

August 21, 2018

MEMBER COMMENTS:

PROPOSED NEW SHORT-TERM RENTAL RULES AND ENFORCEMENT PROCEDURES PROPOSED NEW AND AMENDED PRIVATE PROPERTY RULES

Attached to this memo are the comments sent in for the 45-day member notification and comment period for the proposed new Short-Term Rental Rules and Enforcement Procedures, and the new and amended Private Property Rules. Comments were received between July 1 and August 12, 2018, August 13 -17, 2018, and August 17, 2018. A total of 247 comments were received between these dates. Names, addresses and email addresses were redacted with exception to petition, see below.

At the special board meeting on August 24, 2018, the Board of Directors will only be considering the private property rules (lights, noise and business activities).





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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 feedback 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 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 undue 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 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 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.



August 17, 2018
7:00 a.m.

MEMBER COMMENTS:
PROPOSED NEW SHORT TERM RENTAL RULES AND ENFORCEMENT PROCEDURES
PROPOSED NEW AND AMENDED PRIVATE PROPERTY RULES
August 13 - 17, 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 August 13 -17, 2018. A total of 63 comments were received. Names, addresses and email addresses were redacted with exception to petition, see below.

I am writing with additional comments for consideration with respect to the 45 day notice. I am increasingly concerned that the decision to attempt to impose these regulations does not have any factual basis. At the very least, before imposing this kind of change to the rules and covenants, I would encourage the Board to publish data showing the number of incidents reported on a monthly basis, and justification for the focus on short-term rentals as a specific menace that requires the proposed changes. I would also like to encourage the board to include, as part of any changes to the rules and covenants, how they intend to measure the success of the changes. What happens if the number of incidents does not decrease after the changes have been implemented? What % reduction in incidents will be considered success? What other metrics will be used (such as reduction in usage of amenities by guests?) to measure the results of implementing the changes?

Furthermore, could the Board also put into writing why the current set of regulations and their enforcement are not sufficient to be able to address these issues? If the current regulations can not be enforced, then why is there any expectation that the new regulations can be enforced effectively?

Finally, the regulations seem to discriminate specifically against second home owners compared with full-time residents. My understanding is that this is in contravention of the HOA rules and regulations that require association rules to be uniform and nondiscriminatory.

Thank you for your attention to these points.

We have lived here for many years. We built our home in 1989.





We moved into a family-friendly, upscale neighborhood which has now become a hotel district. Lahonton and Martis Camp don't allow 2 day/ 1 week rentals in order to preserve the quality of the community. TD is fast becoming cheapened and chaotic. People are coming and going with multiple cars, loud music and voices, overcrowding at the amenities and no real accountability.

We would like to see a complete shutdown on short term rentals like Air B&B, VRBO, Turkey etc.

Please consider the fundamental character of Tahoe Donner and work to preserve it.

To the Tahoe Donner Board of Directors regarding short-term rentals:

I understand that STRs is a contentious issue because STRs allow many second home owners to afford their homes in Tahoe Donner. However, we cannot allow the renters to ignore TD rules regarding noise, light pollution, parking, and speed limits, and thereby disrupt the tranquil mountain environment for surrounding homeowners. For this reason, I support the new proposed rules for STRs - with strong enforcement.

An additional rule I propose is:

Short-Term Rentals need to be for a MINIMUM of four nights (at the full nightly rate).

This would discourage kids from Reno from renting a TD house for a parties on Friday or Saturday night.

I am writing to suggest to the Board modification of aspects of the STR proposal as invited in Rob Etnyre's note to members on Thursday of last week. We own a home on Swiss Lane and have since 2010. We rent that home to others through Tahoe Luxury Properties. To my knowledge, we have never had a complaint about tenants or guests on our property.

For background, as is true for all of us, I generally support building consensus around reasonable rules to ensure that all of us enjoy our properties at Tahoe Donner. It is a gem and we should cooperate to preserve it as such.

It is also true that for many, owing, enjoying themselves – and maintaining in top condition – a home at Tahoe Donner simply is not possible without the ability to rent on a short term basis. And preserving our community – and its property values – suggests we





should be hesitant to take any steps that could negatively impact the ability of people to own and maintain their homes or realize full value for them on sale.

As we think about these proposals, we need to avoid the idea that there is anything inherently wrong with folks renting their homes for the short or longer term (the ski lease has been with us for decades), or that somehow the community is doing them a favor by ‘allowing’ this activity. We also need to avoid creating rules and systems that can encourage what I will politely call “un-neighborly” behaviors. I put in this category creating systems that seem to emphasize facilitating complaint rather than conversation. And perhaps most importantly, we need to remind ourselves that everyone in the Tahoe Donner community should be held to the same standards.

To this end, I don’t object to provisions of the two proposals (STR and lighting) that propose community wide rules applicable to owners and renters alike. I also do not object to rules making clear that owners are responsible for the activities of their guests (whether they pay or not and whether they are there for 5 days or 35 days). So to the extent the proposals either impose a community wide rule (as with light pollution, which I find silly but OK as long as lights can be on for “other outside use” after 10 as proposed) or clarify that we are responsible for our guests and that the same rules apply to them as others, I am ok with the proposals. While I would not think it necessary to adopt rules that say “you must have your guests acknowledge the rules” since I think being responsible as an owner is enough, I don’t plan to fight about that either. I think we already do that in our leases.

But the STR rules do more, and there are at least three aspects of them that don’t comport with the principles outlined above. These are:

(a) *The proposed rules regarding “24/7 contacts” and fixed 30 and 60 minutes response times.* These rules do not apply to owners who allow others to stay at their homes. If my friend from Glenshire stays over without me, or if my brother stays, or anyone other than me stays, there is no such rule. And the rule is unnecessary. If I am responsible for my renters or guests (as I would agree I am) then the Association can enforce its rules against me if they violate the same rules to which I am subject.

I am concerned about several aspects of this proposed “contact rule.” Most importantly, it is not tailored to circumstance. As I read it, a call at midnight about a parked car off the driveway could merit a “30 min response.” That’s not appropriate. While I don’t object to the Association having people they can call about issues at any home (including homes that are not rented) I do object to having a fixed “response time” regime aimed only at short term rentals.





The right approach here is for the Association to create the hotline they propose or better advertise the existing one, and to encourage all homeowners – not just those with short term rentals - to make sure they provide appropriate (and probably more than one) contact. There should be no requirement of a “single” person. No one sleeps with their phone one 24/7. And not being able to reach a contact should not independently result in either a violation of the rules or inability to rent. The “enforcement” here should not be that you aren’t available and are penalized for that; rather, it is that you may lose the opportunity to defuse a situation that instead results in a violation of the rules for which you are responsible. I have no issue with that. And I don’t object to the Association calling on any resources they feel necessary (at owner expense) if there is a situation to which the owner or an agent does not timely respond that in fact requires an immediate response. That’s fine. But as written it appears that the Association could take the position that not responding to a compliant “in 30 minutes” is itself a violation of the rules and subject to a fine (presumably in addition to the underlying violation). Even a professional organization like Tahoe Luxury (or perhaps even the Association itself) is unlikely to be able to reliably comply with this “30 minute” single person response mandate.

Elimination of the mandatory contact regime also obviates the need for a registration with the Association to rent, or any fees to be collected to rent. We all have contact information on file with the Association and encouraging STR owners to keep it current and include their agents should be sufficient and improve the ability to address situations as required. As suggested above, the Association should have real time contacts for all its members, and not just those who rent their properties.

(b) *The vague enforcement provisions.* I think it should be clear that multiple fines require multiple violations. That isn’t clear here, where the “Covenants Committee” seems to be given pretty much carte blanche to impose fines in any manner it sees fit. What is the point of saying a fine can’t exceed \$500 say, if the CC can say “gee, we are going to say every day you have a light you don’t fix is \$500?” I suggest the Board delete (or substantially modify) paragraph (c) of the enforcement rules as this seems to invite exactly this behavior. More significantly, paragraph (f) seems to create an apparently unrestricted ability of the Board to suspend short term rentals. This, read literally, would allow the Board to say to any owner “well, you can’t rent because person X doesn’t like people coming and going.” In other words, it appears to grant authority to the Board without regard to whether rules are followed, or whether restrictions are consistently applied across all properties. And there is no maximum time limit for any suspension. While the word “temporary” is used, it is used in a phrase that starts “including without limitation” which suggests that the Board is claiming the power to restrict short term rental at a





particular property whenever it wants and for whatever reason it wants. Since I presume that is not the intent, the Board might address this by revising paragraph F as follows:

f. IN CASES WHERE THERE HAVE BEEN MORE THAN THREE DISCREET VIOLATIONS OF THESE RULES AND WHERE THE BOARD DETERMINES (AFTER HEARING) THAT THE OTHER ENFORCEMENT MECHANISMS AVAILABLE TO IT SET FORTH ABOVE HAVE NOT BEEN ADEQUATE TO ADDRESS THE VIOLATIONS, the Board of Directors MAY LIMIT THE Owner's right to rent his/her property as an STR FOR A PERIOD NOT TO EXCEED ONE YEAR, 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.

(c) *The Occupancy Rule.* This is another example of treating short term rental differently. We advertise our four bedroom home for 10 people, so we more than comply with the proposed rule. But I believe it is still unfair to burden rentals with a rule we don't impose on others. A rule that takes no account of the fact that many homes sleep more than 2 to a bedroom makes no real sense. Bunk rooms (particularly for kids) are common. And does a child count as an "occupant?" And what does "occupy" mean? Does it mean "sleep over?" Does it mean "hang out on the deck?" Does it mean "visit for dinner?" I am a homeowner. When Orinda families are up I have them over. That can be more than 12 people (the proposed STR limit for us). We have no complaints. Why can't a person who rents my home do the same? I am not suggesting they can disturb the neighbors any more than I can. None of us want frat parties at our homes. But as I said, the guiding principle here should be "our rules are X, and if someone on your property violates them, that's your problem." I am fine with that. But this of course does more. And to that extent I think it objectionable.





I will continue to discuss these rules with TLUXP, and with others. But I am concerned that the Board has not really solicited input from the property management community. These people understand this business, and they understand what works in practice and what does not. And they (and we owners) want very much to preserve what brings folks up to Tahoe. *I would urge the Board, before it adopts any final rules, to solicit comment form the leading property management companies.*

I am also concerned the Board may not have adequately studied the potential impact of various STR restrictions on property values. This should be of concern to all of us. To my knowledge, no such information has been shared with the TD community. I found at least one article in the Cornell Real Estate Review suggesting what we all suspect: that restricting rental activity reduces values. <https://scholarship.sha.cornell.edu/cgi/viewcontent.cgi?referer=https://www.bing.com/&httpsredir=1&article=1133&context=crer> I am sure there are other studies and my point is not to debate it here, but rather to suggest that the Board study this aspect of the issue if they are inclined to some of the more burdensome aspects of the proposal.

We all want to keep Tahoe Donner a place we can all enjoy. The principle that Owners are responsible for their tenants and guests is fair and can accomplish that. Aspects of the proposal that further this principle are fine and desirable. But the other “bells and whistles” I note above depart from this principle, and I believe are unnecessary. They also create opportunities for harassment and complaint. That is not exactly the basis for a cohesive and tranquil community.

Summary of how I would modify the STR proposal. If I were at the meeting and amending the proposal I would make registration either voluntary (to facilitate communication) or make supplying contact information applicable to all homeowners, I would delete “Real Time Contact” and “Complaint Response” from the STR proposal, I would leave Compliance and Notification (as the core of what we DO need to do), I would delete “Occupancy” since our nuisance rules provide the avenue for addressing this, I would leave Parking since I presume it treats renters and owners the same, and I would modify the enforcement provisions as noted above.

I am happy to discuss these comments with you or anyone else. I am also happy to make introductions to contacts at our property management company (Tahoe Luxury Properties) if that is helpful. I assume you will share these comments through established channels for gathering member input on these important proposals, including with members of the Board.

Hopefully our paths will cross at TD at some point.





As a home owner and member of the Tahoe Donner Association I am very concerned about the one of the proposed changes to the Covenants, that being a prohibition of celebrating a wedding at our TD home. While our home is not, nor ever likely to be, a “STR,” I do own my home and should be allowed to celebrate a wedding in it. I realize that the idea might be targeted to those with larger homes that do rent them out for this purpose, thereby “conducting a business,” but the non-STR dwellers do not.

The remaining new covenants, may go to help improving the situation but as of this date I have not seen a really good solution. The facilities are over crowded and run down. Yes, I tend to believe the overcrowding is a result of the STRs and they need to pay their fair share. If they are conducting a “business” using our facilities as part of the fees charges (and advertised) then they need to pay additional to the upkeep of the facilities. How is it fair to me, a non-resident, homeowner that they want me to pay for their guests in wear and tear not to mention the many times we can’t use these facilities due to overcrowding? They should pass the cost on to the renters if they themselves don’t feel they can pay for them.

I just received via email a very one sided petition from a member who is a “STR” and against any change, to help them challenge the new covenants. This person did not put forward any solutions. They want everything to remain the status quo – which isn’t working and likely to get much worse. Very frankly, I resent receiving the email and do NOT agree with it, except with regards to home owners not being allowed to celebrate a wedding. And I do NOT agree with the threats of litigations.

Thank you for listening to my opinions,

It looks like the agenda for the August 18 Board meeting has been amended so that the proposed private property rules amendments and the proposed STR rules will be for discussion only rather than for Board vote. Can somebody confirm this is correct? What was the impetus for the change?

I was scheduled to be in Oklahoma this weekend. I have been considering changing my travel plans to attend the August 18 Board meeting. If the Board vote is delayed to another meeting it might impact my decision regarding travel plans, etc.





Also, are there any legal memos, briefs, or other documents that have been prepared by Tahoe Donner Association staff or legal counsel regarding the legality of the proposals and the proper method for their adoption?

I am on the STR Task Force and I am very concerned that the proposed rules to be voted on August 18th identify only STRs as the problem. For example:

1. Shouldn't all owners be required to provide a phone number to TD so that TD can contact them regarding complaints?
2. Shouldn't all owners be required to respond 24 hours a day regarding complaints?
3. Shouldn't all owners who abuse their privileges at amenities be restricted from using those amenities?
4. Shouldn't all owners be prevented from holding weddings or corporate events on their property?
5. Shouldn't all owners be subject to maximum occupancy restrictions?

I would also point out that an owner who allows a friend or relative to use their property **for free** is not subject to any of the proposed rules. And I think you will find quite a few owners who are going to say their renters are in fact just friends or relatives. To prove otherwise is going to be very time-consuming. To wit, on two of my vacations in Florida the owners asked us to pay them directly and not through the listing service where we found the properties. That could easily happen at TD, if it is not happening right now.

One other point. TD raised the unaccompanied guest fee before the STR Task Force had had a single meeting. Now, you are set to vote on new rules before the STR Task Force gets together on August 24th to review the enhanced guest data being collected this summer at TD. I am convinced that TD is using the STR Task Force to provide political cover for any unpopular decisions it makes. I am also convinced that TD has no interest in what the Task Force recommends. TD made up its mind to punish STRs. The data is irrelevant.

I have been following what the STR task force has been working on and think they have done a fabulous job. I am all for putting down some regulations to stop "home owners" from running retreats and party venues.

A friend who has a STR in Santa Cruz has shared some of the regulations the city of Santa Cruz is enforcing. What the STR Task Force is proposing is on par with Santa Cruz. Until the Town of Truckee takes action, I am thrilled to see TDA doing something about it.





Fantastic proposals! thank you for making the home owners responsible for less than stellar behavior from their renters.....

Laura suggested that I reach out to you before the Board makes decisions about the STR rules. I continue to have the same concerns I expressed in the email below.

By way of context, I am NOT an "investor" in the community. I have owned my home since 2004 on Roundhill. At this point, I spend about 4-6 months on average per year at my home in Tahoe Donner. My sustainability right now depends on STRs.

I am aware of and sensitive to the concerns that the Board is trying to address. I have been modifying my rental contract over many years to address every concern that arose from various rentals I had. The vast majority of guests are respectful. I would like to see everyone's needs get met here.

We have reviewed the proposed changes to the short-term rental rules and fine schedule. The proposed rules strike as onerous, harsh and seem designed to make it difficult or impossible to engage in short-term rentals. There are a number of TD owners who offer their units as short-term rentals to maintain their units and defray the costs of ownership, and without these rentals they would be unable to maintain ownership.

The 30-minute response rule strikes us as particularly punitive. The fine schedule also seems excessive and is not based on unit size or rents charged.

In the new covenants under business activity, there is a prohibition for any increased traffic or parking. Any rental would increase traffic and parking as those units would be otherwise empty not using the roads or parking. As written this clause seems to prohibit all rentals.

I have heard through the grapevine that rules are being considered for short term rentals. How can I see the current version of the proposed rules?

Jim Roth has already commented. I share many of his concerns about vagueness, unfairness between short term versus other types of use, and unreasonable restrictions. That is coming from a property owner who rarely rents on Airbnb because I share your concerns about keeping Tahoe Donner a quiet wilderness setting.

I started renting my house out in 2004, so I have many years of experience with it.





Most houses in Tahoe Donner have at least one bunk room. Many also have a bedroom-equivalent loft space. I don't think it is reasonable to limit occupancy to 2 adults per bedroom.

Light pollution surely is an issue. That said, I often spend a couple months at a time at my property, when guests are not there. The neighbors across the street I believe don't rent their house at all. Yet lights have been left on for weeks at a time. I don't complain about it because I understand these things happen. Likewise, my next door neighbors rent out to a ski lease every year. The ski lease also left lights on for weeks at a time. Of course I would have preferred these lights not be left on but I did not complain because these things happen. And they happen for all uses of property.

My property has a huge flat driveway so overflow to the street is never going to be a problem. I am also set back from the road and away from other houses. It seems unreasonable to me to limit everyone when the circumstances of various houses are not alike. A condo with close proximity to neighbors is in a very different situation.

The biggest problem as I see it is noise. It is though very unpredictable which guests are going to turn out to be a problem in that regard. The 30 minute rule is not workable. How about creating some kind of system where Tahoe Donner can make money handling the noise complaints, which are reported to the owner immediately and the cost can be passed on to the responsible guests. I think this is the most workable solution for deterring these problems. If I tell the guests ahead of time that the noise fee WILL be deducted from their security deposit if Tahoe Donner has to go to the house, they are much less likely to create problems. Why not make it a win/win? - a way for TDHA to make money while not penalizing owners, who honestly have no way to know ahead of time which people are going to be a problem.

There have also been parties in the neighborhood that were hosted by owners that were very loud. It again seems unfair to penalize short term rentals vis-a-vis problems that are arising with all forms of occupancy.

