new proposed rules strike me as being hostile to owners who rent their homes. The rules seemed aimed at making owners who rent uncomfortable with the aim of discouraging rentals. This is also evidenced in the open-ended language that allows the





board to "limit rentals". I am concerned that the board will levy future restrictions on the frequency of rentals, or attempt to levy some sort of punitive fee. I would like to see reasonable limits placed on this power.

The board needs to recognize that implementation and enforcement of these rules as written will not only discourage homeowners from renting their properties, but will likely result in many of those homeowners selling their properties. This will result in declining home prices and a very real financial impact for all homeowners in the TDA, both those who rent and those who occupy their homes full time. This would be an unsound outcome for everyone.

A compromise is very achievable here, and I have made suggestions above to that end. I strongly encourage the board to represent all homeowners in the TDA, and not favor the demands of one group over another.

We have never rented our house to anyone since we bought it in 2011. We wanted the freedom to come up to Truckee whenever we could. Two months ago, we became full time residents of TD and are concerned how the quality of life will be impacted by ever increasing STRs. Thus, I am very appreciative of the board's attempt to remedy STR issues. However, I am puzzled as to why the Board has not made public the data the STR committee used to come up with their recommendations. I read the links that were posted by TD on NextDoor. None of that mentioned how many complaints were reported over the last 2 years (or any other duration), what kind of complaints, and whether or not certain homeowners are repeat offenders. It seems like the Board is trying to come up with blanket rules in order to deal with a very few repeat offenders. I think the frustration and anger expressed on NextDoor would be lessened if the data was made public. Transparency in this matter would make it easier for everyone to understand why the STR committee had to be created in the first place to come up with solutions to recurring problems (whatever they are).

I have a few questions about the proposal:

1) Currently when I call the hotline, I get a voicemail or advised to submit it via onestop@tahoedonner.com. How will TD become aware of the complaint and when does the clock start to mark the 30-min response time? Is this realistic? Will there be a 24/7 hotline person at TD? How is this enforceable if TD will continue to rely on voicemail or email?





2) 30-min response time for the homeowner seems very onerous. I can't imagine being near my cell phone at all hours if I were renting my house to someone -- especially if the renter has history with me. A physician has 30 minutes to respond when called by ER. I don't think complaints related to STR rise to that level of seriousness. Obviously, if it's serious like the renter building a fire in the back to make smores, etc, then the Truckee fire dept should be notified first as well as TD. As you know this happened last month.

3) The proposal states parking in the unpaved area of the lot is not allowed. But what I have seen instead is a row of cars parked on the street in front of the house, thereby significantly reducing room for traffic going both ways. Is this allowed during non-winter seasons? As a runner and a cyclist, I much prefer the cars to be out of the street and parked on the unpaved area of the house being rented. It's also unsafe for other drivers due to hilly portions of the road creating a blind spot. You can't see the road being reduced by cars parked on the street until you are near the parked cars. By the way, full time residents also park on the street in the summer. So it's not all renters.

4) Maybe the "business/commercial activity" should be defined also by exchange of money. It seems ridiculous but some homeowners seem to believe that family birthday parties or fundraising for kids' school won't be allowed under the current Covenant.

BUSINESS ACTIVITY

No business or commercial activities of any kind, including renting or leasing, shall be conducted in any Residence, Condominium or outbuilding or any other portion of any residential or multiple family residential lot if those activities involve any of the following (C&RS Article VIII, Section 1,f):

- 1. Exterior advertising*
- 2. Increased traffic or parking*
- 3. More than an insignificant number of deliveries of goods or other commercial materials*
- 4. Visible storage of goods or other commercial materials*
- 5. Excessive noise*

I was under the impression that STRs and LTRs fall under "business or commercial activities of any kind" but after reading the above several times, I finally realized that there is a caveat. I suggest the word "if" to be changed to "IF AND ONLY IF". They should be bold faced and in capital letters. Some homeowners who have experienced #2 and/or #5





probably believe STRs should not be allowed because it violates the Covenant. Would you consider clarifying this? Maybe they can be revised to "Traffic or parking beyond what is allowed in the rental agreement" and "excessive noise after 10pm."

Thank you very much for all the effort the STR committee and the board are putting into this sore subject.

Regarding 45-day notice

Hello and thank you for taking the time to read the comments regarding the 45-day notice on short term rentals. We have a unique experience with this situation in that our first visit to the Tahoe Donner area was through us renting someone else's home and deciding that we liked the community so much that we would buy another home in the same community. I think that it is good that the issue of short term rentals in being looked at in the Tahoe Donner community as it is a complex issue with many different aspects. My wife and I bought our home in the Tahoe Donner community In April of 2018 and love the house, community, and amenities every time we come to visit. We are a part of the 70% of homeowners where our Tahoe Donner house is our second home. When we made the decision to invest in the community at Tahoe Donner we did so with the expectation that we would be able to rent out our home some in order to help pay for the mortgage on the home. I fully agree that all home owners, family members, and renters need to be made aware of and comply with the Tahoe Donner Covenants. I see that there are some





reasonable ideas in the notice, but I have a few concerns with some of the proposed items in the notice.

Thirty-minute owner response window for all complaints-I do agree that if there is an issue that needs to be resolved in a timely manner, but a 30-minute response time is far too short for many of the issues that arise. Many of 70% of homeowners who are not living in the area, because they are working somewhere else. We and others cannot always respond in that window because we may have urgent issues we need to take care of at work. When someone gets into an accident and the hospital needs extra help, many doctors have to be available in 30 minutes. Requiring a response to a call because a renter left a light on in 30 minutes or there will be 500 dollars fine sounds a little ridiculous. One of these things is an emergency the other is a nuisance. One hour would be more reasonable, but it depends on the type of issue that is the problem. Also, there are several ways to get a hold of someone in today's world. These being email, text, and call. No one's cell phone works 100% of the time. There is also another method of communication that I did not see mentioned and that is speaking directly to the person or people who is the problem. The current proposal is to call the owner who may be hundreds or thousands of miles away, who may be working or otherwise engaged to tell them that a renter may not be following a rule that the owner told them about. Occam's razor tells us that the simplest solution tends to be the right one. Rather than call the person hundreds or thousands of miles away and wait for a response. Why not tell the person 30 feet away that they are not following the rules? This could be in





the form of a verbal conversation, a note on a car parked on the street, or a phone call to the owners home in Tahoe Donner. While this may not be possible in every situation or individuals may not feel comfortable it should be an option that neighbors or members of the community should be able to use.

