



September 13, 2018  
5:00 p.m.

MEMBER COMMENTS:  
PROPOSED NEW SHORT TERM RENTAL RULES AND ENFORCEMENT PROCEDURES  
PROPOSED NEW AND AMENDED PRIVATE PROPERTY RULES  
August 24 thru September 13, 2018

*Below are comments sent in for the 45-day member notification and comment period for the proposed new Short-Term Rental Rules and Enforcement Procedures, and new and amended Private Property Rules. Comments were received August 24 thru September 13, 2018. A total of 17 comments were received.*

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Truckee and all of the Tahoe Basin survives on tourism. It's not an opinion, but fact. If you limit the hosts who want or need (in order to afford a second home) to make a return, then the tourism will naturally decrease. Especially so with TD because it's the largest development in Truckee (and in the US) and surely anything TD does will affect the town and all the worker residents who rely on the tourism.

I have been an owner and vacation host since 2002. I started with one house then bought a second in TD in 2009. I ran both vacation rentals until the end of last year when I sold the most recent purchase. My house on Davos used to sleep 20 in beds and another 10 elsewhere. So at times I had 30 people there and some pets! Never a complaint, not one. If you limit the number of STR's, then you limit the income. That's not going to sit well with the existing hosts and will surely bring down the home values because there will be less buyers in the market to buy a second home. AKA supply and demand.

You shouldn't have different rules for LTR's vs STR's. If I rent to fulltime tenants or STR's they should have the same rules and penalties, everything should be equal. Do not restrict the STR's. Let the hosts decide how many can sleep in their house. Instead, create a warning system that escalates with the number of issues. If I were to receive my first complaint since 2002, 16 years of excellent STR history, then why should I have to call within 30 min and have someone there within 60, all because of one bad apple.....out of maybe 300 hundred reservations I've hosted over the past 16 years not to count the place I sold after 8 years and probably hosted another 200 reservations. We need to have strikes or some such penalty system. A host with habitual complaints should have to pay the price but don't implement a blanket system that treats all of us the same. Put in place some ground rules for those problem STR's, with penalties.

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I only found out about this policy proposal today and I cannot find the FAQ document online that is referenced in the video of the meeting of a few days ago about this issue. So I'm not sure if some of my concerns may be addressed via the FAQ.

I am a homeowner who can only justify having my Tahoe Donner home by occasionally renting it out.

I can understand some of the concerns about renters, as I've had one (yes, just one) bad renter in the 10 years I've owned a home at Tahoe Donner. However, the concerns that exist about renters apply to non-renting guests as well. I have observed loud parties, large gatherings and inappropriate behavior (including fireworks) by non-renting guests of owners as I'm sure you have.

I am thus puzzled by the discriminatory nature of some aspects of the proposal. The proposal singles out owners with short-term renters while ignoring owners with non-paying guests who may be equally problematic. Why are homeowners who have renter-guests singled out while not applying the same rules to other guest-occupancy situations?

To be fair, the Tahoe Donner (TD) policy should apply to equally to all situations where there are non-owner guests.

If TD is going to require real-time contact information for owners not present in a unit where there are guests, it should apply to ALL such owners, not just the ones who happen to be renting their home.

If TD is going to require complaint response for owners not present in a unit where there are guests, it should apply to ALL such owners, not just the ones who happen to be renting their home.

Similarly, occupancy, parking, compliance and other aspects of the proposal should apply to ALL owners of homes having non-resident guests, not just to those who have guest-renters. The fine schedule should be equally applied as well.

Since I only became aware of this issue today, I'm sure you've heard a lot of arguments pro and con. But here is one I'd like to emphasize. Our homeowners assessment is surprisingly low for the amenities we enjoy. One of the reasons it is so low is because outside renters pay to use the facilities like the golf course and downhill ski area, they eat at the Lodge and Pizza on the Hill and they pay fees for other activities like bike rentals. To the extent TD discourages the rental market with unreasonably restrictions, the burden on all homeowners to pay higher annual assessments could be impacted. Has this been evaluated? Has there been a study of how much renters contribute to the TD micro-economy through the use of our facilities?





Finally, I don't understand why you need \$150 from each home with short term renters. What is TD going to do with these funds? Like most owners who allow rentals, it is a substantial money-losing proposition for me. My rental income only covers a portion of my upkeep and maintenance costs for my property, but it provides enough of a subsidy to make having a second home practical. I'd like to know how \$150 was arrived at, what the funds will be used for and how we can be sure there is a direct nexus to short term rentals.

Thank you for considering my views.

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I'd like to provide my feedback on the proposed short-term rental rule changes.