I'm writing in support of the STR Task Force's recommendations regarding noise violations, parking, running businesses, etc., and registering STR's in Tahoe Donner. I support all of the recommendations put forward after this long process. Though I would have personally preferred stricter regulations I believe the suggestions put forward are reasonable and easily executable. I urge the board to approve the recommendations at the next board meeting.





I am a homeowner at _____ and I can not thank Tahoe Donner and the task force enough for these proposed changes.

I fully support them. We were very close to putting our home on the market due to a neighbor two doors down running a wedding venue and hotel: light pollution, noxious behavior, noise, garbage, cars everywhere, etc. etc. etc.

Thank goodness for this change. We love Tahoe Donner but would have had to move elsewhere for the quiet and family atmosphere we loved in the past at TD.

Homes in Tahoe Donner should not be investment vehicles for pseudo hotel owners profiteering while the silent majority suffers. We feel these rules are not strict enough. In comparison to other communities, the penalties and fees should be higher, and parking restrictions should be stronger, quiet hours should be longer, amenity usage for short-term renters should be more restrictive. We should put stronger caps on the number of nights a property can be rented period. Doing otherwise will destroy our community, destroy our property values, and ironically undermine the returns of the very investors who are trying to make a nickel off of our neighborhood. If people want to invest in hotels they should go buy Marriott stock.

Here is an example of why we need stronger rules:

<https://www.vrbo.com/347722>

This is a **"15020 sq. ft. house with 9 bedrooms, that sleeps 24, and has 9 bathrooms, and 2 half baths, 8 King size beds, 12 full-size beds in a full over full bunk bed configuration."** Reviews from THIS JULY include "Our group composed of **30 pax** had an amazing 3-night stay in this beautiful property." The place is billed out as a wedding venue for an additional \$3500 charge. We were disturbed one time by a **full mariachi band** playing on the deck! It is classified as a "hotel" on Tahoe's best with "other alternatives" being the Hampton Inn.

<https://www.tahoestbest.com/north-tahoe-lodge>

This is insane and a perfect example of why the rules need to be STRONGER than what is proposed.

Please let me know if there is any other way we can voice our support.





I have read and agree with the following as all good changes.

New Covenants and Amended Private Property Rules

- . Enforcement of property quiet hours from 10PM-7AM
- . All exterior property lights must be turned off from 10PM-7AM unless needed for safety
- . Restriction of renting property for commercial or other non-residential use like weddings and corporate events See complete details listed in the 45-day notice.

New Covenants Short-Term Rental Rules and Fine Schedule

- . Required STR rental registration of \$150 annual fee per property
- . Thirty-minute owner response window for all complaints
- . Max occupancy policy and parking restrictions
- . Requirement for each home to have emergency evacuation routes posted and a copy of Tahoe Donner rules and regulations available
- . Violation enforcement and fines starting at \$500

I believe I submitted this comment before, but not to you. If you have previously received it, please forgive this duplication.

Given the high fire danger Tahoe Donner is often subjected to, given that climate scientists tell us that this danger will continue and likely worsen into the foreseeable future, and given that the Tahoe Donner Forestry Department suggests that owners engaging in short-term rentals consider prohibiting all use of campfires and fire pits, I suggest that the proposed rules incorporate a prohibition on the use of campfires and fire pits of any kind by short-term renters. I suggest the fine for violating this prohibition be high.

I have had extensive personal experience with nearby short-term renters using fire pits irresponsibly. In my view, it is simply too difficult to school and monitor short-term renters in proper outdoor fire safety, and the consequences of their being ignorant or careless can be catastrophic.

Thank you for soliciting views and suggestions. I hope you will adopt this sensible fire-prevention measure.

I bought a Tahoe Donner home due to the location, amenities, and setting, and because Tahoe Donner is an attractive rental community. With two young girls, aged 2 and 4, my family expects to have many memorable moments in Tahoe Donner in the coming years.





However, when we aren't using the home we expect to rent it seasonally or short-term. To date I have only 5-star reviews on VRBO and absolutely zero complaints to Tahoe Donner. Renting a home in Tahoe Donner isn't a financial bonanza, but it does help cover costs such as property taxes, association fees, utilities, snow removal, and mortgage payments.

Last August I joined Nextdoor for Tahoe Donner. Since then I've read numerous "quality of life" complaints regarding excessive noise, light pollution, garbage spills, miscellaneous parking faux pas, and amenity overcrowding during busy times. These are important concerns and deserve to be addressed. However, there are already rules in place with respect to every underlying issue (noise, light, garbage spills, parking, notice to tenants of rules, etc.). The underlying problems can be addressed directly through increased EDUCATION (of all types of owners and guests) and ENFORCEMENT of existing rules (perhaps with clarification of noise and light rules, which the Board is considering on August 18) rather than with the adoption of unfair, discriminatory, and over-reaching rules that apply only to owners who rent their home short-term.

In the recent past, the TDA Board has taken productive steps on both the education and enforcement fronts, including: 1) development of a new summary of Tahoe Donner Association ("TDA") and Town of Truckee rules that apply in Tahoe Donner and 2) streamlined and expanded enforcement measures. These recent education and enforcement efforts should be applauded, and also be given more time to have an impact on behavior before more restrictive measures are taken. Further, additional measures could be implemented immediately to help address the underlying issues, such as mailing a one-page summary of rules to all homeowners for posting in homes, providing sample rental agreement language for owners to use in both their short- and long-term leases, and encouraging increased communication among neighbors.

I believe that the proposed short-term rental ("STR") rules are largely unnecessary given existing rules and the possibility for increased education and enforcement. I also believe that the proposed STR rules are in violation of the Covenants and Restrictions ("C&Rs") for TDA. The TDA Board has the power under Section 7(a) of Article III of the C&Rs to enact and amend Association Rules that are "of general application" to the Owners. The TDA Board also has the power under Section 3(a) of Article II of the C&Rs to "adopt rules of uniform and nondiscriminatory application interpreting the requirements of this section 3 or regulating specific matters of collective concern arising out of or pertaining to the rental or lease of Residences or Condominiums." Though issues such as excessive noise, light pollution, garbage spills, etc. are matters of collective concern, the proposed rules violate Article III, Section 7(a) and Article II, Section 3(a) because they are not "of general application", nor are they of "uniform and nondiscriminatory application".





- STR owners will be required to pay a \$150 annual registration fee for some unspecified reason and purpose. Non-STR owners are exempt from such fee.
- STR owners will have mandatory response times following a complaint (30 minutes to TDA; 60 minutes to the home). Non-STR owners will have no mandatory response times.
- STR homes will be subject to an occupancy limit of two people per bedroom plus four additional persons. Non-STR homes can be occupied by owners, long-term renters, and non-paying guests without limit.
- STR homes will be subject to fines that are 250% of the fines for non-STRs. Excessive noise, a light left on too late, or an accidental garbage spill for an STR can result in a \$500 fine while a non-STR violator would pay just \$200 for the same exact offense!
- STR owners will be required to provide renters emergency evacuation information and to have this information prominently posted in the home. This requirement will not apply to non-STRs.
- STR owners will be required to obtain an acknowledgement from the renter that they have reviewed the rules and agree to comply with them. Non-STR owners are not subject to this rule.

In addition to being discriminatory, non-general, and non-uniform, the proposed STR rules are troublesome in other ways:

- The \$150 annual fee for STRs was not recommended by the STR task force. The special fee, applicable only to STRs, was added at the request of the Covenants Committee. The fee has no supporting basis or reason regarding the amount of the fee and there are no directions or restrictions as to how the fee revenue is to be applied.
- The mandatory response times following a complaint are unrealistic. It is unreasonable to expect a 30-minute response time at any time of day or night in any environment, but especially in a mountain environment with snow storms, cell phone coverage holes, extreme traffic delays, etc.





- The proposed rules don't consider bunk beds, sleeping lofts, or family/game/living rooms that are designed or equipped for sleeping, nor does it make any accommodation or exception for infants, toddlers, or other children. As an example, my home has four bedrooms, which would limit it to 12 renters, but it is equipped with beds for 19 people (though I currently advertise a maximum occupancy of 14).
- The fine structure is excessive. Even a simple violation, such as accidentally leaving an exterior light on, can lead to a \$500 fine. Additional minor offenses can lead to fines of \$1,000, \$1,500, or more. Further, a flat fee structure would be better: it would still have the desired deterrent effect but be easier for owners to administer for owners and renters.
- The fees, response times, occupancy limits, and escalating fine structure will make Tahoe Donner homes less attractive for STRs for both owners and guests. Though perhaps that was intentional, the rules are likely to reduce Tahoe Donner property values and reduce the revenues and business generated to TDA through vacation rentals (which help offset the cost of operating the Association and the amenities we all enjoy).

In addition to the comments above, I note the following:

- Notice of Proposed Rule Changes was Insufficient. The C&Rs require that proposed Association Rules be "published" to the members. Though no definition of "published" is provided in the C&Rs, it seems unfair and inadequate to merely print these very serious rule changes in the back of what many people consider a marketing magazine. I reached out to more than 150 VRBO listings on the proposed rule changes and the majority of the owners that replied weren't even aware of the proposed changes. The proposed changes were posted on Nextdoor and emailed out by the Tahoe Donner GM, but not until August 9, less than 10 days before the Board meeting and during a time that many folks are on end of summer vacations or otherwise may not have time to review, contemplate, and comment on the proposals prior to the Board Meeting. Why not send the notice to all Owners via mail and email at the beginning of the 45-day notice period? This is probably the biggest proposed change in TDA in many, many years and deserves greater awareness and consideration.
- Notice of Private Property Rules Amendments Erroneously Refers Only to STR Rules. The 45-day notice regarding the Noise, Light Pollution, and Business Activity rules, appearing on page 26 of the Tahoe Donner News, erroneously refers only to





the proposed short-term rental rules (even though the proposed rules apply to all owners). The reference only to short-term rental rules is potentially misleading. Some people, thinking the proposals only apply to STRs, might have skipped over them.

- Proposed New Text in Business Activity Rule Printed in Black rather than Red. The 45-day notice regarding the amendment of the Business Activity Rule states that “black text indicates existing rule; red text indicates proposed amendment.” Though the entire main paragraph of the Business Activity rule is written in black text (indicating existing language), the words “including renting or leasing” have been added in the first sentence and should be printed in red text (indicating a proposed amendment). The addition of those four words fundamentally changes the meaning of the paragraph. Failure to highlight the proposed amendment is misleading.
- Proposed Business Activity Rule Violates Covenants and Restrictions. Under the C&Rs, renting a home, whether long-term or short-term, is not a business activity prohibited by the C&Rs. In fact, these activities were specifically contemplated, allowed, and protected under the C&Rs. See Article VIII, Section 1(f). The proposed amendment to the Business Activity rule would prohibit renting or leasing if such activity involves (among other things) increased traffic or parking or excessive noise (neither of which phrases are defined). This proposed amendment is inconsistent with and materially alters the rights, preferences, and privileges of owners under the C&Rs, which is prohibited by the second paragraph of Section 7(a) of Article III of the C&Rs. The proposed amendment to the Association Rules would therefore require an amendment to the C&Rs (requiring member vote) rather than an amendment to the Association Rules (requiring merely a Board vote).

Section 1(f) of Article VIII of the C&Rs reads in part as follows: “(f) Business Activities. Tahoe Donner is a multi-use common interest development with areas zoned for business and commercial activities, and no business or commercial activities of any kind whatsoever shall be conducted in any Residence, Condominium, garage or out building or any other portion of any Residential or Multiple Family Residential Lot Furthermore, no restrictions contained in this subparagraph (f) shall be construed in such a manner so as to prohibit any Owner from: ... (iv) leasing or renting his or her Residence or Condominium in accordance with Article II, section 3, hereof The uses described in (i) through (v), above, are expressly declared to be customarily incidental to the principal residential use of the Residence or Condominium and not in violation of this section.”





Article II, Section 3, which is referenced above, reads in part as follows: "Section 3. Delegation of Use. "(a) Delegation of Use and Leasing of Separate Interests, Generally. Any Owner may delegate, in accordance with and subject to the Governing Documents, the Owner's rights in and to the use and enjoyment of the Common Area and Common Facilities to the members of the Owner's family or the Owner's tenants, lessees or contract purchasers who reside in the Owner's Residence or Condominium." "With the exception of vacation and seasonal rentals, any rental or lease of a Residence or Condominium may only be to a single family for Single Family Residential Use. ... "

- Subjective Noise and Light Rules Hard to Interpret and Enforce. The proposed new noise and light rules are very subjective (noise must be minimized; light must not project beyond your property). "Minimized" literally means "to reduce to the smallest possible amount or degree". For example, does this mean no snow plowing, no air conditioner motor, no hot tub jets, and no outdoor conversation between 10pm and 7am? And regarding light being allowed to project beyond the boundaries of a lot, does this mean no outdoor Christmas lights at night, no light illuminating house numbers for late arrivals, and no lights to assist snow removal during storms? If new noise and light rules are adopted, objective tests (such as decibels or lumens measured at the property line) would be clearer, easier for owners to implement, and easier for TDA to enforce.

Thank you for your consideration.

I'm writing to tell you I am very pleased to see the proposed rules regarding Short Term Rentals in Tahoe Donner. Although we have only owned our condo (located in a four unit complex) for a year, we have already experienced some of the issues targeted in the proposals, one being the violation of the quiet hours. My husband and I do not rent out our unit but use it as a vacation home exclusively for ourselves and our family. We think those who do rent their residences should make it clear to everyone what the rules are and what the fines will be if they are found to be non-compliant. (In fact, I think everyone who lives or visits Tahoe Donner should know the rules! Side question: Do the rules address, for example no "nuisance noise," the behavior inside the residences?)

I think the requirement that the property, if used as a STR, be registered with Tahoe Donner is a great idea. Also that a required contact number of the owner/rental agency (that will be answered by someone 24/7) would help address complaints immediately. Will





someone representing Tahoe Donner be handling the complaints? The fact that someone other than a fellow homeowner dealing with a non-compliant renter/visitor would help avoid possible angry confrontations.

As far as the limit of the number of persons allowed to occupy a residence, I think the two per bedroom is reasonable, but the plus four sounds like too many. We have a three bedroom unit, which means technically we could have 10 occupants. If all four of our units (they are identical) had 10 people on the same day, we'd have 40 people total occupying our condos. That's a lot of people in one area. Just having enough parking would be an issue!

Thank you for addressing these issues and proposing a plan for STR, to insure an enjoyable experience in our lovely mountain neighborhood. Our permanent residence is in Roseville so we can't make it to many of the Board meetings. But we always read the updates in the "Tahoe Donner News." We'll be anxious to find out what happens this Saturday.

We are in support of the proposed covenant and rules changes as submitted. Although these changes may not accomplish all that we want, it is certainly a good start to keeping Tahoe Donner a residential community that allows all home owners to enjoy their residence. Any residence that is in fact a commercial facility is not compatible with the community and places burdens on adjoining properties. The proposed changes are reasonable and do make all owners responsible for the people who use their property. Seems right to us. Please approve these changes.

I am writing in wholehearted support of modifying the CCRs to enable Tahoe Donner to enforce noxious behavior issues. Let me make this perfectly clear -- these proposed rules apply to ALL homeowners, not just rentals. These amendments are both common sense and common courtesy, and I am distressed that we have to go this far to re-establish a community-wide quality of life issue. It is a bit overdue for Tahoe Donner to be addressing these issues, and I am happy that the Board is taking steps in this direction.

I have some problem properties on my street, and I have some houses with little or no issues. Enforcement and levying of fines is for those who are not following simple rules. I am distressed by the e-mails today calling for signing of a petition, full time vs part time, etc. I have been a Tahoe Donner resident full time for 25 years. In the last three to four years, there has been a palpable shift in the quality of life. If a full-time resident, part-time resident, long-term renter, or short-term renter violates the rules, this needs to be





addressed. Let's be honest in acknowledging that the party atmosphere began with the uptick of AirBnB, VRBO, etc., not to say that others are not guilty.

I would like to address the fee associated with being a renting homeowner. The purpose of this fee is for the extra man-hours of staff for enforcement, follow-up, etc., making this change a self-supporting program. This is in no way a "penalty" for those homeowners or a "bonus" to full-time residents. I do not like the tone of what I'm hearing regarding this. If you are making money on your property, there is a responsibility that goes with it. I am very disturbed by the fact that a member of the Covenants Committee released a document today listing all of the responses on this issue to date, perhaps swaying responses one way or the other. This seems to circumvent and undermine the 45-day response time.

In closing, I support the proposed changes, and I implore the Board to move forward. It has been a difficult summer with no enforceable rules on my street.

I am writing to strongly support the proposed new short-term rental rules and fine schedule. The increase in short-term renting of TD houses on AirBnB and VRBO has greatly and negatively impacted Tahoe Donner. I often can't use Tahoe Donner amenities during peak times because they are too crowded. I think the proposed \$150 per year registration fee is completely reasonable given the impact on the facilities (In fact, I think the fee should be higher given their greater impact).

I moved to Tahoe Donner to live in the peaceful mountains and have easy access to the outdoors. Now I often can't keep my windows open at night because of the loud parties and noise.

I urge the board to improve the recommendations.

I support the proposed revisions to the CCRs relative to noxious behavior.

I would like to submit the following additional comments since the response period remains open.

I bought a Tahoe because my children love to snowboard and we love the winter mountain life. We did not intend to occupy our home in the summer months. We selected a Tahoe Donner home because my realtor informed me that it was a great place if you wanted to





rent the home in the summer when we wouldn't be using it. Renting a home in Tahoe Donner help to cover the costs of a second home, including HOA fees and property taxes. I purchased my TD home last summer and soon after became aware of the complaints of a small but organized group of year-round homeowners, including several of my immediate neighbors. Although my life was very busy with many competing priorities I decided to join the task force to evaluate the issues. This became the STR Taskforce. I was shocked that there was no enforcement for the rules that are already in place (eg.g noise, light, garbage spills, parking, notice to tenants of rules), and that there is actually a lack of regulation of the amenity passes that cause so much dissatisfaction due to over crowding. It seems appropriate that the first line of resolution would be to educate and enforce the existing rules-and this applies to all homeowner-year-round occupants, family guests, STR guests, and part time owners.

In the recent past, the TDA Board has taken productive steps on both the education and enforcement fronts, including: 1) development of a new summary of Tahoe Donner Association ("TDA") and Town of Truckee rules that apply in Tahoe Donner and 2) streamlined and expanded enforcement measures. These recent education and enforcement efforts should be applauded, and also be given more time to have an impact on behavior before more restrictive measures are taken. Further, additional measures could be implemented immediately to help address the underlying issues, such as mailing a one-page summary of rules to all homeowners for posting in homes, providing sample rental agreement language for owners to use in both their short- and long-term leases, and encouraging increased communication among neighbors.