Categories of complaints should be considered as well for times. One way to categorize them would be emergency, urgent, and routine. A group of people yelling at midnight really needs a quick response. Because this wakes up or keeps everyone awake. An extra car parked in driveway may be an urgent issue if it is blocking part of the street. And A routine complaint may be an advertising sign someone may have yet to take down or perhaps it is an advertisement for a board of director candidate where the issue needs additional discussion.

Required STR rental registration of \$150 annual fee per property-At this point I am not sure to what purpose this fee will go to. Usually fees and taxes are in place to provide a service. I did not see any additional services being listed. Is this a method of raising additional revenue from members? Do people that already rent out their home have to rent it out more to pay this fee? The infrastructure is already in place, I don't see a need for an annual fee unless Tahoe Donner is providing additional services, like security or night patrol, which I did not see plans for.





The fines are suggested to be as follows: \$500 for the first violation, \$1000 for the second violation, and \$1500 for the third violation. I think that the fines are too high for the listed additional covenants. Right now there is a 50 dollar fine for smoking on general common areas. But could be a fine 10, 20, 30 times higher if a renter makes noise at 10:05pm does not make sense. Smoking can cause fires as well as deleterious health affects to the users and the consumers of second hand smoke. The proposed fine violation are far to high for many of the additional covenants. Fines of 100, 200, or 300 dollars would be much more reasonable unless they involved fire or some other dangerous activity then higher fines I think would be warranted. Will an appeal process exist or does an existing homeowner not have a voice once a fine has been imposed? Also, the way that an owner would be able to collect the fines needs some consideration. The easiest way to collect a fine from a renter is through a security deposit. If a fine is imposed an owner can easily withhold part of the security deposit for these fines. The problem being is that requiring a 1000 or 1500 dollars security deposit for a 2-night stay is way out of what would be considered reasonable. I see that some people are renting their home for 200 dollars a night, that doesn't really add up. Also, legally collecting a fine outside of the security deposit is very difficult. Will the owners have to sue renters to collect the fines? Will Tahoe Donner provide legal assistance or have someone present for depositions and court cases for this? If legal means prove too unpleasant do owners rent out their place additional days to pay





finer they cannot collect from renters? The high fines for minor offenses opens up a can of worms.

High quality Renters and community members-This is something that I think that everyone really wants. Everyone wants great neighbors and people who are respectful of the community and the property in Tahoe Donner. The same individual or group of individuals that parks their cars in the streets, makes extra noise, leaving trash out is also more likely to damage the home itself and leave it in bad condition. Neither neighbors nor community members or homeowners want these individuals renting houses in Tahoe Donner. There already exists a system on these rental websites to rate the renters themselves. If someone trashes a house or breaks a rule the homeowner can give them a low rating so that they are known to be a problem, these individuals can even be banned from these sites altogether. The challenge is that how does a homeowner know that some of these things are happening? The homeowners are responsible in making renters aware of Tahoe Donner covenants and I think that it is a good idea to place these covenants in the rental agreement that renters sign. However, if the renters know the rules of Tahoe Donner and break them, these are consenting adults and they should be responsible for their actions. Facilitation of this information is what is necessary. There is not currently an effective means to communicate this information right now.

While there are many complex issues at hand I wonder whether these additional rules, fines, and fees are being implemented by a loud minority or this really is what the





majority of homeowners think. Looking at the notice this looks like a punitive system to those who need or choose to have others rent their home. I do believe it is the responsibility of the homeowner to make the renters aware of the Tahoe donor Rules and have the renters agree to follow them. After that it is the responsibility of the consenting adults to follow these rules. Everyone has a part to play in helping to ensure that this happens through thoughtful and timely communication.

I have read and heard people complaining how the amenities are getting busier and more crowded. There is no doubt that short term rentals are playing a role. However, as I drive around the Tahoe Donner area I see construction in many different homes. New homes are being built. Some existing homes are being built bigger with more additions. This growth needs to be recognized by itself as it too strains the existing amenities that are present.

I recently had a conversation with one of my neighbors on Ski View Loop that is selling his home. He told me that he and his family have had a second home for 20 years and they had loved it. He told me that he retired, and he couldn't afford to pay the remaining mortgage on the home anymore. If he had done something earlier, he may have been able to keep the house. I have wondered if had rented out his home a few times each year, he would have been able to keep the second home that he loved. I will miss hm.





I head of the board of director candidates in the 2018 Board Elections Candidates night one of the candidates mention how useful Flashvote is. While data seems to have been gathered on complaints, there does not seem to be much deliberation as to the positives or short-term rentals or how to utilize some of the systems available to get potential renters to comply with covenants. Should we as a community democratically vote Flashvote on some of these important issues to see what the total community think? Should we rethink some of the proposed covenants? I think that is worth consideration. Thank you for your time in reading this.

I am a new homeowner in Tahoe Donner, planning to close on a property on Baden Rd this week. I read the proposed short term rental rules, which largely seem sensible and a good way for everyone to protect their property values and the enjoyment of the area. That's partly why we decided to buy in TD and not in another area.

My only concern is the need for someone to respond within 30 minutes if there is a complaint. It's not clear but will we be able to list a primary/secondary/tertiary contact? The timeframe to respond is so short all it takes is the owner being in a meeting, or on a plane, and there's no way they would meet that window. Also the requirement to call the property (assuming we are not in town) - does that mean the ability to call someone at the property e.g. a Tahoe Donner HOA person, or to actually call the house? If the latter that means we need to install a land line as we can't guarantee every visitor will have cell service e.g. international visitors.

Just looking for clarification on expectations. We may not even rent our place so it may be irrelevant to us in the end anyway. Thanks for your help.

