



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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(4) ***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 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 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.

(7) 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.

(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

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.

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(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.

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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.