I believe that the proposed short-term rental ("STR") rules are largely unnecessary given existing rules and the possibility for increased education and enforcement. I also believe that the proposed STR rules are in violation of the Covenants and Restrictions ("C&Rs") for TDA. The TDA Board has the power under Section 7(a) of Article III of the C&Rs to enact and amend Association Rules that are "of general application" to the Owners. The TDA Board also has the power under Section 3(a) of Article II of the C&Rs to "adopt rules of uniform and nondiscriminatory application interpreting the requirements of this section 3 or regulating specific matters of collective concern arising out of or pertaining to the rental or lease of Residences or Condominiums." Though issues such as excessive noise, light pollution, garbage spills, etc. are matters of collective concern, the proposed rules violate Article III, Section 7(a) and Article II, Section 3(a) because they are not "of general application", nor are they of "uniform and nondiscriminatory application".

- STR owners will be required to pay a \$150 annual registration fee for some unspecified reason and purpose. Non-STR owners are exempt from such fee.





- STR owners will have mandatory response times following a complaint (30 minutes to TDA; 60 minutes to the home). Non-STR owners will have no mandatory response times.
- STR homes will be subject to an occupancy limit of two people per bedroom plus four additional persons. Non-STR homes can be occupied by owners, long-term renters, and non-paying guests without limit.
- STR homes will be subject to fines that are 250% of the fines for non-STRs. Excessive noise, a light left on too late, or an accidental garbage spill for an STR can result in a \$500 fine while a non-STR violator would pay just \$200 for the same exact offense!
- STR owners will be required to provide renters emergency evacuation information and to have this information prominently posted in the home. This requirement will not apply to non-STRs.
 - STR owners will be required to obtain an acknowledgement from the renter that they have reviewed the rules and agree to comply with them. Non-STR owners are not subject to this rule.

In addition to being discriminatory, non-general, and non-uniform, the proposed STR rules are troublesome in other ways:

- The \$150 annual fee for STRs was not recommended by the STR task force. The special fee, applicable only to STRs, was added at the request of the Covenants Committee. The fee has no supporting basis or reason regarding the amount of the fee and there are no directions or restrictions as to how the fee revenue is to be applied.
- The mandatory response times following a complaint are unrealistic. It is unreasonable to expect a 30-minute response time at any time of day or night in any environment, but especially in a mountain environment with snow storms, cell phone coverage holes, extreme traffic delays, etc.
- The proposed rules don't consider bunk beds, sleeping lofts, or family/game/living rooms that are designed or equipped for sleeping, nor does it make any accommodation or exception for infants, toddlers, or other children. As an example, my home has four bedrooms, which would limit it to 12 renters, but it is equipped with beds for 19 people (though I currently advertise a maximum occupancy of 12).
- The fine structure is excessive. Even a simple violation, such as accidentally leaving an exterior light on, can lead to a \$500 fine. Additional minor offenses can lead to fines of





\$1,000, \$1,500, or more. Further, a flat fee structure would be better: it would still have the desired deterrent effect but be easier for owners to administer for owners and renters.

- The fees, response times, occupancy limits, and escalating fine structure will make Tahoe Donner homes less attractive for STRs for both owners and guests. Though perhaps that was intentional, the rules are likely to reduce Tahoe Donner property values and reduce the revenues and business generated to TDA through vacation rentals (which help offset the cost of operating the Association and the amenities we all enjoy).

In addition to the comments above, I note the following:

- Notice of Proposed Rule Changes was Insufficient. The C&Rs require that proposed Association Rules be "published" to the members. Though no definition of "published" is provided in the C&Rs, it seems unfair and inadequate to merely print these very serious rule changes in the back of what many people consider a marketing magazine. I reached out to more than 150 VRBO listings on the proposed rule changes and the majority of the owners that replied weren't even aware of the proposed changes. The proposed changes were posted on Nextdoor and emailed out by the Tahoe Donner GM, but not until August 9, less than 10 days before the Board meeting and during a time that many folks are on end of summer vacations or otherwise may not have time to review, contemplate, and comment on the proposals prior to the Board Meeting. Why not send the notice to all Owners via mail and email at the beginning of the 45-day notice period? This is probably the biggest proposed change in TDA in many, many years and deserves greater awareness and consideration.
- Notice of Private Property Rules Amendments Erroneously Refers Only to STR Rules. The 45-day notice regarding the Noise, Light Pollution, and Business Activity rules, appearing on page 26 of the Tahoe Donner News, erroneously refers only to the proposed short-term rental rules (even though the proposed rules apply to all owners). The reference only to short-term rental rules is potentially misleading. Some people, thinking the proposals only apply to STRs, might have skipped over them.
- Proposed New Text in Business Activity Rule Printed in Black rather than Red. The 45-day notice regarding the amendment of the Business Activity Rule states that "black text indicates existing rule; red text indicates proposed amendment." Though the entire main paragraph of the Business Activity rule is written in black text (indicating existing language), the words "including renting or leasing" have been added in the first sentence and should be printed in red text (indicating a proposed amendment). The addition of those four words fundamentally changes the meaning of the paragraph. Failure to highlight the proposed amendment is misleading.





- Proposed Business Activity Rule Violates Covenants and Restrictions. Under the C&Rs, renting a home, whether long-term or short-term, is not a business activity prohibited by the C&Rs. In fact, these activities were specifically contemplated, allowed, and protected under the C&Rs. See Article VIII, Section 1(f). The proposed amendment to the Business Activity rule would prohibit renting or leasing if such activity involves (among other things) increased traffic or parking or excessive noise (neither of which phrases are defined). This proposed amendment is inconsistent with and materially alters the rights, preferences, and privileges of owners under the C&Rs, which is prohibited by the second paragraph of Section 7(a) of Article VIII of the C&Rs. The proposed amendment to the Association Rules would therefore require an amendment to the C&Rs (requiring member vote) rather than an amendment to the Association Rules (requiring merely a Board vote).

Section 1(f) of Article VIII of the C&Rs reads in part as follows: “(f) Business Activities. Tahoe Donner is a multi-use common interest development with areas zoned for business and commercial activities, and no business or commercial activities of any kind whatsoever shall be conducted in any Residence, Condominium, garage or out building or any other portion of any Residential or Multiple Family Residential Lot Furthermore, no restrictions contained in this subparagraph (f) shall be construed in such a manner so as to prohibit any Owner from: ... (iv) leasing or renting his or her Residence or Condominium in accordance with Article II, section 3, hereof The uses described in (i) through (v), above, are expressly declared to be customarily incidental to the principal residential use of the Residence or Condominium and not in violation of this section.”

Article II, Section 3, which is referenced above, reads in part as follows: “Section 3. Delegation of Use. ”(a) Delegation of Use and Leasing of Separate Interests, Generally. Any Owner may delegate, in accordance with and subject to the Governing Documents, the Owner's rights in and to the use and enjoyment of the Common Area and Common Facilities to the members of the Owner's family or the Owner's tenants, lessees or contract purchasers who reside in the Owner's Residence or Condominium.” “With the exception of vacation and seasonal rentals, any rental or lease of a Residence or Condominium may only be to a single family for Single Family Residential Use. ... ”

- Subjective Noise and Light Rules Hard to Interpret and Enforce. The proposed new noise and light rules are very subjective (noise must be minimized; light must not project beyond your property). "Minimized" literally means "to reduce to the smallest possible amount or degree". For example, does this mean no snow plowing, no air conditioner motor, no hot tub jets, and no outdoor conversation between 10pm and 7am? And regarding light being allowed to project beyond the boundaries of a lot, does this mean no outdoor Christmas lights at night, no light





illuminating house numbers for late arrivals, and no lights to assist snow removal during storms? If new noise and light rules are adopted, objective tests (such as decibels or lumens measured at the property line) would be clearer, easier for owners to implement, and easier for TDA to enforce.

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.

Thank you for addressing the increased use of TD homes for short term rental use. We have been homeowners for almost 20 years and love the association and use of our cabin as a second home.

Not long ago a cabin nearby had ten cars parked in front. Tents had been set up for overflow guests.

It seemed like a college group and they came for a good time – day and night.

We don't rent our cabin and hope you will strictly enforce any rules that are set in place. I think the \$150 annual registration fee is way too low and should be increased significantly.

Again, thanks so much for your efforts on behalf of TD homeowners who either live here permanently or come to visit this beautiful area.

It is a huge relief to have the fire ban. Thank you for that.

We are also very happy about the new light laws. We have two neighbors who leave their outdoor lights on all night every night, making it impossible to see stars and difficult to sleep. (We have upper windows in our bedroom that can't be covered.) They have apparently not yet read their emails. Is there any way of enforcing this new rule?

Thank you for circulating the proposals with regards to STRs and accepting comments.

I suspect I might be a slightly different type of STR owner than others, so I just want to make sure all perspectives are taken into account. Being at the back of Tahoe Donner and next to my favorite trails in Truckee (if not all of Tahoe), my property is primarily my property - not an "investment property". This means, quite plainly, that I do not rent for





profit (to the dismay perhaps of the US government at tax time :-)). I am very careful about vetting my guests and simply request that they pay for the cost of their stay. Most of my short-term guests are the visiting friends and family of full-time Tahoe Donner residents and longer-term stays tend to be people working on various projects in Truckee or attending educational/career seminars.

Most of the proposals make a lot of sense from the perspective of protecting Tahoe Donner from becoming like South Lake, but that also appears to be a trigger sentence for a lot of full-time residents that causes them to overreact with heavy handed proposals such as the following...

Case in point: 30 minute response time from an owner to any issue involving a "short-term renter"... seriously? Note that we have a town with spotty cell reception in Safeway, not to mention Trout Creek! What activity is happening at a rental that requires a less than 30 minute response time 24/7? That sounds like something that should involve the police. As you are aware, the Town of Truckee takes 12% right off the top of gross receipts, so these guests are definitely helping pay for these services. Need a car moved? Call a tow truck! I warn my guests extensively about not blocking the access road or parking anywhere other than the parking spot I've given them permission to park in and have had no violations (I tell them a violation is likely a \$500 tow without warning and they fall right in line). This is simply good neighborly behavior that everyone on my access road practices - each of my neighbors texts me if they need to use my parking space for anything beforehand.

I understand responsiveness, but 30 minutes is just a bit overkill. Whenever I have a guest, I'm online and reachable for them, so there's no reason I can't be reachable to anyone in TD as well. Maybe 4 hours or so for everyone (I try to hold myself to under 2 hours, but if you guys are going to get all into fines and such, I think there should be more flexibility)?

Taking a step back for a second... simply because I've overheard some rumblings in the neighborhood on the topic... I want to mention something that I sometimes need to remind myself of, especially when I'm up for weeks/months at a time and start feeling full-time myself...

The full-time residents of Tahoe Donner actually have things pretty good... we get to enjoy impeccable amenities at very low cost (and nearly empty during the week!) because of the money tourists and part-timers bring into the town on the weekends. Just think about what it would be like if all those homes were occupied full-time!!!! It would actually be kind of terrible. I hate crowds and Tahoe Donner is setup to attract tourists and currently those tourists are primarily weekenders. If any full-time resident really doesn't like the tourists and is not welcoming to them, they should think about moving to a more residential





neighborhood like Prosser rather than pricing the tourists out into those other neighborhoods via Airbnb or whatever (most tourists just want a cheap basecamp for their vacation and aren't willing to pay more for access to TD amenities). It just makes sense in terms of city planning logistics. There are more residential neighborhoods in Truckee than there are Tahoe Donners. Keep the tourists in Tahoe Donner.

Thanks for reading! See you around the neighborhood! :-)

We have a home here in TD and are in it for 5 months of the year. We rent it on a Ski Lease in the winter through a property manager here in Truckee.

As to the Noise ordinance: We thought it already was for 10 pm to 7 am, and want to keep it that way. The Lodge is very good about adhering to that when there are weddings there. We have had past experience with renters next door abusing this, and don't think it should be extended even on weekends. Noise/voices carry a long way in the mountains as some people don't realize.

Re: Parking on the street. As we have observed, this is not enforced now. We disagree with no parking on the street. What about guests coming for an evening party? What about workmen building a house here? What is the purpose of no parking on the street, and who will enforce it? Perhaps there should be a rule of "no parking on a street for 10 consecutive days/nights.

As to the rules for STRs: I believe they are strict, and should be, because of the recent problems with VRBO type rentals where there is no contact person accessible in Truckee. However, I believe the renters are the ones who should be fined, not the home owner. The owner has no control over renters who've broken any covenants. Perhaps the possibility of fines ought to be addressed in the rental contract.

I am in full support of the proposed changes by the STR Task Force. It's about time we had some stronger language and some more definitive rules.

I realize there will be some kick back from those that own short term rentals. As always, no one likes change. But they need to be held accountable for their renters once and for all. It's about time there are some enforceable rules and regulations. Many towns are adopting rules just like this with some much more restrictive enforcement. I think it's great that Tahoe Donner is considering these kind of rules to help maintain the beauty of our community for those that live here and visit here.





The task force has done some considerable research on these rules and put much time and effort into massaging these rules that would be good for all. I urge you to adopt them as stated and please let's get them accepted and enforceable before this ski season and beyond.

Just checking in about the light issue. We have some motion sensor lights that come on briefly (30 seconds) to help light our way from garage to door at our condos. As a single woman living alone I appreciate having them come on when I come home late from orchestra rehearsal in Reno. I also appreciate them coming on if there is a large animal or other person moving around out there during the night. They are pointed down. I understand a neighbor has complained. I do not believe we are in violation of the old or new proposed rules. Any thoughts?

I participated in the STR user group and have earlier emailed the board my thoughts on targeting STR home owners. I certainly don't want to see the quality of TD diminish and I also don't want to be over regulated and told how I can use my personal property. If the Association has a problem with a couple of owners holding weddings and other public events at their residence then deal with those issues specifically. If there are repeat offenders making noise, shining lights into other homes, then deal with those owners – don't make more rules that aren't enforced.

Tahoe Donner has a set of rules and regulations – yet it has not enforced them (except for forestry yay! And architectural standards). Instead of targeting a specific group of home owners (likely to invoke a lawsuit) why not just enforce the rules already in place?

Placing an additional fee of \$150/annually on a specific group of home owners and not the entire group of home owners, or everyone who may rent their home or lease their home, is unfair targeting. You can have just as many problems occur from someone sharing their home with friends who get out of hand, putting your home in a ski-lease to a group of strangers, or renting the home out. Some people are just bad actors. Including some homeowners. If the Board is going to charge a fee it should be uniform across all home owners. Any home at some point in time could be in violation of one or more noxious issues raised in this witch-hunt against STRs.

Light pollution - I don't understand this at all. Unless there is a bright flood light pointing at someone's window I fail to understand how outdoor lighting that meets the Association's architectural requirements is noxious or pollution. Second home owners with homes





blackened out are more subject to burglary. Having an outside light, on a timer and/or motion detection, is prudent and gives the home a “lived in” feeling.

Maximum occupancy and parking – I’m less threatened by these, but again are there not already rules in place? There is no restriction on parking on the city streets during the summer – only in the winter. So is Tahoe Donner going to single out a class of homeowners and restrict access to public street parking? What is a home owner is having friends and family over and there are extra cars that are parked on the street? Who is to determine if the homeowner’s car, or their friends cars are parked on the street vs. a short or long-term renter group parking on the street. How will one enforce how many people are sleeping? This just begs of vigilante people looking for problems to report to the association. Is that what the board wants?

Tahoe Donner is almost fully built out. If it was 80-100% full time owners here we would be dealing with the same problems, just due to people and their nature and being in bad moods or old and uppity. STRs have been the Boogey Man for far too long and blamed for everything from poor driving skills, to lack of housing, etc. Tahoe Donner has a set of rules and regulation and those should be enforced – they haven’t. I can recall countless times being in the jacuzzi in the adult pool area in the Winter and parents leaving their kids to go crazy throwing snow balls, jumping in the tubs, etc., meanwhile the employees at the desk with view of this from the cameras doing nothing.

Tahoe Donner needs to deal with the population issue – targeting a broad single group of users because of a small subset of bad eggs is not the appropriate way to deal with these issues. Educate and enforce the rules and regulations. Don’t make more rules and regulations if you don’t/can’t enforce the one’s in place today. Any new rules, fees, etc., need to be uniformly applied to all owners or the Association will face a lawsuit that is for certain.

Many light fixtures are marketed as “dark-sky” types, so light pollution is recognized as a concern. But I would think we could be reasonable. Are you expecting guests and they don’t know exactly where you live? is your child coming home after 10?, other scenarios?.... I am careful to keep our lights off as a normal procedure so that others can enjoy the night sky - but certain occasions warrant leaving them on until all people in the house are accounted for. It’s called common sense. I do believe some education is needed; it’s clear from reading posts on Nextdoor that many are not aware of the reasons lights should usually be off.





I would like to suggest that the half hour required response is unrealistic. I would assume that even professional property managers will take an hour for lunch, and for meetings. I feel that anything that requires an immediate response should be called into a 24 hour Tahoe Donner enforcement line or the appropriate authorities.

I've been a renter and I've used STRs in different cities over the years. I've never gotten responses consistently in under a half hour and some of these hosts/managers were absolutely stellar and responsible.

I have a large highly respected property management company handle my leased property in the Bay Area. They are quick and both tenants and landlords love them but I don't think that they would be willing to guarantee callbacks within a half hour for every single ping.

Maybe the initial response should be within one hour and responses for follow on calls about the same complaint within a half hour.

Unrealistic rules often end up unenforced altogether. Most people will likely work harder towards achievable goals.

I'm a homeowner up on Weisshorn avenue and wanted to add a few comments on the STR issue (I will unfortunately be out of town for the meeting on the 18th).

While we do not rent our place out, I am generally supportive of homeowners who offer their properties for short term rental. Unfortunately I feel like our experience as a neighbor of several STRs has deteriorated significantly in the last year or two. I'm not completely sure why, but I think it comes down to the combination of high guest headcount and the high occupancy rate that platforms like AirBnB provide. The impacts below are not meant to be specific complaints, but rather to give the task force a feel for some of the downsides the STRs impose that could hopefully be mitigated through careful rule making and homeowner education.