Comments on Proposed New Short-Term Rental Rules and Fine Schedule

I appreciate the opportunity to provide comments on the Board's proposed new rules on short term rentals. These proposed rules seek to address a timely, controversial matter in





a principled and thoughtful way. I write as someone who has owned property in Tahoe Donner for 15 years and does not rent it or intend to do so. My professional life exposed me to the rulemaking process. I know that new rules dealing with an emerging matter of significance need to bring clarity, provide balance, and be workable. I think the proposed rules do this.

Taken together, the rules advance the interests of Tahoe Donner homeowners and guests in the peaceful enjoyment of their property and Tahoe Donner common space in a framework that recognizes the interests of owners in being able to rent their homes and of renters in visiting our community.

The new rules, as proposed:

Make clear that Tahoe Donner expects owners who rent their property short term to comply with Town of Truckee regulations governing rentals of fewer than 31 days

Expecting owners who rent their property to comply with applicable Town of Truckee regulations on leases of fewer than 31 days is appropriate. If it has not already done so, the Board should confirm with the Town of Truckee that a Tahoe Donner owner who was current in making filings under the town's Transient Occupancy Tax program will be issued a compliance certificate promptly on request.

Put information in the hands of renters about Tahoe Donner's rules on parking, noise, trash, etc.

Having Tahoe Donner develop these materials and requiring owners to deliver them to renters and get their acknowledgement of them is a reliable way to put renters in the position of knowing what is expected of them. I believe most renters willingly will comply with our rules if they know about them and know their importance to our mountain community. The materials need to be readable, informative, user-friendly and not legalistic or off-putting.

Create a mechanism to address any problems with renter behavior real time

Having the owner or designated representative always available both to hear from Tahoe Donner about a problem and then promptly contact the renter to address the problem is a workable way to resolve problems as they occur and obtain real time compliance with nuisance rules.

Establish a reasonable violation enforcement and fine schedule

While I would expect the rules to significantly reduce nuisance complaints involving short term renters, I recognize that Tahoe Donner needs a robust enforcement and fine schedule to deal with non-compliance cases that arise. The proposed schedule seems balanced in that any fines are graduated based on frequency of violations and the rules give the Covenants Committee discretion to consider the nature and severity of infractions in administering the enforcement rules.

I hope the Board will move forward and adopt new rules along the lines of the proposal.





I would like to place a public comment/feedback for the proposed covenants regarding short term rentals (STR's) in Tahoe Donner.

“As a home owner and active member of Tahoe Donner I understand the need to monitor the amount of guests and members using the amenities, especially during peak times. There is a direct correlation to the amount of people using these amenities versus the quality of the experience. This can include everything from traffic, parking, wait time in lines, and many other factors which influence the member/guest experience.”

“Unfortunately the approach the committee is recommending, and board is considering, encompasses a ‘one size fits all’ approach that is for a lack of a better word, discriminatory against Tahoe Donner home owners who furnish their property as STR's. There are many properties with varying degrees of size, member/guest usage, frequency and other factors which determine the outcome of the properties overall use and impact on the amenities.”

“After paying almost \$2000 annually for the Tahoe Donner property assessment and 12% of our STR income for the Town of Truckee TOT, we are now being asked to fork over another \$150 per year to register our properties. This is an unnecessary gouging by the board and penalizes the people who have been following the rules already, and have had no complaints whatsoever. If anything, this fee should be for property owners who have either not been in compliance, had complaints or have excessive amounts of guests. Also, if instituted, the fee should be based on the size of the property and what the guest capacity is. Smaller properties will have less impact and therefore should not have to pay the same registration rate if at all.”

“The committee and board need to understand the amount of revenue guests of STR's in Tahoe Donner bring in. This is not just during peak times but also during the slower shoulder season times as well. Without the STR revenue from guests, the income from amenity use would be considerably lower.”

“Asking owners of STR's to respond to a Tahoe Donner member complaint within 30 minutes is completely unrealistic to the point of being ludicrous. Expecting owners to be sitting by their phones for this should not even be an option. I can't find any data on the amount or frequency of complaints, or who is initiating the behavior resulting in said complaint. Again, is this mostly from STR's, full timers living in Tahoe Donner or other property owners? It would be nice to know because it seems as though the property owners with the STR's are being singled out here.”

“Instead of having an unrealistic 30 minute turn around time, it would be much more productive for Tahoe Donner to initiate an educational program, online, or in person that owners of STR's would be required to take when registering. It would also be prudent for Tahoe Donner to furnish all documentation including rules, violations, fine schedules and any other nomenclature that owners of STR's will be required to both adhere to and furnish to their guests. This should be both in a hard copy and online format easily accessible for all parties involved. Right now it is very difficult and cumbersome to get all the necessary information to pass onto our guests. It all needs to be in one place.”





“The proposed “Fine Schedule” is probably the most discriminatory aspect of the proposed covenants. In its current form, fines for violations related to STR’s are over twice the amount for non STR’s for the same violation. This is extremely unfair and completely inequitable, as I will personally be looking into the legality of Tahoe Donner enforcing this STR “Fine Schedule” if implemented.

“Overall these proposed covenants have not been well thought out and do not address the real issues. Once instituted, these rules will make rentals in Tahoe Donner less competitive than surrounding areas and will reduce our property values.”

“I learned to ski on the Tahoe Donner hill starting in 1972. It was a dream to be able to own a property here and share it with my family while watching my kids grow up skiing the same hill. The only way for me to keep this dream going is by the income I receive from furnishing my property as an STR. Since 2006 I have rented it out with no complaints, compliance issues or other negative experiences for myself, my guests or other Tahoe Donner members. I do understand the need to have some kind of compliance and monitoring system for Tahoe Donner STR’s, but the current proposal lacks a fair, well thought out approach for all homeowners and members of Tahoe Donner.”

“Thank you for your attention and consideration of my concerns and suggestions.”

Let me say in general I am opposed to the proposed rule changes. I will address the issues in the following paragraphs.

First, the owners must vote on this rule change in their entirety, not just the Board of Directors. This change has far-reaching implications and I insist the total membership vote on this and not just the Board of Directors who it appears do not have the general membership's interests at heart.

