



August 17, 2018

FAQs

Below are Task Force responses to the most asked questions about the two sets of proposals: 1) the nuisance activity rules (entitled “New Covenants and Amended Private Property Rules”) on p.26 of the July newsletter, and 2) the proposed New Covenants Short-Term Rental Rules and Fine Schedule,” on p. 27 of the July newsletter.

1. Shouldn't the nuisance activity rules (noise, lights, etc.) apply to everyone?

Yes, the nuisance/noxious activity rules apply to *all*, owners, guests and renters alike. These rules primarily clarify or modify the existing covenant rules related to noxious activity. Everyone is obligated to abide by these rules, and the rules will be enforced for all.

2. What if I need to have the outdoor lights on after 10 pm because I am returning home in the dark or am outside and need the light?

The light rule states that lights should be turned off after 10 “that are no longer needed for safety or other outdoor use.” So, such circumstances are not a violation.

There have been many situations where bright, outdoor spotlights are left on 24/7, even in the winter on back decks that no one is using, and these unnecessarily shine into neighbors' homes and bedrooms, create light pollution and disturb neighbors. This rule advises everyone of the need to avoid unnecessary exterior lighting

3. Does the rule add new requirements for outdoor lighting fixtures?

No. The reference to requirements concerning outdoor light fixtures is not new; it has been the rule in the Tahoe Donner Architectural Standards for many years. It has been referenced here so that owners are aware of the rule. See p. 13, subs. 8 of the architectural rules: www.tahoedonner.com/wp-content/uploads/2016/07/ASC-Rules-2016-06-24.pdf

These rules are enforced by the Architectural Standards Committee.

4. I am concerned about receiving an automatic fine for inadvertently violating a rule, or for a first-time or minor violation.

In November 2017, Tahoe Donner set up an expanded procedure for enforcement. Under this procedure, Tahoe Donner extended evening and weekend office hours for complaints when a problem occurs, and a procedure whereby staff then contacts the property owner for prompt, voluntary compliance. It is expected that in this way, many





problems can be resolved quickly and in a neighborly fashion, and that once the owner is made aware, the problem will not reoccur. (Where immediate action is not needed, many residents wait until normal business hours to make a report.) This process applies to all, residents and renters alike.

Under existing TD rules, a fine can only be imposed following a complaint and formal procedures, including a hearing before the Covenants Committee allowing for due process and appeal. (The exception to this rule is the current temporary emergency fire and charcoal ban, whereby under the authority for emergency rules, a fine can automatically be levied followed by appeal.)

For more information, please consult the newsletter articles below:

A description of the resolution process is contained in several newsletters in the past few months, including at p. 22 of the April newsletter:

https://issuu.com/tahoedonnernews/docs/tdnews_apr_2018_web

The goal of first attempting prompt and neighborly resolution and the other considerations related to the nuisance rules are contained in a task force update on pp 14-15 of the May newsletter:

https://issuu.com/tahoedonnernews/docs/tdnews_june_2018_web

5. Why are those who engage in short-term rentals (“STR”) being asked to register with Tahoe Donner, and what is the reason for the registration fee?

At present, Tahoe Donner has no information to reliably identify owners who choose to STR their homes. Registration is required so that Tahoe Donner staff will have information on whom to contact if there is a problem so that it can be resolved promptly and so that the owner is aware of the problem. Many owners who STR have said that they were often not aware of a problem or complaint, even when the police were called. Unless the owners are aware, they cannot address or correct an issue. Also, a number of owners use a local rental service, and prefer to have the office call the agent to resolve any issues. To effectively manage problems as they arise, Tahoe Donner needs to know how to reliably reach a responsible party.

There have been several incidents just this summer where short-term renters have engaged in hazardous fire activity that endangers all owners in Tahoe Donner, and a means for prompt contact and enforcement is critical.

Registration is also important so that TD is aware of those who STR for planning and other purposes, and basic safety should something occur in TD or at a home. In most instances, an owner or his representative will be the only person aware of how to contact the responsible





party/renter. (For rental in excess of 30 days, an owner is already required under current rules to provide contact information identifying the renter.)

The registration fee is intended to cover the costs of administering the STR program, including staff resources and enforcement and no more. It is not a “profit” for Tahoe Donner.

6. I am concerned about the fees for violations and about the possibility of frivolous complaints

As noted above, a fine or other sanction for a violation will only occur following a formal hearing and due process by the Covenants Committee. Thus, a frivolous claim will be weeded out.

7. I am concerned about the amount of the fines, including \$500 for a first-time offense.

As noted above, there is a due process hearing prior to any decision for discipline or fines. The initial fine is “up to” \$500, so if an initial fine were imposed by the Covenants Committee, the fine would depend on the circumstances of any violation. (Subsequent findings of violations in a twelve-month period result in increasing fines.)

8. Are only owners who STR subject to potential fines for violations?

No. Owners who do not STR are also subject to hearings and potential fines by the Covenants Committee for violations pursuant to the existing procedures and fine schedules.

9. Why not just tell owners who are subject to nuisance activity to call the police?

The police do not enforce HOA covenants and rules, and most of the noxious activities have to be addressed by the association, such as easement blocking, trash issues, parking, lights, camping, and other noxious activity. While the police do sometimes come for late, loud partying, or more serious infractions such as property damage, whether they respond, and the response time depends on town-wide incident activity and resource needs (and many homeowners have been told this when they call.)

Further, even when the police do come for a late night party, this does nothing to resolve the situation going forward or prevent reoccurrence. The neighboring homeowner suffers the consequences, in many reported instances weekend after weekend, without the knowledge of the owner or any need for the owner to be sure that his or her renters abide by the rules.





10. What are other homeowners' associations doing?

Many towns and HOAs restrict STRs. Tahoe Donner focused on resort-type areas similar to Tahoe Donner. In almost all instances, the Tahoe Donner proposals are less restrictive than comparable communities. A list of typical rules from some other similar towns or HOAs was contained in a number of Board presentations, including at the end of one of the presentations to the Board on this topic.

www.tahoedonner.com/wp-content/uploads/2018/04/Item-K-Short-Term-Rental-Amenity-Access-Task-Force-Update-online-2.pdf

11. Is part (f) of the enforcement section mean that the Board can simply limit the number of days any owner can STR a home?

No. The intent of this subsection was to permit the Board in particularly egregious situations (such as the continued refusal of an owner to abide by the rules or whose actions continuously run contrary to the interests of the homeowners' association as a whole, or for a serious safety issue) to impose this sanction. Because it is a serious sanction, it is reserved to the Board as opposed to the Covenants Committee to impose.