Crowds/Noise We are fine with a festive atmosphere during peak weeks, but the STR system seems to mean houses filled to capacity with something of a party week after week. The most noticeable impact comes from houses that accommodate a lot of guests. By way of example, one of our neighbors just built a 6 bedroom 6 bath TDA-approved home as an STR. I'm sorry, but 6 bedrooms 6 baths feels a lot like an inn. According to TDA's proposed rules (2 per bedroom + 4), this house is authorized to accommodate 16 persons, on a 1/4 acre residential lot. Even with respectful guests this level of noise and traffic has obviously changed our experience of our own property. The





footprint of a late night arrival, or a dinner on the back deck are very different for a group of 6 and a group of 12 or 16.

Trespassing. I hesitate to use this word as we are not fence people, and we are generally fine with kids ranging freely through the neighborhood, including our yard. However in the winter we have had several STR guest children engaging in unsupervised and extremely hazardous play under our snow-loaded metal roof. In these cases I have had friendly and cautionary conversations with the kids and their parents, but I'm worried there will be a tragedy at some point. It is one thing for STR homeowners to accept/insure this risk as part of their decision to rent their property, but another to ask that their neighbors do the same without consent.

Garbage use. On one or two occasions one of the nearby STR's has used our garbage as overflow, perceiving that we were not home. In one of these cases I had to bring our own garbage home because our barrels were full from neighboring STR guests. Please make clear to STR homeowners the obvious point that this is unacceptable.

Lights- Automated exterior flood lights are really disruptive and frequently on through the night, or are motion activated and triggered by animals or snowfall. Thank you for addressing this in the regulations.

Many of the proposed changes look to address these concerns, so I am very appreciative of the task force's efforts to balance STR's and resident experience. My only request would be clear enforcement of the regulation as passed, and that the task force consider additional limitations on headcount per property. Please don't hesitate to contact me with any questions or comments.

As a member of the STR task force, I'm pleased to see the attention and energy given to concerns about noise, parking etc. raised by some members and am thankful for Laura Lindgren and the other task force members efforts to come up with an action plan. I believe all participants were given the opportunity to express their views, share ideas, and are advocating what they believe is best for our community. That said, it's important to note that the recommendations were made by a subset of the committee, likely Laura and some others (I'm not sure exactly who) based on listening carefully to options and views expressed by participants such as me and should in no way be represented as a consensus view of the task force members, either in whole or in part. Various committee participants frequently questioned and asked for additional transparency on how members were selected and decision process. Candidly, I don't have a lot of passion on that point, but believe it's worth reminding the board of the process context as we consider recommendations and next steps.





I strongly oppose the current proposal for the following reasons:

(1) All rules should apply equally to all property owners, regardless of use of property. Noise, lights, garbage, notification, whatever. Should apply to me and my neighbors, our guests, friends, long-term tenants or short term rental guests. Any fines or consequences of rule violations should apply equally to all.

(2) The owner response rules are onerous and impractical. Most owners want to be reached by their guests, friends, HOA or neighbors if there are any issues concerning their property. However, mandating a 30 minute call back with fines attached overreaches. At best it adds inconvenience, cost, potential for abuse, and legal action... all with no clearly demonstrated benefit.

(3) The additional registration activity, fees, escalating fines, and inevitable overhead that will be required to manage and adjudicate complaints adds overhead and duplicates effort.

(4) It seems we are on shaky legal ground and the most likely outcome of the proposal would be expensive legal wrangling in which only the attorneys profit. That would be a horrible waste of resources. Note: This comment is based on informal review with friendly advice from attorney friends who have gone deep on this topic, not paid legal advice.

Looking forward, I propose we use the following guiding principles to help us figure out the best solutions:

a) Take the time to gather real empirical data. The hard data shown the task force was meager at best, with virtually no indication of a statistical problem or trend worth solving. Anecdotes make good stories, but are a poor basis for rules & regulations. Not enough hard data? Then invest the time and energy to get real data before jumping to solutions.

b) Tread lightly on adding new rules, regulations and bureaucracy. e.g., start with more communication of existing rules, if we want a record of who STR owners are, negotiate first with Town of Truckee to get that, same goes for poor enforcement of noise complaints by Truckee PD... If we really think we need more rules, then pilot those, measure impact and make permanent only if they're demonstrably effective.

c) Focus on the desired outcome and treat all owners equally. e.g., the same noise, parking, occupancy, lighting, dog poop or whatever should apply to all homeowners and their guests, whether permanent, part-time, long-term or short term paying renters.

d) Consider the impact on property values and local economy. Even those who claim not to care, generally do when confronted with a choice of their home suddenly dropping in





value. Short-term rentals have helped fuel the TD housing market and local economy for decades. Dismantling that is a slippery slope.

Owner since 2002: We use the properties for our own family use as well as STR's. We've been coming to Tahoe Donner for over 40 years as a family (20 years of renting short-term rentals before buying in 2002).

We have owned our TD house for 22 years, using it ourselves, plus renting it out, long term & short term. We use a responsible management company (TMVR). We no longer rent the house short term but have concerns about the proposed new rules /fines.

We agree with those who say they may be discriminatory---possibly even unenforceable and illegal. But we want to bring up the subject of PROPERTY VALUES . Many, many owners purchased their properties in the TD vacation/resort area for various reasons. We fear that if these restrictions go into effect, many owners will be putting their "vacation" homes on the market for sale, creating lower and lower sale prices. A trickle-down effect could eventually lead to Truckee stores, restaurants, management companies, and other businesses having to close their doors.

It could be a slippery slope. Let's be careful with these proposed changes so we don't cause some unintended negative consequences along the way.

We are opposed to the proposed additional rules as excessively restrictive to the rights of property ownership. Rules such as these chip away at the bundle of rights enjoyed by ownership for the alleged benefit of all. Not only are some of the rules severely restrictive, but they are unclear in many areas. This proposal appears to be an overreach of authority to deal with some problems involving renters that might or may have occurred. Better to address the issues with the owners and seek cooperation in mitigating problems in our community.

Further, extensive, major changes to the rules should require a majority vote of the membership not just Board action.

The consequences of these limitations and onerous rules will negatively impact property value in Tahoe Donner.

Following are responses to the proposed rules:

Noise and light pollution. Noise rules are reasonable and fit with legal disturbance of the peace law. Reasonable policies about business activity. What happened to speaking with a neighbor about noise late at night, or that failing, calling the police regarding a disturbance of the peace? As for all exterior lights being turned off between 10 pm and 7 am, this needs more thought. We leave lights on in front for those who may arrive very late or not return until late hours. This is a safety issue in parking/garage/ stair access areas, especially in





icy winter conditions. Specifically what complaints, and how many have been documented?

Business Activity. Items 1-5 seem reasonable regulation of business activity on residential property. The next paragraph in red font raises some questions and concerns. The limitation on weddings, business/corporate events and “large commercial parties” (please clarify and define “large”) should make it clear this would not apply to the owner holding a wedding or business related event at the residence.

Short Term Rental definition is not clear. Does a friend, relative, or acquaintance who is allowed to use a property constitute a STR if they pay a small amount to offset owner’s expenses where there is no rental agreement, no advertising, and no rental fee per se, etc? What constitutes being in the rental business? Again, intrusion into the legitimate rights of an owner to manage their property and investment.

STR Registration. We are opposed to the imposition of any Association fee related to renting property. This would be an additional expense along with the City requirements.

Real Time Contact & Complaint Response. The 30 minute response, 24 hours a day and the requirement to respond in person within 60 minutes is completely unfair and unrealistic. This is unfeasible for most owners who live out of the area. How is this possible if owners are at work, out of town, etc.? Many rent directly and do not have a property management company handling their rentals. Will the Tahoe Donner Association provide staff to monitor a complaint phone 24/7 to respond to any complaints? All of this seems designed to present major obstacles and deter rental, place blame, and bring income from fines.

What is the current procedure for addressing complaints?

Posting a list of Tahoe Donner rules, does not insure that anyone will read them, even though they sign off. Responsible owners, and the assumption should be that most are just that, will inform their renters of rules and provide important information such as Fire Safety and Evacuation. Instead of rules on this subject, perhaps the Association can publish a document containing both and make it available to download to have handy for owner use

Occupancy. This policy needs further review and clarification. What about units containing a Loft? Many lofts are set up as a bedroom. In our case, the large 3rd story loft, larger than either bedroom, comfortably sleeps 6 people. This should be considered. If parking is the issue driving this rule, it will still be an issue under these artificial limitations. It is difficult to control how many vehicles guests may drive to the property. What is reasonable is that owners advise renters of the parking limitations and rules to control the problem.

Parking. Parking is already limited to garage, driveways, and the street in the summer. Personally, we have not observed this to be an issue in the area. In our case, any





occasional parking issue at our 4 unit condominium building has been satisfactorily dealt with amongst owners and neighbors.

Enforcement and Fine Schedule. The proposed fine, beginning with **FIRST** offense, no warning, is excessive and unjust. Owners are entitled to a warning, and time to respond to alleged allegations of a violation and take corrective action, and to defend themselves prior to any fine being imposed.

How will complaints and violations of any of these rules be handled with owners who are not renting, but may be in violation?

Last Paragraph. It is unrealistic to believe that owners will be able to enforce fine payment on renters. This would likely be a long legal process that most owners cannot afford and defeats the purpose of renting. Perhaps that is part of the intent - to impose obstacles to the legal right of property owners who wish to rent. Most owners probably cannot afford nor should we be forced to pay attorneys to defend our rights against the Association or renters.

By way of background, we have owned our condominium unit since 1996. On rare occasion, we have rented the unit to individuals we know, and have allowed friends and acquaintances to stay there. We maintain a guest binder containing an opening and closing seasonal checklist along with all the necessary information and an evacuation map. Past owners in our 4 unit building have rented on a limited basis through websites such as VRBO, mostly in the winter months. We have not experienced any real problems due to this.

We question what has prompted all of these rules and would like to see the documentation as to the nature and number of complaints that the Association has received. Were any members of the appointed committee owners who rent their property and are not in favor of more regulation? These changes lump all owners who rent their property into the category of those few who have created or not dealt with problems. **We need more detailed information before any Board action is taken. Please consider extending the review period and providing more details and answers to our questions and concerns. An issue this important should be addressed clearly and directly to each owner, in detail, by separate mail, not in the magazine or email (except as an additional location for the information).**

The reality is that the area has grown tremendously. Instead of imposing intrusive rules and regulations, the assumption should be that owners are responsible individuals who care about their property and our Tahoe Donner Community, and are capable of properly managing without such intrusive regulation.





I have a professionally managed property that pays all TOT taxes as applicable by law. I have never had a complaints or any issues with neighbors. They have my number and my property manager's number.

These proposals on short term rental properties are predatory towards second home owners who already play by the rules.

- Real time contact places unreasonable burden on both home owners and property managers. The "Real time contact" clause states that a person must respond within 30 minutes of being notified and be at the property within 60 minutes. This is worded in a way which places full control to unfairly fine the homeowner. Simple things as weather or power outage can prevent the response as outlined. It is unfair and unreasonable.
- We already have a way to deal with neighbors that are a nuisance - you call the police. They respond quickly since they are not usually busy.
- This has nothing to do with nuisances but more for the HOA to get more money from second home owners who have srt. There are two properties on ski slope that have been talked about on next door. Complaints have been made and nothing has been done. It's already in violation of existing rules of running a business.

I am strongly against the proposals issued for the fine increase, registration and real time contact.

I agree with the reduced occupancy proposal, my opinion should be limited to 8 for a 3 Bedroom and 10 for 4 bedroom, 12 for 5 Bedroom.

An annual registration of \$150 is a fair fee.

I'm not sure how the fines can be levied fairly, since its virtually impossible to know what guest is doing when Owner is not at property. I believe rentals should be through an vacation Property Management firm only. This of course would allow for the collection of "Truckee" hotel fees or other requirements.

While I agree with most of the proposed rules. My basic problem lies with the amount of the fines. **Many lakefront properties impose fines of \$100 per violation. This is much**





more reasonable and rectifiable with guests. A fine can be passed on to a guest that has been incurred due to their behavior, however the fine must be reasonable so that we are able to enforce it. While a deposit for short term guests can be charged, it will make a property less competitive with other short term rentals that are not charging additional fees and deposits. Given that there are over 1,000 short-term rental properties in Tahoe Donner alone, price and occupancy matter! This would hurt the property values of all homeowners since many of them can only afford to buy at these prices if some of their costs are covered by short term rents when they are not using them. Since you would also have the authority to suspend a properties ability to be rented, wouldn't it be better to just use this action to deter serial offenders and keeping a flat fee for each offense. While most rentals go through a rental service and they make it a practice to not rent to unruly guests that they know about, with the prevalence of online, instant bookings, they have limited knowledge of the behavior and rental history of many short term vacation guests. Assuming a second violation is by a different guest, these fines are extremely high and out of the control of both us and the guests who may unknowingly be violating a rule a 2nd time. Any fine should be reasonable in amount and flat rate per violation.

The hours between 10:00 p.m. and 7:00 a.m., seven days a week are considered quiet hours, during which noise shall be minimized in order that it not be an unreasonable annoyance or nuisance to neighbors. Noise includes but is not limited to outdoor music, late night partying, amplified or motorized sounds. A noise violation does not also have to be a violation of a noise ordinance in the Town of Truckee or Nevada County. - **Should a guest or tenant violate this noise rule, would that automatically subject the owner to a \$500 fine as outlined in the Fines Proposal below? This seems excessive and steep.**

Suspend the right of the Owner or STR renter to use common areas or common facilities (except for ingress and egress to the property); - **An owner should not be punished for the actions of short term rental guests. It seems appropriate for a guest to have rights suspended for serious infractions, but would be silly for, say, a parking infraction.**

I am a home owner in Tahoe Donner. My primary residence is in Los Altos, CA. I started using short term rentals on my property to be able to **cover my property taxes**. Expenses since purchasing my home have substantially increased. I normally have rented to 6-8 families annually for a total of 30 days or less on any individual calendar year. Your new rules concerning noise, light and business activity are understandable.





1) **WHY DOES THIS APPLY TO ONLY OWNERS WITH SHORT TERM RENTALS. TO BE FAIR, IT SHOULD ALSO APPLY TO ALL OWNERS.**

I have NEVER had a complaint from anyone about the use of my property by a renter. About ten years ago I was invited to an evening party in Tahoe Donner by a HOME OWNER who did NOT rent out their house. That was the only time I experienced “noise pollution” in Tahoe Donner.

2) **I ALSO OBJECT TO HAVING TO REGISTER AND PAY A FEE OF \$150.00**

The City of Truckee now requires that I pay **12%** of my rents plus cleaning fee to them for all my short term rentals. My fee from VRBO has substantially increased in the past couple years. My cleaning service has increased their fees from \$150 to \$250 to clean after each renter. With increase in property taxes, City occupancy and City marketing tax, utilities, snow plow and maintenance services it is becoming difficult to be able to even cover my property taxes. I HAVE NEVER RAISED MY RENTAL PRICES, HOWEVER, CONTINUE TO GET REQUESTS FOR DISCOUNTED FEES.

Several people I have talked to have expressed the opinion that Tahoe Donner is trying to encourage non-resident owners to sell their properties. Yet....the City of Truckee has implemented a 2% tax for “marketing purposes”. **IS TAHOE DONNER NOW DISCOURAGING ANY SHORT TERM RENTALS AND ENCOURAGING PEOPLE TO SELL THEIR PROPERTIES?**

3) **CONTACT AND COMPLAINT RESPONSE TIMES ARE UNREASONABLE.**

If I were camping, out of town and not available to take a complaint call I certainly do not know how someone could do this for me. Maintenance services in Tahoe Donner are no longer able to call back as quickly as they used to.....so I could not employ a service to respond if I am not able to be reached. 30 minutes and 60 minutes to remedy are not reasonable.

4) **VIOLATION FINE SCHEDULE IS NOT FAIR. YOUR NOTE ABOUT PASSING THE FEE TO THE RENTER VIA A DEPOSIT WILL DISCOURAGE ANYONE FROM RENTING WHEN ADDING TO CURRENT DAMAGE DEPOSIT.**

I currently add a refundable damage deposit of \$400 to the rental fees for my home. Adding an additional \$500-\$1000 to those deposit fees would discourage anyone from renting my home for their 3-5 day stay,. The deposit would be more than the rental fee!.

A PERSONAL NOTE AND QUESTION ABOUT MY OWN DRIVEWAY.





I have a driveway with a substantial downslope. There is a time or two a year that the driveway is very difficult to navigate. About one time per year when there is a lot of ice on the driveway even after plowing I have asked my plow company to plow the specified and staked spot that is flat and perpendicular to the street, but on my lot. Will I not be able to access my house in this situation?

ITEMS THAT I HAVE NEVER COMPLAINED ABOUT TO TAHOE DONNER, BUT .WILL VOICE AT THIS TIME.

I already subsidize full time home owners in certain ways. Annually I purchase the Recreation Fee and additional passes for family members, however, the value is never realized as our family rarely uses the recreation amenities. I have paid these fees to support Tahoe Donner residents. Rather large water fees are charged even in the 9 months that our property is not used. In the Bay Area, we are only charged for the actual water used....so I am supporting full time residents with my water bill as well.

I have never complained about anything, however, was hit with a "ton of bricks" after reading the Proposed New Rules and Covenants for owners having STRs. I will be meeting with my family within a few months and will make a decision as to whether I keep my home or sell to purchase in another mountain community.

It has come to my attention that rules and regulations of Tahoe Donner homes that host short term rentals will be a topic of conversation at your August 18 meeting. My husband _____ and my home is among many that welcome many short term guests. It is well managed by our Property Manager Chris Beck. Chris as made me aware of the upcoming changes in Board Policy. I'm certainly ok with your suggested \$150 per year assessment. However, I would hope that properties with ski leases and long term rentals should be required to pay the assessment and be held to the same standards as short term renters.

Another concern is the 30 minute owner response window for all complaints. Yes, I'd like to be notified of a complaint, but I would hope it would be acceptable for Chris Beck to act in my behalf provided that he is willing to do so. \$500 seems like a very hefty fine for a minor complaint. Hopefully the severity of the infringement would be weighed for each situation and the fine would be determined according to the severity of the infringement.

I'm sorry that I cannot be at your August 18 meeting, but it is my hope that those attending will discuss the issues that concern me.





I have received an email notification about Tahoe Donner's proposed new covenants for short term rentals. I am a second home owner in Tahoe Donner and would like to express my opinions about short terms rentals, and here they are:

1. Truckee is a resort town, and the local economy relies heavily on the tourism and short term renters to keep the local business going.
2. Over 50% of TD residents are second home owners, and we don't visit Truckee often enough to contribute to local economy. Having the ability to rent out our second home will bring in renters to spend money locally
3. Locals complains about the negative impacts generated by short terms renters but fail to focus on the big pictures. Without short term rentals, many local business may have closed down due to lack of business. In addition, there is a negative notation that short term renters cause the traffic jam, or they are bad drivers. Bad drivers are everywhere, and with more and more people living in CA, it is expected that traffic is getting worse.