Historically these types of changes originate from a very small population that is abusing the privilege of vacationing in Tahoe Donner. As such, the board would be better served by addressing the problem, not skimming income off the property owners. I tend to believe this is in response to a small and vocal few who have a tendency to complain.

Second, Tahoe Donner charging a fee for me to use my property as I see fit under the Constitution is inappropriate and a travesty. When I purchased this property there were no restrictions associated with the possibility of renting, and as such, I should not now or ever be encumbered by Tahoe Donner board members looking for additional revenue sources. This is an inappropriate scheme to raise funds.

There should be no fee. If you are building bureaucracy and need the \$150.00 fee to support\ it, then do not do it. A \$150.00 registration fee is unreasonable, as well as the 500/1000/1500 level of fines. The Fines are not reasonable, these must be significantly reduced or eliminate in their entirety.





There no definition of durations for the rental, if I rent for one weekend, it is grossly unfair to charge \$150.00 for the year. This fee should only apply in cases where units are rented for more than thirty days a year. Given an owner may be experiencing financial difficulty and they need to rent their property to afford it, why does Tahoe Donner believe they are entitled to \$150.00? Only owners who rent or lease for a period of 30 days should be considered as part of this proposal.

There needs to be an agreed upon statement to what any fees can be used for and not put into a general fund the Board can use as they see fit.

The real time complaint response is inappropriate; no one is available 24/7 to respond in 30 minutes or less. This is not a reasonable timetable. If other owners have issues, they need to call the Police and leave it at that as an owner of any property in California would. Tahoe Donner needs to stay out of active enforcement; it is not a law-enforcing agency. It must be stated that leaving a voice mail does not constitute contact.

Additionally:

What is the fine for someone making a false report because they don't like the other people? Moreover, what is the fine schedule if someone habitually complains? \$500.the first time and increasing at the same rate?

I look forward to when this is when this is challenged in court, you are impairing the owners' right to use the property as they see fit by attempting to mandate a fee. Vacation rentals are a fact of life, and I object to Tahoe Donner attempting to augment their income leveraging owners' rentals.

In General summation:

Fix the problem; this is not the solution. You don't inconvenience all owners with a solution that affects a minority.

These rules will not change people's behavior, but will lead to vandalism of Tahoe Donner in retaliation. If that is the case, are the board members going to pay for repairs or cleanup out of their own pockets? There will be no proof of who the perpetrators are so I want to make it clear, my annual fee cannot be used for repairs. If this occurs, is the person complaining should be held financially responsible, since they triggered the issue?



To the Tahoe Donner Board:

Regarding 45-day notice

Hello and thank you for taking the time to read the comments regarding the 45-day notice on short term rentals. We have a unique experience with this situation in that our first visit to the Tahoe Donner area was through us renting someone else's home and deciding that we liked the community so much that we would buy another home in the same community. I think that it is good that the issue of short term rentals is being looked at in the Tahoe Donner community as it is a complex issue with many different aspects. My wife and I bought our home in the Tahoe Donner community in April of 2018 and love the house, community, and amenities every time we come to visit. We are a part of the 70% of homeowners where our Tahoe Donner house is our second home. When we made the decision to invest in the community at Tahoe Donner we did so with the expectation that we would be able to rent out our home some in order to help pay for the mortgage on the home. I fully agree that all home owners, family members, and renters need to be made aware of and comply with the Tahoe Donner Covenants. I see that there are some reasonable ideas in the notice, but I have a few concerns with some of the proposed items in the notice.

Thirty-minute owner response window for all complaints- I do agree that if there is an issue that needs to be resolved in a timely manner, but a 30-minute response time is far too short for many of the issues that arise. Many of 70% of homeowners who are not living in the area, because they are working somewhere else. We and others cannot always respond in that window because we may

have urgent issues we need to take care of at work. When someone gets into an accident and the hospital needs extra help, many doctors have to be available in 30 minutes. Requiring a response to a call because a renter left a light on in 30 minutes or there will be 500 dollars fine sounds a little ridiculous. One of these things is an emergency the other is a nuisance. One hour would be more reasonable, but it depends on the type of issue that is the problem. Also, there are several ways to get a hold of someone in today's world. These being email, text, and call. No one's cell phone works 100% of the time. There is also another method of communication that I did not see mentioned and that is speaking directly to the person or people who is the problem. The current proposal is to call the owner who may be hundreds or thousands of miles away, who may be working or otherwise engaged to tell them that a renter may not be following a rule that the owner told them about. Occam's razor tells us that the simplest solution tends to be the right one. Rather than call the person hundreds or thousands of miles away and wait for a response. Why not tell the person 30 feet away that they are not following the rules? This could be in the form of a verbal conversation, a note on a car parked on the street, or a phone call to the owner's home in Tahoe Donner. While this may not be possible in every situation or individuals may not feel comfortable it should be an option that neighbors or members of the community should be able to use.

Categories of complaints should be considered as well for times. One way to categorize them would be emergency, urgent, and routine. A group of people yelling at midnight really needs a quick response. Because this wakes up or keeps everyone awake. An extra car parked in driveway may be an urgent issue if it is blocking part of the street. And a routine complaint may be an advertising sign someone may have yet to take down or perhaps it is an advertisement for a board of director candidate where the issue needs additional discussion.

Required STR rental registration of \$150 annual fee per property-At this point I am not sure to what purpose this fee will go to. Usually fees and taxes are in place to provide a service. I did not see any additional services being listed. Is this a method of raising additional revenue from members? Do people that already rent out their home have to rent it out more to pay this fee? The

infrastructure is already in place, I don't see a need for an annual fee unless Tahoe Donner is providing additional services, like security or night patrol, which I did not see plans for.