As part-time residents we have rented our house in the past. We are not currently renting our house in Tahoe Donner but I believe we should have the flexibility to do so without a huge burden.

The regulations as proposed are quite burdensome. Specifically

- 1) Having a live person available to respond in 30-60 minutes is unrealistic; the whole idea of do-it-yourself Air BnB or VRBO means that you don't have to hire property managers and incur that expense. We live over 4 hours away. If we rented our house for a long-term rental for 6 months say a ski lease, you wouldn't have that requirement.
- 2) I think the occupancy limits are too strict. What if you have bedrooms with 2 bunkbeds in it for children?
- 3) The fines are excessive. Especially if you have nasty neighbors who are constantly complaining about rentals.
- 4) I'm opposed to limiting the Owner's rights to rent his/her properties. It is a fact that ~75% of the homes are 2nd homes. Let's be realistic. A large percentage of those might be rented. The association should be doing more to help these homeowners not catering to the full-time residents.

Don't get me wrong. I want to enjoy peace and quiet like everyone else. But I don't think these rules are the right way to go about it.

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I listened to the public comment at the recent Board meeting re: STRs and I'm perplexed. The majority of comments were against the proposed rules and it baffles me as to:





1. Why any homeowner would not want rules that are intended to keep noxious noise and behavior to a minimum so that we can all enjoy our 'mountain retreat'.
2. Why any homeowner would not be willing to register their second home as an STR (perhaps because they don't adhere to the 'Personal Use Limitation' rules set by the IRS?)
3. Why any homeowner would be against paying meaningful fines if they, their guests or their renters display noxious behavior that after review by the Covenants Committee is determined to have materially impacted other homeowners' quiet enjoyment of their mountain retreat.
4. Why these rules would not apply to every homeowner regardless if you are a full timer, part timer who STRs or other part timers. (I would think they would apply to all but several of the speakers referred to how these rules were an attack on STRs only).

It seemed to me that most of the speakers at the meeting were those who STR and they made a point of calling in or being at the meeting because these rules might impact them financially (but they won't if they simply follow the rules).

I wonder if I am simply part of the silent majority...I have owned a second home in TD for 22 years. we spend about 75 days a year in TD and the rest of the time the house sits empty....not disturbing anyone.

As I understand it there are about 1,000 full time homeowners and I think about 1,200 second homeowners who STR. That means there are over 4,000 second homeowners that do not STR. Are we the silent majority who would want these rules implemented immediately?

I can't imagine why any of the 6,000+ homeowners would not want rules designed to maintain a 'peaceful mountain retreat'. I have been coming to the Tahoe basin every year for 60+ years and when I bought in TD I had no idea that I would be on the same street as a bunch of motels....because that really is what an STR is (in my opinion).

**The Board really needs to implement these rules/fines so that you can then move on to the more important issue of controlling or limiting the number of STRs in TD. With other communities in the Truckee area curtailing or straight out banning STRs, TD will become the only option for investors and second homeowners who want to STR. I can foresee a time where more than 50% of TD homes are STRs and TD will become the 'motel community of Tahoe'.**

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After speaking at the Board meeting Sat Aug 18th I had two nights of problems with my nearest STR property ( excessive 2 nights of noise until 1:30 am and 10 outside lights burning all night). Yes, both I and my neighbor called the Hot Line. Our complaints were written and recorded for sharing with Darius come Monday. The Hot Line contacted the owner (group of 10) and told





them of numerous new complaints. They also have a new Management Co (Costa?) who then called me. We had a lengthy and complete discussion of this home's continual problems in the neighborhood. Mrs. Phillips drove from [Glenshire](#) to the property [at 9pm](#) to turn off the 10 outside lights (left turned on to "spite" myself and a neighbor that tried to talk with the renters on Sunday pm thinking they were again going to be there another night. They had permission to exit [at 6pm](#) it turns out. Renters purposefully turned on all lights upon leaving. She admitted the lights were excessive in number and intrusive to our homes.....also that renters did the lights to get back at us. She gave me her phone number to share with the neighbors and said she was available to us day or night to solve a situation. I was delighted to hear that!

Renters flew the drone [on Sat at 8pm](#) (I was not home, neighbor saw it and reported it). I saw them fly it again Sun at 5.....challenged them in their driveway.....ignored me....I stood my ground.....finally I shouted "Bring it down now or I call the police". I had my phone in hand. All in all, this was a most upsetting series of situations over 3 days.