If you limit short term rentals, it will have not only negative impacts on the local economy, jobs but housing market as well. I strong believe that we as homeowners should have the rights to rent out our house without being regulated or ordnance begin placed upon us.

I'm writing regarding the proposed new rules related to short-term rental. While I agree that it is a good idea to ratify many of the suggested rules, I question the need for a Required STR rental registration of \$150 annual fee. Given recent increases to recreational guest pass fees when members are not present, as well as our not insignificant and constantly increasing HOA, Rec fees and special assessments, I'm curious why there is a need for a such a fee. What additional services are being provided that would justify this hefty amount? To be blunt, this seems like transparent attempt to extract yet more money from homeowners that are already paying significant taxes, fees and other charges to Tahoe Donner and the town of Truckee.

If the justification for this STR registration fee is the need for additional personnel to man the complaint line, I can assure you that this was a necessity prior to the popularity of short-term rentals. Since we moved here in 2011, our neighbors routinely violate the noise restrictions - and they are home owners, not renters.

Rather than forcing home owners to pay yet another charge for the privilege of using their homes as they see fit, I would suggest that absent demonstrable justification for the proposed \$150 annual fee with supporting accounting records, that the board reduce this





registration fee to a more reasonable amount. It seems \$15 would more than compensate the administrative personnel to handle what should be the minimal paperwork associated with registering a STR property.

Also, why should homeowners have to register annually? How about minimizing the headaches and make the registration good for five years? This would result in less paperwork and further reduce administrative expenses.

In conclusion, I propose five years for \$15.

5 for \$15!

I read the proposed changes and it appears to me that the board made up of mainly the minority of home owners who live in Tahoe Donner year around wants to get rid of short term rentals. Short term rentals have been part of Tahoe Donner since there was a Tahoe Donner. The proposals smell of putting overbearing roadblocks to homeowners being able to rent out their homes.

I would like to know how many complaints have we had? Did the homeowners address the complaints? What is the purpose and what will the \$150 dollars to register as a short term renter go for? Why do we need new rules to enforce the CC and Rs already in place? We are already supposed to have all outdoor lights off at night. We are not supposed to be noisy and bother our neighbors. We are not supposed to park on unpaved areas of our property or the streets.

Occupancy rules are too strict, the committee wants homeowners to have department of labor sized posters with the rules and evacuation routes.

If the committee and the board don't want STR's why don't they be honest and just say that instead of coming up with these pathetic rules.

We use a property manager and they interview all prospective renters, they give them a copy of all rules.

If you drive out all STR's then eventually property values will go down because demand will go down and 20% full time residents will not get the benefit of the 80% of us that pay our dues and rarely ever use the facilities.

Disappointed.





I'm in complete support of the registration fee and associated checks and balances outlined to keep the peace in our community. Please move forward with a means to regulate these guests.

Thank you for your effort and task force's efforts to make this a reality.

You invited comment on the proposed rule changes prior to your August 18 Board meeting.

The rule changes which have been proposed and published last month seem like good ideas and I hope they are adopted. So many homes are really short term rentals, there are always outside lights left on all night in the neighborhoods. Also, the common sense and courteous practice of directing all outdoor lighting downward rather than horizontally or skyward should be made a rule requirement. Landlord members should be required to make a special point of this; a simple fine for more than one or two violations within a modest period of time might help. The nonconforming outdoor lights in our neighborhood make it nearly impossible to enjoy the night sky and sometimes shine right through our bedroom window all night.

A change not yet proposed needs to be considered. It's crazy to only allow only four family members to receive photo membership ID for a property that is not a rental and is actually occupied only for short periods intermittently during the year. Many families have more than two children. An owner shouldn't have to buy a guest card pass for his/her children. Regardless of the demographics of TD owner families, I believe the annual membership fee should provide for up to a total of five or six photo ID card that entitles the each of the five or six family members to use Association facilities without additional charge. Also, I think the Association should recognize that many owners have adult children. Not counting grandchildren we have five people who I believe should each be entitled to be treated as a member based upon the annual dues for the property. We pay the full dues for four family members now but must mess around with guest passes at greater expense and face a choice of how to decide which of our children will not get a membership card.

None of our family members live in TD full time or even any material amount of time. Including all of our three kids and ourselves our TD home is used only for short, intermittent and irregular visits. We do not, never have and do not intend to ever use our TD home as a rental. Moreover, we use TD amenities very lightly and compared to seasonal renters we are taken advantage of by subsidizing nonmember use.





Please adopt a more fair rule for extending owner rights and privileges to the owner and to their children; if you feel it necessary (I certainly don't) limit it to some total number such as six or eight and to children of owners (vs grandchildren).

Board of Directors ("Board"):

Here are my comments concerning the Short Term Rental Rules, Violation and fine schedule that are currently out for public comment to the members of the Tahoe Donner Association ("TDA"). I have owned a home in Tahoe Donner for almost ten years and was a frequent guest of other Tahoe Donner homeowners for many years prior to that time. We have always enjoyed our time in the Tahoe Donner community and are just as committed as you to not seeing any degradation of the experience. I believe that this issue is of great importance to many of the TDA members, and as such, should be subject to a member vote, not just a 45 day member comment period. Short Term Rentals have been a mainstay of TDA members for many years and how they are treated in the future should be reviewed by the full membership, not just through a rule making by the Board.

General Comments

After reading the proposal, I kept coming back to one key question that was unanswered for me. "What is the problem the Board is trying to solve with these onerous rules and disciplinary actions?" While not being a full time resident here, my family has spent every major holiday in the last 10 years enjoying our home and the Tahoe Donner amenities. During that time, I can only think of two instances where there was any problem. The first had to do with a noisy party during a 4th of July weekend that lasted well past 10:00 PM, which I believe was appropriately resolved by the Truckee Police Department. The second was an instance where a renter of a home near the Ski Area parking lots had parked an RV in the empty lot and was required to move it by Tahoe Donner employees. In my view, neither of these events would require the draconian actions outlined by these rules. Unless there are many more examples that the Board has had to deal with, I truly question the necessity of this action. I have faithfully read all of the TDA member publications and I've never seen an issue of this much importance to the membership relegated to a simple public comment period. If this is such a significant issue, why has it not been reported to the membership before? We need to see the evidence that this issue warrants the treatment proposed in the STR rules, before the Board makes any decision on this issue.

Specific Comments by Section:





Short Term Rentals

- “One or more terms” of less than 31 consecutive days seems to me designed to make sure the Board captures the maximum number of homeowners in the program. I don’t think that the occasional rental should qualify for a program like this. They would already pay the Truckee Tax and that should be sufficient. What about the 4 months of the year that only have 30 days?

Short Term Rental Registration

- The Board must envision it will take quite a few employees to run this program in order to justify an annual payment of \$150. This sounds like an easy way to collect extra money for not having to do anything. At my primary residence in Oakland, California, the Police Department collects \$25 annually from every residence that has a home alarm system yet they have no requirement to respond. At least the Board could make the annual payment more reasonable for not having to do anything other than track the paperwork.

Real-Time Contact

- Having someone available to respond within 30 minutes would not only be a challenge for STRs but for the TDA as well. In my experience, the only contact that could meet these requirements is the Town of Truckee Police Department, the Fire Department or the Emergency Response Teams (and they struggle to do it!). Having someone available in this time frame for minor infractions is totally unreasonable and unnecessary. If the problem is of such significance, the existing emergency services are the right agencies to handle it.

Complaint Response

- Sounds like we would need a Tahoe Donner Police Department to enforce these response requirements, or at the very least, a security service dedicated to TDA.
- Again, how many instances really would merit this type of response?

Compliance + Notification

- I have no real issue with this requirement and think it is prudent of the homeowner to provide these rules to everyone that may reside at their property.

Occupancy

- While I believe these requirements are reasonable, I don’t believe they should be subject to the same disciplinary rules. Who is going to enforce this?

STR Violation Enforcement and Fine Schedule

- I barely know where to begin with this section. It is “over the top” in terms of the levels of the fines, there escalation over time, and the ultimate authority of the Board to limit owners rights to rent their property.
- Where is the body of evidence that would warrant such a draconian response to a problem that has never been raised to the general membership in the past? You





would think that we would be aware of this and that it would be a general discussion topic of the membership.

I can personally attest that the Tahoe Donner Association is not strictly enforcing many of the current covenants that exist from the Architectural Standards Board. Since I am not an expert on the full scope of the TDA covenants, I can't speak to the level of compliance currently existing among members, but I am confident that if I did the necessary investigation, the findings would support my view. While I am not advocating strict compliance, adding additional rules that the TDA can't enforce is not what we should be doing. The TDA is in place for the benefit of the members and only when issues of noncompliance cause widespread concern from the members should action be taken.

This issue and how it is handled by TDA needs further review. Having homes occupied must be beneficial to the TDA and to the City of Truckee's economy. Why would we discourage members from STRs if it benefits TDA and the City of Truckee?

I believe that the only way to identify how this issue should be managed is to ascertain the views of the full membership of the TDA. This would require much more than a 45 day public comment period on a rule package published one time in the newsletter that I am sure many members have missed. If the Board wants to live up to the transparency that its new members have campaigned on, here is the first opportunity to "walk the talk".

Hi, I would like to speak with you regarding the working-proposal. I have lived here 33 years now and I've "seen it all" where STR's are concerned. I am so glad to see something coming. It is 10 yrs. past due as far as I'm concerned. I tried to join the committee more than a year ago but was out of town when they quickly began the process. STR owners should look at this as a positive community needed plan to insure that resident's rights to enjoy their properties are not infringed upon. We also do need an immediate response person to call when violations are happening; I understand the need for "proof". STR owners will be able to deduct the STR yearly fee from their cost of running a business (experiences). The "fines"I don't know. Do STR owners want their neighbors unhappy? By opposing this proposal.....they say "NO, I don't care about my neighbors or the T-D Community. There can be a solution for all homeowners. Thank you for your time and service to the T-D community.

In summary, I am totally AGAINST all the changes as proposed, as they will unfairly punish absentee homeowners for the actions of stranger, and they will add an annual tax that is not able to be offset by the actual cost of new rule enforcement.





I am not opposed to the changes in concept however. Actually, I fully support the enforcement of quiet hours and dark hours. I have on a number of occasions been sitting on my back deck at midnight staring at the stars only to have my serenity annihilated by a group of cackling renters yelling and laughing on their deck 5 houses away. I too wish there was a remedy. I just don't want to foot the bill for someone else's rude behavior when that action was totally out of my control.

Here's the problem—determination and assessment of violations will take way too long.

There are two piles of nightly rental businesses. Pile 1 are those absentee homeowners that use a rental or property management agency to manage their rentals for them. Those agencies advertise, book, and manage rentals for homeowners and set their own rules for collections and refunds on behalf of the homeowner. Pile 2 are those homeowners that solicit their own business using readily available commercial online rental management platforms. Specifically, and most popular are HomeAway, TripAdvisor, and AirBnB. Homeowners that use these platforms are forced to use a very strict set of rules that favor the platform first and the renter second. The homeowner has no say in how the platforms conduct their business. Both piles have the ability to collect a security deposit that is held against any damages, or in this case, a prospective violation. I am in pile 2.

Pile 1 has the ability to hold the refund for any duration agreed upon between the homeowner, agency, and renter. That duration could be 5, 10, 30, or even 60 days, if everyone agreed. Point here is that all parties have a say in the transaction. If however it were 30+ days, homeowners/agencies run the risk of losing business to other properties that do not have that long of deposit return period. If these homeowners lose enough businesses they go out of business. Some will sell, risking an even larger glut of homes for sale, driving down or suppressing home prices. Everyone loses in this pile.

Pile 2 has the ability to determine the deposit amount. The platform holds the deposit for the duration of the rental, PLUS SEVEN DAYS. This is not adjustable. After seven days, if the homeowner does not make a claim to the platform, the platform will automatically return the entire deposit. If TD were to impose a fine against the homeowner for a violation from a renter, it would need to be inside that seven day window, for the obvious reason. If TD was not able to meet that seven day requirement, and enough fines were levied, and unreimbursed by guests, some homeowners may elect to shut their business down and sell the house. Everyone loses in this pile too, well, except for TD.

Here's the other problem—I didn't do it.





I have been renting my home for 10 years now. I have had over 40 incidents of things ending up broken, missing, damaged, or totally destroyed. This is the cost of business and not my point here. My point is, that with only ONE exception, unless the renter is caught in the act, red-handed, and I am talking irrefutable proof, they have ALWAYS denied doing it. This is true even when circumstantial evidence appears conclusive. Typical (real) story: I just left the home after making repairs. A new renter signs in with 2 adults and 4 children (all under the age of 6). Renter checks out. Cleaning crew finds crayons spread all over the house. The back of the bedroom door had crayon scribbles all over it from ground level to about four feet up. When I asked the renter if it were possible their children had made said crayon marks, the renter was absolutely positive his children did not do it, they are not that disrespectful, and it most certainly was the renter before them (that was me in this case). I though I had ample evidence to confront the renter. I did not account for their outright lying and my lack of real time video showing their children drawing on the door. Moral of the story here is that unless you capture the renters in the act, you and I will never ever be able to collect damages. I guess that explains why you are going after the homeowners, you can accuse and assess homeowners all you want and we have no ability to defend ourselves.

I am a homeowner in Tahoe Donner that rents my house through VRBO and other sites. Our property is located at _____. There are several things about the proposed policy that are of concern for us:

- **Registration fee:** I don't appreciate the Association adding costs when it is already difficult enough to make ends meet with the rental. Renting our home is the only way we can afford to own in Tahoe Donner and the additional fee makes it that much more difficult. I understand there are probably administrative costs to managing this new set of regulations, but we didn't ask for the new rules and I don't think we should have to pay for their administration. If the Association is so desperate for revenue to support this function, take the money from the proposed fines (which are quite high, see comment below), so at least the people who are not being responsible in the way they are renting their homes are the ones paying for administering the program. I assume we are only discussing these rules because a small number of homeowners have not been responsible in the way they manage their properties. Why do I have to suffer the burden of additional rules and expenses because of their behavior when we are being responsible property owners? I would like to see the fee eliminated or greatly reduced.
- **Compliance + Notification:** If the rules require us to both make "a list of applicable Tahoe Donner rules" available to guests and make them acknowledge they've read them and will comply with them, the least the Association could do is to make them





available to us in a clear and unambiguous manner. The Association has a ton of rules and simply saying, as is stated in the 45-day notice, they are "...posted on www.tahoedonner.com" is woefully insufficient. I don't want to poke around the website trying to figure out what the applicable rules are. The Association needs to develop a list of exactly what you are referring to for our review during this process and to pass along to renters if this provision remains part of the new rules. Honestly, I have no idea what you are talking about when you say "applicable Tahoe Donner rules." We don't all live in your world where this is all we think about and work on all day long.

- **Occupancy:** While this rule would not affect our property, it seems overly restrictive. Before we owned, we rented several houses that have great big bunk rooms that posed no problem housing more people than what the rules call for. The Association should develop a different mechanism for determining reasonable occupancy.
- **Emergency Evacuation Routes:** I don't understand this at all. We rent a detached single-family home. There's a front door and a back door. It seems beyond silly to have to post some sort of map like it's a hotel room explaining where the front and back door to the house are located. I don't want to post an ugly sign on the wall and I am offended by the idea that I could be fined for not posting such a silly thing.
- **30-minute owner response:** This is simply impossible. We have a professional property manager that is available 24X7 and I'm not sure anyone can commit to 30 minute response time. An hour seems more realistic.
- **Fines:** Seem too high. They should be in proportion to the violation.

Please let me know if you would like to discuss any of my comments. Thank you for the opportunity to submit them.

I write in response to the proposed light pollution policy. In particular the underlined portion of the following sentence "Any exterior lights that are used or may come on between the hours of 10:00 p.m. and 7:00 a.m. shall be required to shine downward and not project beyond the boundaries of the Owner's Lot, and shall not interfere with the reasonable enjoyment of another's Lot." Given how light travels and reflects off of surfaces, even lights that directly "shine downward" could be considered to "project" beyond the boundaries. It should be sufficient to require that the lights shine downward.

It appears to me based on recent proposals put forth by this Board that we are going down a slippery slope of appeasing certain squeaky wheels with overregulation. This is especially problematic when such regulations are riddled with ambiguous terms such as this one. This only puts more power in the hands of Board to interpret ambiguous terms at their discretion which can result in the levying of fines on the members. We have all heard





of HOA horror stories of people abusing such circumstances. I have no idea how to comply with a provision where light waves originating on my property are not able to travel or project outside of the boundaries of my property.

We oppose the STR restrictions. This previous comment (modified) captured my feedback.

I'd like to better understand what problems we seek to rectify with these rules. If its renter complaints, we have always called the owners on our street to fix their renters issues. They have been responsive. If they are not, isnt that what a noise complaint to the police is for?

If its for the revenue, shouldnt we be talking about raising non-member facilities fees? Or other profitability programs?

We only STR on occasion to partially offset our expenses. Turning the environment into a "rat on your neighbor" situation sounds completely opposite the environment that brings out the Tahoe spirit of warm friendly communities.

I agree with the previous excerpt:

"Let's consider the impact of the 150 annual registration fee. In TD 84% of the homes are non-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.

It specifically treats owners with STR's as having less rights then full-time residences or those renting long- term. Living in YTD full time does not create a greater property rights . We pay our HOA and our taxes (even more taxes) like everybody else.

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.





These rules seem to unfairly single out STR owners and try to restrict property rights of homes already owned for years.

Here is my feedback. I own a house and it is currently leased as a long term rental. It is at _____. Kerrrie of TTVH is our property manager and I would like her to attend and represent my interests at the meeting on August 18th.

- Quiet hours from 10-7 every day
 - From a reasonability perspective, it would seem that there would be more flexibility on the weekends especially for non condo residences.
 - I personally have never had an issue when at the house except for a few barking dogs.
 - I would hope that the household would be given some warning before a fine is levied. Sometimes, people don't realize how loud they are.
- Exterior lights .. fine as long as given enough time to comply with new rules (I recommend 90 days)
- Use for commercial or non-commercial (wedding etc) – no issue
- STR fee of \$150...no issue (not applicable for long term rentals)
- Thirty minute owner window response for complaints
 - Preference would be an hour response time as the property management team are home with families and difficult to respond in the middle of the night.
 - The TTVP property manager would be the contact as they have the direct relationship with the tenant. Is there a way to have the property management number as the contact vs the owner.
- Max occupancy and parking restrictions
 - Occupancy – no issue
 - Parking – generally not an issue but sometimes people have visitors or a temporary need (Moving) or repair person/contractor.
 - What are the repercussions on the parking on the street? Would the fine be levied on the car owner or the property owner.
 - Given there is no signage, people may violate the rule without any way of knowing that it is a violation (especially repairs). Repair people may not want to block the driine oveyay.
- Fine of \$500 for first violation.
 - This seems excessive given most of the violations are subjective.. (what is noisy, hard for service individuals to know about no street parking. \$100





seems more reasonable for a first violation and enough to incent quick action. Kerrie says the \$100 is what her firm has seen for lakefront properties so not sure why TD would need to be so much more.