The fines are suggested to be as follows: \$500 for the first violation, \$1000 for the second violation, and \$1500 for the third violation. I think that the fines are too high for the listed additional covenants. Right now there is a 50 dollar fine for smoking on general common areas. But could be a fine 10, 20, 30 times higher if a renter makes noise at 10:05pm does not make sense. Smoking can cause fires as well as deleterious health affects to the users and the consumers of second hand smoke. The proposed fine violation are far to high for many of the additional covenants. Fines of 100, 200, or 300 dollars would be much more reasonable unless they involved fire or some other dangerous activity then higher fines I think would be warranted. Will an appeal process exist or does an existing homeowner not have a voice once a fine has been imposed? Also, the way that an owner would be able to collect the fines needs some consideration. The easiest way to collect a fine from a renter is through a security deposit. If a fine is imposed an owner can easily withhold part of the security deposit for these fines. The problem being is that requiring a 1000 or 1500 dollars security deposit for a 2-night stay is way out of what would be considered reasonable. I see that some people are renting their home for 200 dollars a night, that doesn't really add up. Also, legally collecting a fine outside of the security deposit is very difficult. Will the owners have to sue renters to collect the fines? Will Tahoe Donner provide legal assistance or have someone present for depositions and court cases for this? If legal means prove too unpleasant do owners rent out their place additional days to pay fines they cannot collect from renters? The high fines for minor offenses opens up a can of worms.

High quality Renters and community members-This is something that I think that everyone really wants. Everyone wants great neighbors and people who are respectful of the community and the property in Tahoe Donner. The same individual or group of individuals that parks their cars in the streets, makes extra noise, leaving trash out is also more likely to damage the home itself and leave

it in bad condition. Neither neighbors nor community members or homeowners want these individuals renting houses in Tahoe Donner. There already exists a system on these rental websites to rate the renters themselves. If someone trashes a house or breaks a rule the homeowner can give them a low rating so that they are known to be a problem, these individuals can even be banned from these sites altogether. The challenge is that how does a homeowner know that some of these things are happening? The homeowners are responsible in making renters aware of Tahoe Donner covenants and I think that it is a good idea to place these covenants in the rental agreement that renters sign. However, if the renters know the rules of Tahoe Donner and break them, these are consenting adults and they should be responsible for their actions. Facilitation of this information is what is necessary. There is not currently an effective means to communicate this information right now.

While there are many complex issues at hand I wonder whether these additional rules, fines, and fees are being implemented by a loud minority or this really is what the majority of homeowners think. Looking at the notice this looks like a punitive system to those who need or choose to have others rent their home. I do believe it is the responsibility of the homeowner to make the renters aware of the Tahoe donor Rules and have the renters agree to follow them. After that it is the responsibility of the consenting adults to follow these rules. Everyone has a part to play in helping to ensure that this happens through thoughtful and timely communication.

I have read and heard people complaining how the amenities are getting busier and more crowded. There is no doubt that short term rentals are playing a role. However, as I drive around the Tahoe Donner area I see construction in many different homes. New homes are being built. Some existing homes are being built bigger with more additions. This growth needs to be recognized by itself as it too strains the existing amenities that are present.

I recently had a conversation with one of my neighbors on Ski Veiw Loop that is selling his home. He told me that he and his family have had a second home for 20 years and they had loved it.

He told me that he retired, and he couldn't afford to pay the remaining mortgage on the home anymore. If he had done something earlier, he may have been able to keep the house. I have wondered if had rented out his home a few times each year, he would have been able to keep the second home that he loved. I will miss hm.

I head of the board of director candidates in the 2018 Board Elections Candidates night one of the candidates mention how useful Flashvote is. While data seems to have been gathered on complaints, there does not seem to be much deliberation as to the positives or short-term rentals or how to utilize some of the systems available to get potential renters to comply with covenants. Should we as a community democratically vote Flashvote on some of these important issues to see what the total community think? Should we rethink some of the proposed covenants? I think that is worth consideration. Thank you for your time in reading this.

Sincerely,

Tahoe Donner Homeowner

COMMENTS TO EACH ELEMENT OF THE STR PROPOSAL IN RED BELOW

General Commentary.

We just purchased our home in Tahoe Donner in January of 2018 with our family of 3 kids and love the area so far. I have been going to the Tahoe region for almost 50 years and am excited to cement another generation with my kids who will migrate here. We eventually chose Tahoe Donner over other areas like Olympic Valley and Tahoe for the amenities for our family including horseback riding, skiing, golf, swimming, lake activities, etc.

At the time we bought, we utilized a 1031 exchange from our Napa rental property. Upon due diligence with our purchase, renting was legal (a requirement for us) per the town of Truckee and within Tahoe Donner and we are registered as such currently with Truckee. On our rental postings, we cite that we are not interested in guests planning large parties and clearly lay out the current noise restriction at night. But, we do want our guests to be able to enjoy a special place we all know exists in the Tahoe Donner region. Keep in mind, this is a target destination and having such units provides those without access, the ability to enjoy such a beautiful place.

While I understand the desire to tighten up how units are rented, and desire a very good community of owners and guests behaving well together, I think the approach here is very misguided and points to some that simply do not want any rentals at all, given the tone of such changes. Further, I question the legality of some of the proposed changes and/or the impact on individual property rights.

Some of the proposed changes, if implemented, could greatly restrict (or eliminate) the ability to rent our house. In turn, this may impact that status of the way this property is held for investment purposes with the IRS. If any changes are implemented that eventually impact the status of our holding (and others that own their home similarly), I would think the association could be held liable for any resultant tax implications impacting those owners (like us). I suspect there could be a fair share of those people, so this heavy handed change to the association and method of treating rental units should be very carefully considered. Hopefully, some carefully guided and not too heavy handed policies would shore up whatever concerns there have been in the past.

Since 85% of the home in TD are second homes, I think you also have to be careful of the economic consequences and ramifications for a number of different constituents involved and the fiduciary to those groups. Not everyone is going to want to have a community that strongly discourages rentals and, I suspect, this could cause a large group of outside, prospective buyers in the Tahoe region, once they get wind of it, to scratch TD as a potential location to purchase and off their list. By sheer supply and demand theory, this could cause home values to decrease when the buyer pool is diminished. I don't think ANYONE will be happy with that result.

Also, by virtue of fewer guests and overall a smaller population visiting the area, you may see a drastic drop in use of the facilities like the golf course, food services, ski lodge, etc that could have a significant drop in revenue for such services. This, in turn, would either cause costs to go

up significantly for members or, even worse, an elimination of such amenities altogether since they are no longer economically feasible.