- While TTVP makes it a practice to not rent to unruly guests again, with the prevalence of online, instant bookings, we have limited knowledge of the behavior and rental history of short term vacation guests. Assuming a second violation is by a different guest, these fines are extremely high and out of the control of owner, TTVP, and the guests who may unknowingly be violating a rule a 2nd or 3rd time. Any fine should be reasonable in amount and flat rate per violation.
- Suspend the right of the owner/guests to use common areas –
 - An owner should not be punished for the actions of short term rental guests. It seems appropriate for a guest to have rights suspended for serious infractions, but would be silly for, say, a parking infraction.
- . 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.
 - Given that many homeowners in Tahoe Donner are 2nd homeowners and rely on rental income in order to be such or that many purchased a home in Tahoe Donner in order to develop a rental income stream, it is potentially devastating for the TDA to limit or restrict a homeowners right to rent. This could greatly affect your ability to be a Tahoe Donner

To the Board of Directors:
Here are my comments:





Noise ordinance 10 pm to 7 am agreed.

Is there precedence in other neighborhoods of associations in the state of California to register short term rentals to disclose the number of bedrooms? It seems governmental bodies are too far reaching, & if so is it necessary to establish a “tax” of \$150 registration fee a year? I can only imagine this fee increasing every year. If the TD BofD were to keep track of number of bedrooms per household then don’t charge the fee.

One hour response time is appropriate, not 30 minutes.

The limit of two occupants per bedroom is too restrictive. What happens if a home owner has bunk beds or sleeper sofas in their house which could increase the number of guests per bedroom beyond the 2 person limit. That’s much too restrictive.

Parking property in unpaved areas is understandable, but what if one has guests visiting for the holidays for a few days. Could there be a permit process with limited access & limited time.

TTVP should be able to attend a hearing on the home owners behalf.

Fines should be on a flat rate basis per violation per renter not per household.

Owners shouldn’t be punished for the actions of a short term renter.

Owners shouldn’t have restrictive limits on their right to rent. Unless it seems that TD is trying to limit rights to ultimately limit the number of renters in the area?

High fines are too excessive & should be congruent with fines imposed by other neighborhoods in the Truckee area .

I would like to amend my prior comments with some additional thoughts for the Board to consider as it relates to short term rentals. I have been talking with friends and neighbors in Tahoe Donner and what most concerns me is that **homeowners** should be taking a priority in our community. The purpose of the HOA and the Board is to protect our collective property so that homeowners can enjoy our wonderful mountain environment. The Board and the HOA were never intended to serve business interests associated with short term rentals. While I certainly do support the short term rental business concept, I do NOT accept that those interests override protecting the interests of homeowners who are trying to live comfortably and enjoy their property.





The simple fact is that a short term renter is a **transient occupant** in our community. They do not live here, they do not work here and they are not integrated into our community. Without enforced rules to govern their use of property within Tahoe Donner, we will continue to see noise problems, illegal fires, parking issues and other nuisances that are more likely from a transient guest than from a homeowner and resident. The more rental units we get, the more problems we will have and the more difficult it will be to fix any of the issues.

The time to act is now. Action is needed to make sure that business owners renting their property for income ensure all guests follow the same rules as all residents. **Being a transient guest does not give someone the right to ignore the rules that the rest of us follow.** Violations need to have repercussions, or the rules become meaningless.

There is simply no reason for any homeowner to be against the proposed rules, unless that homeowner knows full well that their guests cause problems OR the homeowner is putting their own business interests above the interests of their friends and neighbors who live here. In either case, I can find NO REASON for the Board to put the interests of a rental business above the interests of a resident who lives in TD either full time or part-time.

(Management Note: A Petition, as copied verbatim below, was sent in by 8 members total. Members requested the petition and their submission of the petition be included with disclosure of names in the public member comment document. Names of petitioners are listed below.)

**Petition
To**

**Reject the proposed, unnecessary, excessive, punitive, overreaching, and discriminatory new rules and associated fine schedule and
Further Amend rules to treat all Homeowners more equitably**

Dear Members of the TDA Board of Directors,

We, the undersigned, have been Association members for several years (as noted below). We have great reservations and concerns about the proposed New Covenants. They appear to be **unnecessary, excessive, punitive, overreaching, and discriminatory**. We urge you to take the entire Amendment package off the table.

Please consider the following:





(1) The entire Amendment is **discriminatory toward non-resident owners**. Non-resident TD owners are already being discriminated against, in favor of resident owners, in that **access to the coveted TD amenities is not treated fairly and equitably**. Specifically, for a small annual fee, four people from each property enjoy free access to certain valuable recreational TD amenities. These amenities are being maintained by the dues paid by resident and nonresident owners alike. While equitable treatment would mean that such access would be afforded to owners **or their designated guests**, free access is **unjustly and illegally** made available **only to owners, not their designees or guests**. This practice means that non-resident owners *de facto* are being required to subsidize resident owners. Ownership of the amenities is allocated undivided to each **property**, and the use privilege should be extended **per property, leaving it up to the discretion of the owner(s) of each property to which person(s) the use benefit is extended**. There is ample of precedence for this legal interpretation; the Sea Ranch Association (a similar size community with similarly attractive amenities in Northern California) does not discriminate. The subject amendment further promulgates this discriminatory situation by instituting new restrictions that adversely impact almost exclusively nonresidents and benefit almost exclusively resident members.

(2) Notwithstanding the discriminatory nature of the Amendment, the Amendment **lacks clear, explicit language that all new regulations are imposed on all owners**. Specifically, the prohibition of celebrating a wedding at a TD "STR" home is discriminatory and must, if found legal and reasonable in a court of law, **pertain to all TD homes**, i.e., no owner would be permitted to host a wedding in his TD home.

(3) It is your duty as our elected representatives to **act in fairness to all members**, not just to a selected group, such as permanent residents, or owners of smaller (vs. larger) residences. The prohibition of weddings and other events deemed to have "business" character is **discriminatory, excessive, and restrictive beyond reason** against TD owners of larger residences. A rule, if valid and fair, must not be devised in such a way that, by its character, it applies only to one or very few Association members. As proposed, the Amendment specifically discriminates against owners of large dwellings and, hence, exposes the TDA to costly legal action brought by such discriminated-against owners, which to defend the entirety of the membership has to pay for.

(4) **The envisioned \$150 annual fee is uncalled for, unnecessary, punitive, and discriminatory**. It is uncalled for, because owners who rent their homes are already paying, via both property taxes and Truckee rental taxes to help support the local police force. Specifically, TD owners who exercise their right to rent their home on the short term rental market already pay approximately 12% of the rents and cleaning fees received to the





Town of Truckee as TOT and TTBID tax. TDA should claim their fair share, if any, from these taxes, rather than levying new ones that are not payable by resident TD owners who do not rent their property.

(5) There is ***no need to establish and fund a new policing activity*** at TD. That is what the police of the Town of Truckee is intended and funded for.

(6) The envisioned type of private police force, if found legal in a court of law, would ***tend to overreach*** by issuing citations for minor infractions, even for no other reason but to establish a *raison d'être*. Furthermore, depending on the structure of the process for citations, the private police force could easily be misused by the small minority of permanent residents against non-resident owners who exercise their right to rent their property, by placing frivolous, non-urgent calls to the new private police force via the complaint line, and then enjoying seeing the fines pile up if these owners cannot respond as required, such as within the ill-advised 30-minute time frame.

(7) The proposed requirement for owners who rent their properties to be available by phone within ***30 minutes is unreasonable***. Owners may be indisposed, in a meeting, in an airplane, driving a vehicle, temporarily out of cell service, dealing with a personal emergency, or otherwise temporarily unavailable to respond to potentially frivolous issues — it is simply unreasonable to expect them to be near their phone 24/7/365 to receive a call; it is discriminatory against non-resident owners. Again, this is what we have the Truckee police for.

(8) If found reasonable and legal, there would then have to be a ***reasonable and workable complaint response procedure*** to deal with complaints. This procedure would have to provide for proper legal recourse sought by those fined for alleged transgressions. Again, this would expose the TDA to costly legal suits which all of us would have to pay for from our dues.

(9) The proposed schedule of fines is arbitrary and, on that count in and by itself, exposes the TDA to costly litigation.

Rather than imposing this new discriminatory Amendment, the aforementioned already existing discrimination of non-resident vs. resident TD owners should be eliminated.

The following aspects of the Proposed New Covenants are reasonable:

- property quiet hours
- outside lighting rules
- parking restrictions





— a set of sensible, reasonable fines for non-compliance

I am in agreement that some of these proposals are prejudicial and penalize those who rent their homes and are unnecessary. If TD would just get out and enforce the existing CC&Rs many of these issues would not exist.

Any rule, regulation or fine for non compliance should apply to ALL owners.

Elizabeth Creger

Dear Members of the TDA Board of Directors

We, the undersigned, have been TD Association members since 2000. We have great reservations and concerns about the proposed New Covenants. They appear to be **unnecessary, excessive, punitive, and discriminatory, and likely illegal**. We urge you to take the entire Amendment package off the table.

Please consider the following:

(1) Tahoe donner association is NOT a Gated Community. The TD association does not have any jurisdiction over roads, police, fire protection public services, sewer etc. It cannot enforce rules concerning public ordinances. These are the jurisdiction of the Town of Truckee. In fact, the association only has jurisdiction over TD amenities, and any jurisdiction over homeowners is limited to the agreement the homeowner signed at the time that they purchased their home.

(2) 85% of Tahoe Donner Homeowners use their houses as a 2nd home, and are not permanent residents. That 85% represents the majority use of Tahoe Donner and pay the overwhelming percentage of fees that keep Tahoe Donner in business as an association.

(3) The entire Amendment is **discriminatory toward non-resident owners**. Non-resident TD owners are already being discriminated against, in favor of resident owners, in that **access to the coveted TD amenities is not treated fairly and equitably**. Specifically, for a small annual fee, two people of each property enjoy free access to certain valuable recreational TD amenities. These amenities are being maintained by the dues paid by resident and nonresident owners alike. While equitable treatment would mean that such access would be afforded to owners **or their designated guests**, free access is **unjustly and illegally** made available **only to owners, not their designees or guests**. This practice means that non-resident owners *de facto* are being required to subsidize resident owners. Ownership of the amenities is allocated undivided to each **property**, and the use privilege should be extended **per property, leaving it up to the discretion of the owner(s) of each property to which person(s) the use benefit is extended**. There is ample of precedence for this legal interpretation; the Sea Ranch Association does not discriminate. The subject amendment further promulgates this discriminatory situation by instituting new restrictions that adversely impact almost exclusively nonresidents and benefit almost exclusively resident members.

(4) Notwithstanding the discriminatory nature of the Amendment, the Amendment **lacks clear, explicit language that all new regulations are imposed on all owners**. Specifically, the prohibition of celebrating a wedding at a TD "STR" home





is discriminatory and must, if found legal and reasonable in a court of law, **pertain to all TD homes**, i.e., no owner would be permitted to host a wedding in his TD home.

(5) It is your duty as our elected representatives to **act in fairness to all members**, not just to a selected group, such as permanent residents, or owners of smaller (vs. larger) residences. The prohibition of weddings and other events deemed to have “business” character is **discriminatory, excessive, and restrictive beyond reason** against TD owners of larger residences. A rule, if valid and fair, must not be devised in such a way that, by its character, it applies only to one or very few Association members. As proposed, the Amendment specifically discriminates against owners of large dwellings and, hence, exposes the TDA to costly legal action brought by such discriminated-against owners, which to defend the entirety of the membership has to pay for.

(6) **The envisioned \$150 annual fee is uncalled for, unnecessary, punitive, and discriminatory.** It is uncalled for, because we are already paying, via our property taxes, to the town of Truckee and its police force. Furthermore, all TD owners who exercise their right to rent their home on the STR market already pay a high percentage (12%) of the rents and cleaning fees received to the Town of Truckee as TOT and TTBD tax. TDA should claim their fair share, if any, from these taxes, rather than levying new ones that are not payable by resident TD owners who do not rent their property.

(7) There is **no need to establish and fund a new policing activity** at TD. That is what the police of the Town of Truckee is intended and funded for.

(8) The envisioned type of private police force, if found legal in a court of law, would **tend to overreach** by issuing citations for minor infractions, even for no other reason but to establish a *raison d'être*. Furthermore, depending on the structure of the process for citations, the private police force could easily be misused by the small minority of permanent residents against non-resident owners who exercise their right to rent their property on the STR market, by placing frivolous, non-urgent calls to the new private police force via the complaint line, and then enjoying seeing the fines pile up if these owners cannot respond as required, such as within the ill-advised 30-minute time frame.

(9) The proposed requirement for owners who rent their properties to be available by phone within **30 minutes is unreasonable**. Owners may be indisposed, or in a meeting, or in an airplane or on a road travel — it is simply unreasonable to expect them to be near their phone 24/7/365 to receive a call, it is discriminatory against non-resident owners. Again, this is what we have the Truckee police for.

(10) If found reasonable and legal, there would then have to be a **reasonable and workable complaint response procedure** to deal with complaints. This procedure would have to provide for proper legal recourse sought by those fined for alleged transgressions. Again, this would expose the TDA to costly legal suits which all of us would have to pay for from our dues.

(11) The proposed schedule of fines is arbitrary and, on that count in and by itself, exposes the TDA to costly litigation.

Rather than imposing this new discriminatory Amendment, the aforementioned already existing discrimination of non-resident vs. resident TD owners should be eliminated.

The following aspects of the Proposed New Covenants are reasonable:

— property quiet hours from 10PM to AM.

— outside lighting rules





— a set of sensible, reasonable fines for non-compliance of any abuse of amenities that TDA controls, that applies to ALL residents of Tahoe Donner, regardless of their chosen method of occupying their private residence.

Pete and Elle Killcommons

We respectfully submit this email to you with the request to please make it available, in its entirety, to all members of the TDA Board of Directors prior to the upcoming (8/18) Board meeting. It is indeed very important to us to know that they receive this information in time for their deliberations on this important issue.

Dear Members of the TDA Board of Directors

We, the undersigned, have been TD Association members since 2004. We have great reservations and concerns about the proposed New Covenants. They appear to be ***unnecessary, excessive, punitive, and discriminatory***. We urge you to take the entire Amendment package off the table.

Please consider the following:

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Rather than imposing this new discriminatory Amendment, the aforementioned already existing discrimination of non-resident vs. resident TD owners should be eliminated.

The following aspects of the Proposed New Covenants are reasonable:

- property quiet hours
- outside lighting rules
- parking restrictions
- a set of sensible, reasonable fines for non-compliance

Respectfully submitted,
Klaus and Gundi Heinemann

Please forward this to the rest of the Board.

Petition To Reject the proposed discriminatory, excessive, punitive, and overreaching, and new rules and associated fine schedule and Further Amend rules to apply to all Homeowners.

Dear Members of the TDA Board of Directors,

We have been Association members for several years (as noted below). I, Nicole Mason, personally have been an active member in TDA, as a board member for the Skibowl Lodge Condos (lodgettes) for a few years nearly 10 years ago and before I purchased my current property at the skibowl condos. I am also a member of the STR task-force. We have great reservations and concerns about the proposed New Covenants. They appear to be ***unnecessarily discriminatory as well as overreaching and impractical in some ways***. We urge you to revise the Amendment package to enforce TD rules equally among all owners, rather than apply the proposed rules and fines only to STR. **Long term rentals should also be subjected to registration with TDA and all owners should be subject to the fine procedures.**

Please consider the following:

1. The task force assigned to study this issue collected membership feedback and reported to the Board that there was a uniform concern about a general lack of enforcement of TDA's existing rules, and that





defined quiet hours were needed. The task force recommended a proposal, including rules and enforcement, that applied to **all** owners, noting that such a measure would address STR and non-STR issues. This is important due to the lack of STR reacted data and in order to serve the community by addressing the underlying issues: noise, parking etc. **Please apply enforcement rules to ALL homeowners, whether they LTR, STR or not.**

2. The entire Amendment is **discriminatory toward non-resident owners**. Non-resident TD owners effectively subsidize amenities for resident owners. The amenities are being maintained by the dues paid by resident and nonresident owners alike. Most Non-resident owners who STR use TD as their second home, not simply an investment property. We love TD and want to know that we have equal recourse against any other owner who disturbs us when we are there. STR enables people to have second homes and raises property values in TD. Anything that discriminates and/or restricts STR will lower property values for everyone in the TD community

3. The Amendment **lacks clear, explicit language that all new regulations are imposed on all owners**. Specifically, the prohibition of celebrating a wedding at a TD "STR" home is discriminatory and must, if found legal and reasonable in a court of law, **pertain to all TD homes: no owner should be permitted to host a wedding in his TD home.**

4. It is the duty of the Board to represent and look after the interests of ALL owners, not just resident owners who do not STR **and/or** owners of large residences.

5. **The envisioned \$150 annual fee is uncalled for, unnecessary, punitive, and discriminatory.** It is uncalled for, because owners who rent their homes are already paying, via both property taxes and Truckee rental taxes to help support the local police force. Specifically, TD owners who exercise their right to rent their home on the short term rental market already pay approximately 12% of the rents and cleaning fees received to the Town of Truckee as TOT and TTBID tax. TDA should claim their fair share, if any, from these taxes, rather than levying new ones that are not payable by resident TD owners who do not rent their property.

6. The envisioned type of private police force, if found legal in a court of law, would **tend to overreach** by issuing citations without due process/verification. Furthermore, based on the structure of the process described in this proposal, fines and restrictions on rights of ownership can be levied in error without any meaningful recourse, rebuttal or defense by the Non-resident owner who STRs. The





proposed process could easily be misused and abused by residents against non-resident owners who exercise their right to rent their property, by placing frivolous, non-urgent calls.

7. The proposed requirement for owners who STR their properties to be available by phone within **30 minutes is unreasonable**. And what about LTRs? Owners may be indisposed, in a meeting, in an airplane, driving a vehicle, temporarily out of cell service, dealing with a personal emergency, or otherwise temporarily unavailable to respond to potentially frivolous issues — it is simply unreasonable to expect them to be near their phone 24/7/365 to receive a call; it is discriminatory against non-resident owners. The Truckee police can be called and the owner should be immediately emailed with a description of what occurred if not reached by phone, and provided with a copy of any police report.

8. First a complaint should need to be verified and documented to be a true violation of TDA rules. And there needs to be a **reasonable and workable complaint response procedure** to deal with valid complaints. This procedure would have to provide for proper and legal recourse sought by those fined for alleged transgressions. Anything short of this would expose the TDA to costly law suits which all of us would have to pay for from our dues.

Rather than imposing this new discriminatory Amendment, the existing TDA rules that apply to all owners should be clarified and equally enforced in a manner that requires complaints to be verified, documented and provides a real opportunity for no -resident owners (and all owners) to respond to allegations. Quiet hours should be explicitly stated in CC&Rs. And anything that would create different classes of ownership with differing right as between non-resident vs. resident, STR vs LTR, or otherwise, among TD owners should be eliminated.

Here are some specific thoughts on some of the language in the proposed covenants:

“It is required the Owner obtain an acknowledgement from the renter that they have reviewed the rules and agree to comply with them. “ Most owners who rent are getting an implied or implicit acknowledgment, not an explicit one like this feels to describe. Taken exactly as written, this is impractical as it is difficult, if not impossible, to get. Also it adds no value when sites like Airbnb have an equivalent mechanism that binds users/renters to comply with rules posted and referenced by owners in their listing and “house rules”. This proposal could be interpreted to disregard modern solutions and deem them to not fully comply.





Item d under enforcement: An owner's right to personally use amenities/common areas should not be suspended...I may be ok with their guest passes being suspended temporarily for a period of time stated upfront in the rules.

Item f under enforcement- this is overreaching and arbitrary.

Also, there does not seem to be a procedure set forth for any Hearing preceding fines- any hearing should only happen when the owner is able to attend to represent themselves.

In short, fines and other enforcement rules and procedures should be applied to ALL property owners, not just those who STR, and must provide complaint verification and a viable opportunity to refute allegations rather than a presumption of fault and semi-automatic levying of penalties.

Sincerely,

Nicole Mason and Anuj Purwar

I have been Association members since 2002. I have great reservations and concerns about the proposed New Covenants. They appear to be **unnecessary, excessive, punitive, overreaching, and discriminatory**. I urge you to take the entire Amendment package off the table.

Please consider the following:

(1) The entire Amendment is **discriminatory toward non-resident owners**. Non-resident TD owners are already being discriminated against, in favor of resident owners, in that **access to the coveted TD amenities is not treated fairly and equitably**. Specifically, for a small annual fee, four people from each property enjoy free access to certain valuable recreational TD amenities. These amenities are being maintained by the dues paid by resident and nonresident owners alike. While equitable treatment would mean that such access would be afforded to owners **or their designated guests**, free access is **unjustly and illegally** made available **only to owners, not their designees or guests**. This practice means that non-resident owners *de facto* are being required to subsidize resident owners. Ownership of the amenities is allocated undivided to each **property**, and the use privilege should be extended **per property, leaving it up to the discretion of the owner(s) of each property to which person(s) the use benefit is extended**. There is ample of precedence for this legal interpretation; the Sea Ranch Association (a similar size community with similarly attractive amenities in Northern California) does not discriminate. The subject amendment further promulgates this discriminatory situation by instituting new restrictions that adversely impact almost exclusively nonresidents and benefit almost exclusively resident members.

(2) Notwithstanding the discriminatory nature of the Amendment, the Amendment **lacks clear, explicit language that all new regulations are imposed on all owners**. Specifically, the prohibition of celebrating a wedding at a TD "STR" home is discriminatory and must, if found legal and reasonable in a court of law, **pertain to all TD homes**, i.e., no owner would be permitted to host a wedding in his TD home.

(3) It is your duty as our elected representatives to **act in fairness to all members**, not just to a selected group, such as permanent residents, or owners of smaller (vs. larger) residences. The prohibition of weddings and other events deemed to have "business" character is **discriminatory, excessive, and restrictive beyond reason** against TD owners of larger residences. A rule, if valid and fair, must not be devised in such a way that, by its character, it applies only to one or very few Association members. As proposed, the Amendment specifically discriminates against owners of large dwellings and,





hence, exposes the TDA to costly legal action brought by such discriminated-against owners, which to defend the entirety of the membership has to pay for.

(4) **The envisioned \$150 annual fee is uncalled for, unnecessary, punitive, and discriminatory.** It is uncalled for, because owners who rent their homes are already paying, via both property taxes and Truckee rental taxes to help support the local police force. Specifically, TD owners who exercise their right to rent their home on the short term rental market already pay approximately 12% of the rents and cleaning fees received to the Town of Truckee as TOT and TTBID tax. TDA should claim their fair share, if any, from these taxes, rather than levying new ones that are not payable by resident TD owners who do not rent their property.

(5) There is **no need to establish and fund a new policing activity** at TD. That is what the police of the Town of Truckee is intended and funded for.

(6) The envisioned type of private police force, if found legal in a court of law, would **tend to overreach** by issuing citations for minor infractions, even for no other reason but to establish a *raison d'être*. Furthermore, depending on the structure of the process for citations, the private police force could easily be misused by the small minority of permanent residents against non-resident owners who exercise their right to rent their property, by placing frivolous, non-urgent calls to the new private police force via the complaint line, and then enjoying seeing the fines pile up if these owners cannot respond as required, such as within the ill-advised 30-minute time frame.

(7) The proposed requirement for owners who rent their properties to be available by phone within **30 minutes is unreasonable**. Owners may be indisposed, in a meeting, in an airplane, driving a vehicle, temporarily out of cell service, dealing with a personal emergency, or otherwise temporarily unavailable to respond to potentially frivolous issues — it is simply unreasonable to expect them to be near their phone 24/7/365 to receive a call; it is discriminatory against non-resident owners. Again, this is what we have the Truckee police for.

(8) If found reasonable and legal, there would then have to be a **reasonable and workable complaint response procedure** to deal with complaints. This procedure would have to provide for proper legal recourse sought by those fined for alleged transgressions. Again, this would expose the TDA to costly legal suits which all of us would have to pay for from our dues.

(9) The proposed schedule of fines is arbitrary and, on that count in and by itself, exposes the TDA to costly litigation.

Rather than imposing this new discriminatory Amendment, the aforementioned already existing discrimination of non-resident vs. resident TD owners should be eliminated.

The following assets of the Proposed New Covenants are reasonable:

- property quiet hours
- outside lighting rules
- parking restrictions
- a set of sensible, reasonable fines for non-compliance

Jan Mike Heinemann



Dear Respected Tahoe Donner Board Members,

We would like to respond to the new **Covenant Changes**.

We have enjoyed our property for 14 years. We are in good standing with our neighbors. We look out for each other. We recently started renting our property, and in preparation, we have contacted all our neighbors and given them our contact information if there is any annoyance.

We are disappointed with the proposed “New Covenants Short-Term Rental Rules and Fine Schedule”. We are required to pay transient tax to the city.

We do not understand why and how the funds of the proposed \$150 will be used. What is the purpose?

There are already well laid out guidelines for residences and overall home/living behaviour on the books.

We are in good standing with our neighbors and respond quickly to renters and neighbors. The window of thirty-minutes for the owner to respond is unreasonable. I make myself available, but my work does not allow us to be available by phone at all times.

We understand the issue of parking, and we already inform our potential renters of the restrictions. The important Tahoe Donner HOA guidelines for the renters are furnished to them in several ways before they rent and arrive to the property.

If we are required to have an emergency evaluation route posted, we will need to be educated by the association. We have local maps and local emergency contacts available to the renters.

We are disheartened by the potential of a \$500 fine. We care for Tahoe Donner and we respect the area. If our renters do not, they are asked to leave immediately.

We request that you do not punish caring and responsible members of the association.

August 13, 2018

Dear Members of the TDA Board of Directors:

Thank you for your efforts to figure out a way to regulate Short Term Rentals in Tahoe Donner. I have attended the last meeting and have already spoken at that meeting, but I would like to send this letter to reiterate my thoughts and ideas.

BEFORE I COMMENT ON YOUR PROPOSED NEW SHORT-TERM RENTAL RULES, PLEASE BE AWARE THAT IN THE JULY ISSUE OF THE 'TAHOE DONNER NEWS', on page 26 and on page 27, WHICH EXPLAINS THE "45-DAY NOTICES", YOU HAVE POSTED THAT THE MEETING WILL BE ON SATURDAY, AUGUST 19! DEPENDING ON WHETHER PEOPLE FOCUS ON THE DAY OR THE DATE, THIS COULD TRIGGER A NEW 45 DAY REVIEW PERIOD.

That said, I agree with a lot of what you are proposing, but there are some items that I would like to address and hopefully you will agree with my views and implement my suggestions and make changes.

For starters, any and all of the rules need to apply to everyone - Owners, their Family Members, their Guests, and their Short-Term Renters.

1. STR Registration: I am baffled why you want to charge an excessive annual fee of \$150. Your 45-day Notice does not explain why this is being levied. How can you expect us to agree to that if we have no idea why that is being levied? It is excessive and punitive for unknown reasons.
2. Real-Time Contact: Requiring a live person to be available within 30 minutes 24 hours a day/7 days a week is downright bizarre. At the June meeting I already informed you that my showers take longer than 30 minutes, but I could also be in a meeting, trying to get a baby to sleep or driving. This proposed rule sounds to me like you are promoting that STR owners hire management companies that would be available 24 hrs a day/7 days a week. I assume that you have investigated that there are such companies, because otherwise this really makes no sense at all. If you indeed enforce this rule, then I demand that anyone on your Board, TD Staff, and family members who may have an implied or a real connection with such a company, recuse themselves from voting on this issue. 3.Complaint Response – See above # 2.
3. Compliance + Notification: I have no problem with providing a list of applicable TD rules – I already have that as part of my package which the renters sign as part of the rental agreement and I also have it in the house.
However, I have no clue what you mean with providing renters emergency evacuation information. Do you really mean that I need to explain to them where the doors are, or how to open a window? Or do you mean how to escape if there is a forest fire?
4. Occupancy: No problem with that. I already do that.

5. **Parking:** I have enough covered and paved parking spaces, but I have noticed that there are people who have parked their cars on unpaved areas. I suggest that rather than levying a hefty fine on the owner, those vehicles simply get towed and the owner of the vehicle can go and retrieve it and pay the towing charge. Problem solved. They won't do it again. I'll put money on that.
6. **Short-Term Rental Violation Enforcement And Fine Schedule:** Why the heavy handedness? We haven't even tried this yet and already you are demanding that huge fines be levied! I suggest that you start with \$100, then \$250, etc. and see how that goes. I was really blown away by this. In # d. you want to suspend access to common areas or common facilities for the Owner or Short Term Renter "(except for ingress and egress to the property)". What does that mean? # e. This must apply to ALL people, not just ST Renters who may violate rules.
7. You are proposing to recommend that each STR agreement should include a deposit to cover any fines that may arise. I, and I'm sure all STR property owners, already have a deposit included which gets refunded when no damage has occurred. And this makes me wonder if you have ever read VRBO's and AirBnB's guarantees? They guarantee \$1,000,000 for damages which I'm sure includes violations of this sort. These companies are amazingly easy to work with in this respect. Not that they just give \$\$ away – they go after the renters, but as owner, I got paid immediately. ****And, very important, IF you levy fines, you MUST do that immediately, as in no later than the day after the ST Renters have left, because we refund the deposit within two days of their departure and there would be no way to recoup the fine after the refund has been made! If a renter makes a violation, then they should pay the fine, not the owner.****
8. And lastly, Oh, my, you really got me with this one... Our house is almost at the top of Skislope Way. Yes, we have a landline, because we have NO cell phone access unless it's T-Mobile, but most people have Verizon or AT&T, etc. We've talked with American Tower, they have no plans to add other cell phone companies. We've talked to TD staff, they have no answer. We've talked to Suddenlink who wants \$150,000 ! up front - but the lower TD property owners never had to pay any money for cell phone access. We have complained to the TD Association to no avail. I know this has nothing to do with The Rules, but this needs to be available for ALL TD properties, and the same goes for the snow plows, btw, who can't be bothered to clear our area.

Thank you for reading all this, and I'm sorry I won't be able to attend the meeting.



August 17, 2018
10:00 p.m.

MEMBER COMMENTS:
PROPOSED NEW SHORT TERM RENTAL RULES AND ENFORCEMENT PROCEDURES
PROPOSED NEW AND AMENDED PRIVATE PROPERTY RULES
August 17, 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 August 17, 2018. A total of 17 comments were received. Names, addresses and email addresses were redacted with exception to petition, see below.

I would like to begin by stating that my wife and I love Tahoe Donner and all the amazing facilities it offers. Unfortunately, we do not have the luxury of being able to live in TD full-time, but we try to spend as much time on the hill as we can. Because of this, and because we did not purchase our home to be a remote investment property, we rely on short term rental (STR) of our property to keep our dream alive.

With this perspective, I would like to register my strong objection to the new short-term rental (STR) rules as currently proposed for the Aug 18, 2018, board hearing. My primary objects are:

1. These new rules appear to discriminate against the class of TD owners who engage in short-term rentals. For example, by singling out STR owners only, the implication is that long-term renters (LTR) or on-hill residents do not need to adhere to parking limits or respond to complaints in a timely manner should they or their guests exhibit nuisance behavior. Why do LTR owners not need to obtain acknowledgment from renters of compliance with TD rules, or conform to occupancy limits? Why should only STR owners be fined for violation of TD rules? If the argument is that these rules are less applicable to other classes of owners then it should not be an issue to apply them to all owners and renters uniformly. Ideally, we would start from an inclusive stance that all owners must comply with TD rules and that we are all responsible for ensuring that any renters and guests also comply with the same rules.
2. The reason for these new rules is not explained or justified, making it impossible to assess how reasonable they are. For example, what is driving these proposed changes and how are each of the individual rules going to fix these issues? Why should there be an





additional annual fee levied against STR owners and what will this money be used for? Given that these rules imply a significant financial burden on STR owners (e.g., in order to maintain a 30-minute response 24/7 support system) those affected should be informed of the underlying problem, it's scale and prevalence, and should have a say in the specific solutions that are adopted.

Thank you for your time considering my feedback. I am very supportive of keeping TD a safe and happy community, however, these new rules seem to be overreaching and inequitable in their current form and I urge the board to not adopt them.

I am writing in strong support of Board approval of the new and amended Covenants Private Property Rules and the Covenant Short-Term Rental and Enforcement Procedures to be discussed at the Aug 18 Board Meeting. These are common sense protections for all Tahoe Donner members.

MY COMMENTS FOR-- 45-DAY NOTICE: PROPOSED NEW COVENANTS SHORT-TERM RENTAL RULES AND FINE SCHEDULE

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The "new" rules are un-needed and repeat what is already laid out in the CCRs -- which makes sense since short term rentals have been around since Tahoe Donner was formed.

We all expect owners and lessees to adhere to Tahoe Donner HOA rules and there is an existing framework to handle when this does not happen. While there maybe a handful of homes causing periodic nuisances -- the remedy is already outlined in the CCRs.

It seems like the current crack down is lead by a small minority of full time residents who moved into Tahoe Donner knowing many houses were leased on a short term basis and would now would like to change this so they can enjoy the amenities and streets for themselves (with the infrastructure subsidized by their neighbors who don't live there full time).

-- Requiring owners to stay up all night and be on call 24/7 is not needed. Truckee police should be called when laws are being violated. Tahoe Donner HOA remedies have a documented process to follow. The way this has been proposed is ripe for abuse by over zealous bad faith complainants.





-- Having fines specific to STRs (instead of applying to all homes) isn't acceptable. If non STRs would like to increase the fines, this is okay -- but they increased fines should apply to all homes consistently. I have kept the fine schedule as proposed below, but it is possible the owners asking for this would reduce the fines if they also applied to them (feel free to adjust).

-- STRs should not pay additional registration fees. All complaints should all be handled via the same processes. The office should have a list of all homeowner contact information. I haven't seen evidence that shows the complaint rate on STRs is higher than non-STRs. Short term leasees themselves are already supplementing the amenities for full time residents (even more so after the 2018 amenity fee increase). What's next, should STR's pay twice as much in HOA fees?

-- The "land line" suggested requirement is nonsensical. The owner would not be in the house if a STR complaint was being made and land lines are not more dependable than land lines, especially in Tahoe Donner.

Because the majority of this is covered within the existing rules, I would simplify this to an informational post -- which I did a first draft of below.

Tahoe Donner is occupied with a combination of 2nd home owners, full time home owners, short term lease visitors and long term lease renters. Please note:

- When leasing a property (both short and long term) owners must provide a list of applicable Tahoe Donner rules and have any lessee acknowledge the rules as part of the lease terms. [Article 2, Section 3A of the CCRs]

- All owners and leasees must obey the existing rules and regulations, including provisions which prohibit "nuisance" behavior. Owner are responsible for the fines and other potential consequences of their leasee's behavior. [Article 2, Section 3B of the CCRs]

- To report a complaint, please see the [Covenants Complaints and Enforcement](http://www.tahoedonner.com/covenants-complaints-and-enforcement/) (<http://www.tahoedonner.com/covenants-complaints-and-enforcement/>).

- In the event of a potential violation of the rules, the owner will receive a Notice of Hearing as provided in the Rules Enforcement Procedures. [Article 2, Section 3C of the CCRs]

- In the event a violation is found, TDA Board has the ability to assign fines and other disciplinary action. As of 8/2018 the Board plans to enforce nuisance fines as below,





although it retains the right to adjust fines up or down as it deemed appropriate. [Article 2, Section 3C of the CCRs].

a. First violation -- a fine of five hundred dollars (\$500)

b. Subsequent violations - occurring within a one-year period from the first hearing - a fine which increase by \$500 per occurrence (e.g. 3rd violation would be \$1500).

I have lived in Tahoe Donner part-time from the year 2000 through 2007, and full-time since then. I have never done, and I don't plan to do, any short-term rentals, but as a full-time resident who is affected by what goes on around me, I submit the following comments.

The proposal to require a 30-minute response person, and to respond to any complaint within 30 minutes, is not reasonable. I work part time in Reno as an attorney, and part time at Northstar as a snowboard instructor. When I am at work at either job, I could not respond to a complaint within 30 minutes. My only alternative would be to engage a professional on-site property manager. The cynic in me wonders if there's a professional property manager behind this rule who would benefit from it, but even if this is not so, it is not reasonable to impose such a requirement on a property owner.