I am not averse to the tightening limits on fires (since an obvious threat at this time, time of noise, lighting etc if they are properly framed and the process is fair for all parties. But, I do not like the framework for penalties and time frames reporting back. Also, we have motion lights in our driveway for safety to be able to see to get into our house and/or to scare away any larger animals or burglars in the driveway. We also have small, LED lights on the rails of the decks in the front leading to the house (since there are elevation changes from the driveway to the deck leading into our house) and on the decks on the back of our house that line the perimeter for safety since there is a steep and high drop off on the hill and also to help light up-stairs between decks. I would suggest that items such as these are not prohibited for the reasons cited.

Further, please see below specific comments to each proposed item but my wife and family look forward to spending many years in our new home and community and hope such drastic measures are not implemented.

PROPOSED NEW COVENANTS RULES AND FINE SCHEDULE RECOMMENDATIONS CONCERNING SHORT-TERM RENTALS:

These Rules will be known as and referred as under a new Covenants Rules section Short-Term Rentals.

SHORT-TERM RENTALS

Short-term rentals (“STRs”) are residential properties offered for rent or lease for one or more terms of less than thirty-one (31) continuous nights. **ANY RULE EVENTUALLY IMPLEMENTED SHOULD APPLY TO ANY AND ALL UNITS AND/OR TENANTS, WHETHER as SFR, A RENTAL FOR 2 NIGHTS, ONE YEAR OR BEYOND.**

SHORT-TERM RENTAL REGISTRATION

All Owners of STRs within the Tahoe Donner Association must register with the TDA administrative office to operate a short-term rental property within the Tahoe Donner Community. An annual registration fee of \$150 is required. Disclosure of total number of bedrooms (as historically disclosed in rental advertisement) is required. An Owner must register within 30 days of commencing short-term renting or within 30 days of the effective date of these

STR Rules. To register, an Owner must provide evidence of a current compliance certificate issued under the Town of Truckee Transient Occupancy Tax program. **IT IS ALREADY REQUIRED TO REGISTER WITH THE TOWN OF TRUCKEE, WHO ALREADY COLLECTS 10% OF ALL RENTALS. THIS FEE YOU PROPOSE IS SIMPLY AN ADDITIONAL TAX AND DISINCENTIVE TO THE OWNERS AND WE OBJECT. IF YOU DESIRE A NOTICE OF REGISTRATION OF INTENT TO RENT, WE WOULD NOT OBJECT TO THAT CONCEPT BUT AN ADDITIONAL FEE IS NOT FAIR IN OUR OPINION.**

REAL-TIME CONTACT

As a condition of registration, the Owner must provide, among other details to be specified in the Registration, contact information for a live person, having authority to address the issue at the property, who is available to respond 24 hours a day/7days a week within 30 minutes of being notified of any complaint of a violation(s) of TDA rules (“Contact Person”). **I AM NOT SURE WHO IS WRITING THESE PROPOSALS BUT AVAILABILITY TO RESPOND 24 HOURS A DAY IS NOT REASONABLE AND/OR FEASIBLE. SHOULD WE THEN REQUEST SOMEONE FROM THE ASSOCIATION IS AVAILABLE TO DEAL WITH ANY ISSUES 24 HOURS A DAY/7 DAYS A WEEK? IF THIS IS ADOPTED, I WOULD HAVE RECIPROCAL DEMAND OF THE ASSOCIATION. IF NOT, HAVING CONTACT WITHIN REASONABLE BUSINESS HOURS WOULD BE OK BUT 24 HOURS A DAY IS BOTH IMPRACTICAL AND ONEROUS.**

COMPLAINT RESPONSE

Within 30 minutes of notice by TDA regarding a complaint at an STR, the Contact Person must respond back to TDA. Within 60 minutes of contact by TDA regarding a complaint, the Contact Person must respond at the property in person or by telephone to the property and shall attempt to cure the cause for the complaint. **ONCE AGAIN, THIS TIME FRAME IS TOTALLY IMPRACTICAL AND UNREASONABLE. FORGET THE PRACTICALITY OF SUCH A REQUEST BUT I EVEN QUESTION THE LEGALITY OF THIS PROPOSAL TO HAVE TO RESPOND WITHIN SUCH A TIMEFRAME.**

COMPLIANCE + NOTIFICATION

All Owners, renters, and vacation renters must comply with all provisions in the TDA Governing Documents and rules including provisions which prohibit "nuisance" behavior and set forth rules concerning vehicles, trailers, motorhomes, camping, parking and use of Common Area. (C&R

Article VIII). **I AM NOT AVERSE TO THIS PROVIDING A VERY CLEAR AND DELINEATED DEFINITION OF “NUISANCE BEHAVIOR” IS PUT FORTH, VETTED AND AGREED TO BY ALL PARTIES. BUT, SUCH DEFINITION HAS TO BE CLEAR, NOT TOO BROAD IN DEFINITION AND CONCISE AND FAIR FOR ALL PARTIES.**

Owners must provide a list of applicable Tahoe Donner rules, made available by TDA and posted on www.tahoedonner.com, to renters at the time of their booking and advise them of the obligation to follow the rules. A copy of the rules should be available in the residence. Owners are required to provide renters emergency evacuation information and to have this information prominently posted in the home. It is required the Owner obtain an acknowledgement from the renter that they have reviewed the rules and agree to comply with them. (C&R Article II, Section 3(a)). **A POSTING OF RULES AND EVACUATION ROUTE MAP WILL MAKE A “HOME” APPEAR MORE LIKE A HOTEL. I AM NOT SURE THAT WILL REFLECT BEST ON TAHOE DONNER. THAT BEING SAID, WE COULD POST THE RULES AND REQUIRE GUESTS TO COMPLY. HOWEVER A WRITTEN ACKNOWLEDGEMENT IS NOT PRACTICAL AND/OR POSSIBLE IN SOME CASES WHEN RENTING AND WE OBJECT TO THAT REQUIREMENT.**