While this requirement would not affect me directly in that I don't do short-term rentals, it would affect my fellow property owners, and I object strenuously to it. I do not want my Association imposing this kind of rule on my neighbors.

Moreover, even though the rule at present would only apply to short-term rentals, once we start down this road it's only a question of time until it is extended to all rentals and even to house guests.

Indeed, I have to wonder how a weekend house guest is to be distinguished from a short-term renter. What if my house guest gives me a bottle of wine or a gift certificate to a local restaurant, or invites me to stay at their house in return for their staying here with me (various ones of my house guests have done each of these things)? Does this consideration make them into short-term renters? This rule could easily put me in the position of either having to hire a property manager or never having house guests; neither alternative is acceptable.

I think the requirements in our existing CC&Rs are sufficient, and I oppose this rule. I urge the Board not to adopt it.





Thank you so much for your consideration of changes to the rules regarding short term rentals. Recently my next door neighbor has begun renting their house through an online service. It has greatly impacted my family's ability to enjoy our own house. The renters have been very loud and disruptive. Music blaring, late night parties, lots of cars, and zero consideration for surrounding properties. It is extremely upsetting to feel like you cannot comfortably be in your own home because of the short term renters next door. While for each of the groups of renters it is a single weekend of partying, for us it ends up being weekend after weekend of extreme noise.

I appreciate your efforts to address these types of problems in the TD community. I think that defining quiet times, requiring owner response, and instituting a fee are all reasonable solutions. I would appreciate being able to report violations without being directed to the Truckee police. I understand that the police offer an "official" record of the violation, but it doesn't seem appropriate to require police intervention for most STR violations.

Again, thank you for focusing on the issues of STRs within our community. I love living in Tahoe Donner and want to preserve what makes it such a special place.

I am in support of this plan! In July, I was woken up in the middle of the night by loud, drunk, short-term renters who arrived at my next-door neighbor's house after 10:30PM and stayed up partying on their deck until 3:30 AM. I appreciate the association taking on this difficult problem to keep Tahoe Donner a beautiful mountain community.

As part of this plan, please make it clear how homeowners are supposed to report complaints. Today it is not clear what process we should follow at 3:30AM.

Thank you for sharing the proposed changes to the STR and private property rules that are being discussed at the August 18 board meeting. For the most part, they seem reasonable and common sense. The one that I think is problematic is the 30 minute owner response window for all complaints. I would certainly make every effort to respond as quickly as possible, but it seems unreasonable and arbitrary to require a response within 30 minutes. There may be times that I am not in cell phone range or traveling in which I can't respond within 30 minutes, and it seems excessive that I would be fined \$500 for not being able to be reached that quickly. Thirty minutes is too short of a window in which to respond.

Please vote no on the proposed change, this proposed change does not go far enough. For all the work put in by STR committee it is disappointing the changes can be summed up by only 3 poorly written, and weak new rules, written by a investor lobby with a financial





conflict of interest. These new rules will only serve to encourage more investors to transform and degrade TD.

The most important element the BOD must address, is the existing covenant that a residential business must have no increase in traffic or parking. This rule is completely undefined, unmonitored, and unenforced. This is the core issue to address concerning the many STR problem properties.

The Board must decide at what level of STR usage constitutes a level of increased traffic or parking. This could be done by restricting the number of renters at any single time, restricting the number of rental days, or a combination of both with a annual user day allotment. Anything more than 12 renters at a single time is too impactful for the neighboring properties, and is asking for trouble in the form of noise, traffic or parking.

A bedroom should be defined as a sleeping room with walls, a door, a closet, and fire egress

For the Board members that think this is a starting point and we can add on later. Please get its right the first time. The board will not want to address this issue again.

The \$150 permit fee is far to low considering the amount of resources TD has already devoted to this issue, and the future cost for monitoring. For comparison the TD fee to build a house is \$4200

TD streets are owned by the Town. TD has no control over street parking. Renters will use evasive measures by just parking 2 doors away

The language of “residential use only” is far to broad, and impossible to monitor or enforce.

For those concerned about creating a separate category for STR. Yes absolutely there should be a separate category due to high frequency usage and turnover, large rental group size, and a party type atmosphere STR rental groups bring.

TD is being changed from a place where people live with a active family based community. Into a mass of out of town investors that own mini motel party houses.

-
1. Quiet hours should be from 9 pm to 8 am. Many people go to bed at 9; and 7 am is too early to have construction noise such as drills, etc
 - 2 We already have rules in place. No lights is unreasonable, esp if Member is elderly or lives





alone. A Burglar could already be too close to entrance by the time the sensor activates.

3 I've discontinued renting my home 19 years ago. However I feel you will make it much too difficult for those members that do want to rent.

4. Shame on you for proposing so many penalties and fines. Your wasting too much time on that. Why don't you do something nice for members such as making internet available???, charging less at the Lodge , etc

5. Members pay more and get less, but that did not have to be the case! I don't approve how you spend my money 😞. Who do you think we are! This is not Beverly Hills!
I would not have approved buying more land , spending too much on golf course, etc and etc.

I speak to other members and guess what.
They do not approve of what the Board is doing, they are not happy with the Home Owners Ass. I do not stand alone.

As another TD homeowner I wanted to mention that I am puzzled by the \$150 annual fee, which seems arbitrary and exorbitant. I conclude with ____ that a nominal fee of \$10-15 seems much more reasonable.

We have owned our 2nd home on Hillside Drive since 2010 and have been successfully renting our home through Tahoe Luxury Properties for the past 6 years (with almost no problems with well over 100 sets of renters over that time period). Similar to many homeowners, we rely on rental income to offset the costs of ownership. If not for the ability to rent well, we would likely need to sell our Tahoe Donner home.

I have read other emails and letters from other Tahoe Luxury Property homeowners and agree with a lot of their points. A lot of the provisions and fines as currently proposed seem quite draconian and may in fact have undesired effects (including safety issues). For example, our management company leaves the front lights on for the arrival of the renters. However, sometimes due to unforeseen circumstances, the renters don't arrive until well after 10 pm (due to weather or issues on I-80). Arriving without the assistance of front lighting can be hazardous or even dangerous since the renters are not familiar with the property and can be exposed to hazards, especially during weather. This really needs to be thought through well, and if fines still are part of the proposal, then they should be reasonable. \$500 fines for lights on after 10 pm are not reasonable.

Our management company will be our first contact for any noise complaints and I anticipate will be able to respond accordingly.





This entire plan needs to be thought through well, fairly, and not create other unintended consequences (such as lower home values since homes in Tahoe Donner won't be able to rent well anymore with draconian measures in place)

Thank you for your time. I will not be able to be at the meeting but hope this email still will be read

Our family is in absolute agreement with the new rules regarding STR rentals. We have owned our home in TD since 2004 and also rent our cabin part time. We believe these rules are necessary in preserving the quaint environment of our community. Unfortunately, we have also had to deal with the downside of renters near us that were disrespectful when it came down to the common courtesy guidelines, etc. Homeowners must also understand that noise and light pollution don't belong in Tahoe Donner. These new rules will benefit everyone and allow us all to enjoy the outdoor lifestyle and mountain community of Tahoe Donner. After all, this is why we are here.

(Management Note: A Petition, as copied verbatim below, was sent in by 9 members total for all Member Comment documents. Members requested the petition and their submission of the petition be included with disclosure of names in the public member comment document. Names of petitioners are listed below.)

Hello,

I am writing to express my concerns about the proposed new STR and Private Property Rules. I have been Association members since 2002 and have concerns about the proposed New Covenants. They appear to be **unnecessary, excessive, punitive, overreaching, and discriminatory**.

Below are my concerns:

- the Amendment **lacks clear, explicit language that all new regulations are imposed on all owners**. Specifically, the prohibition of celebrating a wedding at a TD "STR" home is discriminatory and must, if found legal and reasonable in a court of law, **pertain to all TD homes**, i.e., no owner would be permitted to host a wedding in his TD home.

- **The envisioned \$150 annual fee is uncalled for, unnecessary, punitive, and discriminatory**. It is uncalled for, because owners who rent their homes are already paying, via both property taxes and Truckee rental taxes to help support the local police





force. Specifically, TD owners who exercise their right to rent their home on the short term rental market already pay approximately 12% of the rents and cleaning fees received to the Town of Truckee as TOT and TTBID tax. TDA should claim their fair share, if any, from these taxes, rather than levying new ones that are not payable by resident TD owners who do not rent their property.

- There is ***no need to establish and fund a new policing activity*** at TD. That is what the police of the Town of Truckee is intended and funded for.
- The envisioned type of private police force, if found legal in a court of law, would ***tend to overreach*** by issuing citations for minor infractions, even for no other reason but to establish a *raison d'être*. Furthermore, depending on the structure of the process for citations, the private police force could easily be misused by the small minority of permanent residents against non-resident owners who exercise their right to rent their property, by placing frivolous, non-urgent calls to the new private police force via the complaint line, and then enjoying seeing the fines pile up if these owners cannot respond as required, such as within the ill-advised 30-minute time frame.
- The proposed requirement for owners who rent their properties to be available by phone within ***30 minutes is unreasonable***. Owners may be indisposed, in a meeting, in an airplane, driving a vehicle, temporarily out of cell service, dealing with a personal emergency, or otherwise temporarily unavailable to respond to potentially frivolous issues — it is simply unreasonable to expect them to be near their phone 24/7/365 to receive a call; it is discriminatory against non-resident owners. Again, this is what we have the Truckee police for.
- If found reasonable and legal, there would then have to be a ***reasonable and workable complaint response procedure*** to deal with complaints. This procedure would have to provide for proper legal recourse sought by those fined for alleged transgressions. Again, this would expose the TDA to costly legal suits which all of us would have to pay for from our dues.
- The proposed schedule of fines is arbitrary and, on that count in and by itself, exposes the TDA to costly litigation.

Rather than imposing this new discriminatory Amendment, the aforementioned already existing discrimination of non-resident vs. resident TD owners should be eliminated.

The following assets of the Proposed New Covenants are reasonable:





- property quiet hours
- outside lighting rules
- parking restrictions
- a set of sensible, reasonable fines for non-compliance

Annabel Heinemann

I am **opposed** to the proposed changes to the covenants related to private property rules and short term rentals.

My first concern is the **lack of hard data** on which to base conclusions. We seem to have many assumptions based on anecdotes. How pervasive are these issues? Do many homes have problem owners or tenants? Or are the problems concentrated in certain homes? What is the frequency and trend? What are the problems exactly? The Board should focus on quantifying the issues as a next step – before proposing solutions.

I would advocate for **better coordination and collaboration with the Truckee Police Department**. They are trained and experienced in responding to noise complaints and other similar issues. Why isn't our community leveraging the police to resolve these issues in the moment if it's such a big problem?

I oppose building our own enforcement agency. Here's why:

- It is **completely unreasonable** to demand that owners be available within 30-60 minutes or face fines. I am stunned that this is even under consideration. What an onerous requirement. If it's urgent, why not call the police? Please ask yourselves, Board Members, if you would be available by phone within that short time frame 365 days/year 24/7.
- Such a system would be subject to abuse. How fun to tattle on your neighbor and watch the fines pile up when they can't get to the phone in time! The Association will need its own police to process these complaints and investigate them (24/7, right?) and then judges to adjudicate appeals.
- Expense. I do not think the association should be spending money building this needless bureaucracy, which will surely result in years of litigation.





Owners of properties offered as short-term rentals should not be subject to different costs, rules, and restrictions. Shouldn't all owners live by the same rules and standards? I am opposed to annual registration fees for STRs and limits on number of people in each bedroom. It's overreach.

Before creating and adopting more rules, we need to truly understand the complaints. We need data. Then, we need to work on communicating the existing rules to all owners and renters. Lastly, we need to enforce the rules we already have in place. I would hope that once identified, **working directly with these problem owners or tenants** would eliminate the need to pass these types of broad, invasive, and punitive rules that infringe on our property rights and risk long term economic damage to our property values and surrounding community.

Lastly, I am wondering how the task force members were chosen. Are they representative of the demographic of our Tahoe Donner owners, both in their residency and views? Who developed the actual proposal to the board? Was this proposal approved by the task force? Did they vote? This process needs to be transparent.

I believe the proposed str rules are too extreme.

It unrealistic to require such short time frames to respond by phone or in person.

I would like to see the statistics that actually show how often this renter problem occurs weekly and how many different properties/ units actually are involved.

If the proof of a large consistent problem does not exist or is just in the eye of the beholder few individuals.

I believe a few people are driving these new rules and is not reflective of 6400 plus owners.

Note:I believe this rule needs to be voted on by all tda members/owners before enacted.

By the way, we do not rent our condo.

I do not endorse or accept excessive rules like these proposed changes.

It appears to be another way to charge non full time off hill owners more fees.

We have a home in Tahoe Donner at _____. We bought it in 2009, and have had it as a short term rental for approximately 4 years. We would like to weigh in on the proposed new covenants / rules / fines for STR's. Please see comments **in red** below. It would be helpful to understand the events that led up to the drafting of these regulations. Some of





them are rather draconian. Do these rules apply to long term renters and resident owners as well? If not, why not? Or are they merely intended to punish second home owners and/or discourage STRs?

New Covenants and Amended Private Property Rules

- Enforcement of property quiet hours from 10PM-7AM
 - No issue with this.
- All exterior property lights must be turned off from 10PM-7AM unless needed for safety
 - “needed for safety” is fairly open to interpretation. Can you please expand upon what this includes? I think it is reasonable to expect that if the lights are off, an unsafe condition might exist if someone (a renter, perhaps, unfamiliar with the house) drives to the rental after 10 PM and doesn’t see the house due to dim or no lighting.
 - Will this apply to the condo properties at the ski hill? These lights do not meet the downward/shielded requirement and they are left on all night.
- Restriction of renting property for commercial or other non-residential use like weddings and corporate events
 - No issue with this.

See complete details listed in the [45-day notice](#).

New Covenants Short-Term Rental Rules and Fine Schedule

- Required STR rental registration of \$150 annual fee per property
 - This is objectionable, and in our opinion, another way to slap fees on the homeowners. Short term rentals enable homeowners like us to afford to keep our house in TD, which we love. They also bring revenues to the TD amenities by keeping the occupancy rate higher.
 - Will this apply to long term rentals, if not, why not? What is the purpose of this fee? What new resources does it fund?
- Thirty-minute owner response window for all complaints
 - This is completely unreasonable. We cannot realistically expect property managers or owners to respond in 30 minutes, especially for the first offense. This regulation means that fines will be levied for the violations. It is yet another tactic that TDA is using raise revenues. It should instead be structured a tiered penalty, with a minimum of a 1 or 2 hour response time





for the first offense. The ramification of this rule is that to comply, property managers will charge homeowners more money for 24x7 coverage. This will hit homeowners' bottom line and may cause people to sell their homes because they can't afford to keep them. What impact will that have on the TD housing market? It may lead to a surplus in inventory and slow house appreciation values.

- Max occupancy policy and parking restrictions
 - This is reasonable; how does it compare to the occupancy requirements if the house is not a STR?
- Requirement for each home to have emergency evacuation routes posted and a copy of Tahoe Donner rules and regulations available
 - The details refer to « C&R Article II, Section 3(a) », but we cannot readily find them on the website. Please provide a link. Posting emergency evacuation routes make sense. But to have renters review and acknowledge the rules and regulations is questionable. Our copy of this document is almost an inch thick. A 1-page summary of the key items relevant to an STR should be sufficient.
- Violation enforcement and fines starting at \$500
 - Again, this fine amount is COMPLETELY unreasonable. Yes, it sends the message that TDA is serious about this, but that amount for an infraction is unwarranted. Is the amount the same if a homeowner is disruptive and neighbors complain? People come to the area to enjoy themselves. People that have fun can be loud at times. The last thing we want is for Tahoe Donner to get the reputation of being a sleepy retirement community, because then it will not attract young families to enjoy what it has to offer. Please reconsider this amount.
 - Again - applies to LTR and residents? If not, why not? Is the goal to enforce community standards or to single out and punish second home owners?

We are very concerned about these proposed rules and do not like what they bode for the future of Tahoe Donner. Thank you for your attention.

As an owner and member of Tahoe Donner I would like to express my disagreement with the proposed changes around STR in the neighborhood. I believe this would do damage to our property values as we turn our neighborhood, made up mostly of second homes, in to a





place that doesn't look welcoming to interested buyers. The fees the HOA also want to charge sound unreasonable and more like a tax. There may be a few bad actors out there in the neighborhood but people violating local laws should be dealt with by the police. These rules are HOA overreach and should not be implemented.

I hope the board will think about the fact that they are trying to incorrectly regulate something that is vital to the growth of our area, tourism.



Dear Tahoe Donner Board of Directors,

I thank the T-D Board for their service and for working on my behalf to formalize a set of STR standards insuring that residents can co-exist with STR properties. This policy has been needed for 10+ years. I built here in 1985 to enjoy all that Truckee and T-D had to offer. With the onset of STRs, my mountain peaceful environment has seriously diminished. Over 33 years I have literally "seen it all" from STRs: excessive noise from groups of 12-18+ persons in one house, 6-8 cars in both driveways and streets, loud story telling party conversations peppered with beer and wine "expletives" of all types well into the 1-2 am hours, arrivals and departures at all hours of the night, dogs-kids-adults trespassing onto other owner properties as if it were "open-space", driveway and deck lights left on day and night intruding into owner homes all night long, numerous "bon-fires" requiring calls to police and fire dept. at 1 am. You can see easily that the enjoyment of my home and property is compromised many times per month to the profit of STR owners.

As a T-D property owner who has suffered greatly NOT enjoying my investment here, I employ you to take strong action to insure and support my rights of ownership as it is strongly affected by non-resident STR owners. STR owners do not see what we residents experience on a routine basis. They mistakenly think the written instructions provided by them to tenants are followed---- wrong! Their renters are on "group holiday" and have no concerns about the neighbors or community. They "paid" to do as they wish. I have found that I must act as the Police and be on alert all the time.

I don't want to live like this!

Please begin this process to give residents a way to enjoy their homes again. As one STR owner said to me, "Oh, I'll get fined again for this, but I'll just keep their security deposit to pay the fine". Resident's lose and the STR owner wins. STR owners should see that this new policy is a way to be in harmony with residents and will demonstrate their "good faith" with the T-D community. The \$150 yearly fee is only 40 cents per day to give me, the resident, a process I can count on to get immediate action and resolution. Setting fines on rule breakers will further demonstrate to STR owners how frequently their renters break the standards. The process of fine increases is reasonable for repeat offenders.

Resident's rights need protection through this proposal and STR owners would want these rules if they lived here!

Please adopt this STR policy so I can once again enjoy my home.

Respectfully,