OCCUPANCY

When functioning as an STR, no home may be (i) advertised to house or (ii) occupied by more than two (2) people per bedroom plus four (4) additional people total TDA may take disciplinary action on any owner who knowingly supplies false information. **WE DO NOT NECESSARILY HAVE AN ISSUE WITH THIS OCCUPANCY REQUIREMENTS THOUGH SHOULD APPLY TO ALL UNITS IN THE HOA IF YOU ARE IMPLEMENTING. AN OWNER COULD VIOLATE THIS JUST AS FAST AS OTHERS. WHY PICK ON JUST THE RENTERS?**

PARKING

The number of vehicles shall not exceed the number set forth in the Governing Documents which limits parking to garages and in the driveway of the property. There is no parking on unpaved areas of Lots; **WE DO NOT HAVE AN ISSUE WITH THIS REQUIREMENT PROVIDED APPLIES TO ALL UNITS IN THE HOA.**

SHORT-TERM RENTAL VIOLATION ENFORCEMENT AND FINE SCHEDULE

In the event TDA determines that a potential violation of these STR Rules or any other Association Rules as it relates to a STR, has occurred, the owner will receive a Notice of Hearing as provided in the Rules Enforcement Procedures. In such event if a violation is found, TDA may impose one or more of the following disciplines:

- a. For a first violation impose a fine of up to five hundred dollars (\$500) and take appropriate action to collect the fine(s); While owners can do everything in their power to prevent an issue, things may happen. **AN INITIAL FINE OF \$500 IS EGREGIOUS AND PUNITIVE.** **ADDITIONALLY, THE ASSIGNMENT OF SUCH FINES CAN BE VERY SUBJECTIVE AND FROUGHT WITH AMBIGUITY ON HOW AND WHEN THEY ARE ISSUED. THIS IS SOMETHING I DON'T THINK THE BOARD WOULD LIKE TO ENFORCE. ALSO, WILL THERE BE AN APPEAL PROCESS? IF SO, HOW DOES THAT TAKE SHAPE? IN SUM, WE DO NOT AGREE WITH THESE FEES.**
- b. For each subsequent violation impose a fine which increase by five hundred dollars (\$500) per occurrence and take appropriate action to collect the fine(s), i.e. 2nd violation one thousand dollars (\$1000), 3rd Violation one thousand five hundred dollars \$1500, etc. all occurring within a one-year period from the first hearing; **SEE ABOVE. WE DO NOT AGREE WITH THE SCHEDULE OR STRUCTURE AT ALL.**
- c. Fines may be assessed, per incident, on a daily, weekly, or monthly basis according to the nature and severity of the infraction and at the discretion of the Covenants Committee; **SEE ABOVE. WE DO NOT AGREE WITH THE SCHEDULE OR STRUCTURE AT ALL.**
- d. Suspend the right of the Owner or STR renter to use common areas or common facilities (except for ingress and egress to the property); **AS SAID, IF THE STATUS OF THE PROPERTY IS CHANGED/ELIMINATED AS A RENTAL PROPERTY, SIGNIFICANT TAX RAMIFICATION COULD RESULT AND COULD SET UP LIABILITY. I WOULD CAUTION ANYONE CONSIDERING A POTENTIAL SUSPENSION OF THIS RIGHT AS THIS WOULD HAVE SEVERE CONSEQUENCES.**
- e. Impose a special individual assessment against the Owner for costs incurred by TDA (including sums paid to contractors, attorneys and/or others) to repair damage and/or cure a violation of these STR Rules and to collect any unpaid fines; **I AM NOT SURE I**

UNDERSTAND THIS PROPOSAL BUT SEEMS LIKE OPEN ENDED EXPOSURE AS AN OWNER AND ARE STRONGLY OPPOSED. IF THERE IS SOMETHING SO BAD TO OCCUR, I WOULD ASSUME THE ASSOCIATION WOULD HAVE RIGHTS IN COURT TO PURSUE AND WOULD SUGGEST PROFESSIONALS HANDLE THIS TYPE OF EVENT. AS A BOARD, I DON'T THINK THIS IS AN APPROPRIATE ALLOCATION OF POWER. IT COULD CAUSE A LOT OF PEOPLE TO NOT WANT TO BUY IN THE TD AREA AND IMPACT VALUES NEGATIVELY IF OWNERS ARE THREATENED BY SUCH AN OPEN ENDED POTENTIAL OF ASSESSMENT.

f. The Board of Directors reserves the right and is empowered to limit an Owner's right to rent his/her property as an STR, including but not limited to, limiting the number of nights/days a property may be rented, leased or used by other than the Owner within a specified time period, including temporarily suspending the right to rent, lease or allow use by others than the Owner, based on the particular circumstances. TDA will notify all TDA Owners that these Rules are in effect. The notice will include a recommendation that each Owner owning a rental property within the Tahoe Donner Association should include with terms of their STR rental agreement that any fines may be passed along to the renter. It will also recommend that each STR rental agreement should include a deposit to cover any possible fines that may arise. Additionally, the Association recommends a hardline telephone is installed at the property for safety purposes and to ensure compliance with above stated response rule. **THE BOARD AND ASSOCIATION SHOULD STRONGLY CONSIDER ANY EXPOSURE AND LIABILITY RELATIVE TO HOW A PERSON HAS BEEN USING THE PROPERTY AND RELATIVE TAX CONSEQUENCES AND/OR ECONOMIC IMPACTS TO THE OWNER. ONCE AGAIN, THIS IS TOO BROAD A POWER FOR A BOARD AND/OR ASSOCIATION, COULD SET UP SIGNIFICANT LEGAL CHALLENGES WHICH WOULD BE COSTLY AND SHOULD BE ALLOCATED TO A MUNICIPALITY. THEY SHOULD ALSO STRONGLY CONSIDER THE IMPACT TO OVERALL HOUSING VALUES, THE IMPACT TO REVENUES FOR THE SERVICES OFFERED BY THE ASSOCIATION AND THE CONSEQUENTIAL INCREASE IN COSTS TO OWNERS AND/OR ELIMINATION OF SERVICES THAT CAN NO LONGER BE PROVIDED DUE TO A MORE LIMITED NUMBERS OF PEOPLE IN THE AREA.**

August 3, 2018

Tahoe Donner Board of Directors

RE: Proposed New Covenants Short Term Rentals and Fine Schedule"

It is with serious concern that I have learned of your intent to discriminate against owners who rent their Tahoe Donner property on short term basis and to charge them an annual fee for such, as well as a fine for non-compliance. Has suddenly Tahoe Donner become its own Police State?

There are many Tahoe Donner property owners who consider these second homes, and when they bought in the area it was never asked how the owner intended to utilize the home. Now, it appears Tahoe Donner would like to dictate that rentals are not welcome in the community. For some, the short term or long-term rental enables them to defer the costs of such ownership. Additionally, there are many property owners who rent to or allow friends to use their property free of charge. Is that not a form of rental also?

It seems the Board of Directors are not viewing this with a clear intent. What will the fee money be used for? How will it be managed and how will it be fairly and impartially enforced? If there are going to be occupancy rules for renters, then why not occupancy limits for all homes?

It has not been made clear the purpose of such covenants. It appears that property owners who do not rent their homes are against those who do. This clearly sets up a very serious adversarial situation that could escalate to the courts. If there are issues with noise and lights, etc., then the rules already in place should be enforced. Adding more rules is not always the answer.

Lastly, the renters (tourists) who come to Tahoe Donner come to enjoy the beauty of the Truckee and Tahoe area and they bring with them money to spend in the community which gives a boost to the economy year-round. Does Tahoe Donner really want to impact the economy which so desperately needs visitors to spend their vacation dollars in the area?

I would hope that the Board of Directors carefully weigh the impact of such proposed changes in the light of being fair to everyone and to encourage (not discourage) tourists.

Compilation of Compliance “Violations”

I have seen several summaries or tabulations of covenant violations but at times I’m confused on definitions of “categories” represented in the tables. What is a “violation”? Is it a call in to report a complaint of a “violation”? Or is it a call in violation that was confirmed or substantiated/verified by the compliance officer? Or is it a reported violation that merely goes before the compliance committee? Or is it a violation only if it goes before the compliance committee and is confirmed by the committee to be an offense or violation? What is the disposition of a reported violation that goes before the compliance committee but the committee does not act on the violation or does not consider it an “offense.” Is a reported violation only an “offense” if the compliance committee issues a penalty or a violation 1st warning? What is the final disposition/classification of complaints/“violations” that are not supported or confirmed as violations after the complainant appears in a compliance committee hearing?

Flat Registration Fees

Should registration fees be the same for essentially commercial rental ventures, rentals and STR properties where numbers of accommodations and frequency of use differ greatly?

Should an old time TD gambrel cabin rental that advertises/accommodations for 3 maybe 4 persons pay the same registration fee as a property that advertises accommodations for 12, 15, 20 or 40 persons? Is it not the number of accommodations/persons offered and number of renting folks that place burdens on their neighbors, neighborhoods and local infrastructures? Do not most all “registration” fees/taxes correlate in some manner with their “burden” on local and community infrastructures. It seems a FLAT (low cost) registration fee truly favors the larger, higher valued cabin properties that offer larger numbers of accommodations and attract larger numbers of persons vs. smaller home rentals just trying to TRULY make ends meet. Perhaps registration fees should be

correlated with both No. of advertised accommodations and No. of expected rental days.

Rentals and the Available Parking Facilities

There is a rental near our residence and the rental has 9-13 vehicles parked in their driveway with over flow on the street sides. It makes for a very cluttered and narrow roadway. I couldn't imagine what this situation would be like if there were other similar rentals nearby. Parking availability can be a problem with rentals and it needs to be addressed.

Obnoxious Noise/Sound

The term "amplified" in reference to obnoxious noises/sounds needs to be removed. Sounds from radios and stereos can be "made loud" by simply turning up the volume. There is no need for a pre-amplifier/amplifier to emit an obnoxiously loud sound or noise. Use of the term "amplified" suggests that for noise/sound to be obnoxious it needs to be "amplified".

Property Values

If rentals negatively affect value of neighboring properties should neighboring property owners not have input on establishment or registration of neighboring rentals?

Clump and Isolate Rental Properties

It would be ideal to clump and/or isolate rental properties from truly "residential" properties. TD presently isolates or clumps condominiums in common areas. This

would promote a more neighborly atmosphere and eliminate overflow parking problems in "residential" areas.

Numbers of Occupants Per Property

There should be specifications to determine the number of occupants and vehicles permitted in/on each individual property. Specifications could be based on available parking spaces, number of bathrooms, number of bedrooms (# of occupants per bedroom), lofts, available sleeping furniture. If "space" is available should cots, air mattresses, and etc. be permitted as a potential accommodation?

PROPOSED "COVENANTS" PRIVATE PROPERTY NEW RULES RECOMMENDATIONS:

****Should the word above be "COVENANTS"?

NOISE

****What is "unreasonable"? The word is subjective. "Unreasonable" needs to be objectively defined, or deleted from the rule.

PROPOSED NEW "COVENANTS" (change to COVENANTS) RULES AND FINE SCHEDULE RECOMMENDATIONS CONCERNING SHORT-TERM RENTALS:

SHORT-TERM RENTAL REGISTRATION

****The minimum annual registration fee is \$150.00. Additional registration fees of \$_____ shall be imposed for each bedroom greater than 3 bedrooms per structure. Lofts and recreation rooms shall be considered bedrooms as these areas can provide sleeping facilities.

OCCUPANCY

****Each Registration needs to identify the maximum number of people that can be accommodated. Some structures can have 5 or more bedrooms. A rental Registration must include a floor plan and photos showing the sleeping rooms/areas. A maximum number of people per any STR MUST be identified in the rules. As stated, a STR can have 5 or more sleeping areas. It is possible to have 20 or more people renting one (1) STR.

PARKING

****A site plan for parking vehicles needs to be included with each registration.

GENERAL COMMENTS:

1. There needs to be a cap on the number of occupants per rental property regardless if it is SHORT TERM OR LONG TERM.
2. STRs should be geographically isolated within Tahoe Donner just like Condominiums.
3. There should be some way to enforce that properties cannot be purchased as an investment to simply make money. Owners must occupy/use the property sometime during each year in order to maintain STR status.