Although Hot Line (Scott) made complaints over several days, I wish to bring my continued experiences directly to you in the hopes of seeing the STR proposal be approved as soon as possible. I'm wishing to see a detail in the proposal that limits no additional cars or individuals upon the property other than those noted on the rental agreement. EX: One extra car left the property at 10pm but two new additional cars took its place and stayed until midnight. No additional visitors to a property should be permitted ( particularly after "quiet hours" ). Please write a strong policy so I can enjoy living in T-D again!

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I read your FAQ list and it appears to me that Td is going out of it's way to be fair and accommodate str owners.

Then I realized, why? If other hoa are more restrictive, why are we being not following their lead. Maybe they have learned a valuable lesson along the way and we're not paying enough attention to the harsh reality, str s are like STDs! Collective community pays a high price for the benefit of a select few.

Okay, that's a stretch, but the folks who live in td full time do so because they recognize and respect how special our community is. Those of us part timers who pay a small fortune and just get up here occasionally do so knowing you get what you pay for, and the price is well worth it. Short time rental owners? Taking advantage of too good a thing?

If you can't afford to buy your td house without renting it out short term, buy a smaller house! Or maybe Td is not for you!

Do we want to become an enabler for people who don't really appreciate what makes and keeps Td so special. Maybe limiting str rental days per year is a good compromise after all. Good luck.





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I read the FAQ information in the email just received. The information is appreciated, but addresses only some of our concerns previously sent to the Association.

The enforcement and fine rule as stated in the Newsletter is not worded to include references to existing rules and procedures for assessment of fines.

As noted these rules have been in place for all residents. We are not convinced that this level of policy making, registration, and fees is necessary or appropriate. The fact this type of control has been asserted in other communities does not make it more acceptable. This is an intrusion into property rights of private ownership. It ultimately reduces owner rights and options and decreases our property values as a result.

Will registering mean every time the house is rented the renter information must be registered with TDA? Ownership information is already available to the Association. If a complaint occurs, would not the first response be to call the Owner? TDA would have no reason to believe that the problem could not be resolved in this manner- owner occupied, guests or renters.

Again, we request access to review the data on complaints. As for safety, have there been safety problems due to not having a contact number for a GUEST? Having owned since 1996, we are unaware of such issues.

We are suspicious that at the base of this is an attempt to limit rentals and thereby reduce the use of facilities to the benefit of the few.

Not addressed was the fact the rules do not include registration for family or friends who are guests and not renters. Are you planning to invade our privacy rights in this area as well.

Seems the response is an excuse to justify the STR rules, more than a serious concern or safety issue.

**THIS PROPOSAL SHOULD RIGHTFULLY BE SUBMITTED TO THE ENTIRE OWNERSHIP FOR A VOTE.**

We are unable to attend the information meeting on Thursday. It would seem important to broadcast these meetings on the internet and at a minimum record the sessions for owner access.

A session on Saturday, not Thursday, of the Labor Day weekend would have been much better for second home owners.

We would like thus response published.

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I am a full time owner who rents out one room. I work full time in Truckee. I am registered with the town of Truckee and file my quarterly STR Report as required, which means I pay local taxes and include this income on my tax returns. I have no problem that all owners who have STRs should register with Tahoe Donner, in fact any owner who rents out their place at all should be registered with Tahoe Donner. Everyone who rents should have a local contact in case something needs to be addressed immediately. Those of us who live here full time need only give our own phone number. As a full time owner, who rents out only a portion of my home, who rents "above board" with the town of Truckee, I do not feel I should have to pay for this registration.

Tahoe Donner is rapidly being ruined. We need to have rules and make sure they're enforced. This is a big enough issue that the Board needs to create a document with clear rules regarding





the use of homes in our association, to be followed by everyone: full-time residents, part-time residents, guests and renters. That document should be openly vetted and discussed with all association members who are interested, then put to a vote by the members.

I'm forwarding a post I made on Nextdoor, and one of the responses I received.

▪ \_\_\_\_\_ from [Tahoe Donner](#) thanked you for your reply:

"Last weekend there were 10-12 cars parked at an STR down the street from us. I'm all for some sort of controls over this kind activity, and I agree that the rules should apply to everyone. Perhaps the OCCASIONAL party, such as a graduation or post-wedding gathering, could be permitted through TD administration. The permit could be applied for ahead of time. But this craziness that's going on now with STRs is certainly negatively impacting the residents. Instead of looking forward to the winter season, as we always have, we're beginning to dread it because of the motels now being allowed in our beautiful and heretofore pretty-darned-perfect community."

[View or reply](#)

[Private message](#)

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This message is intended for [vicandarly@gmail.com](mailto:vicandarly@gmail.com).

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[Nextdoor, 875 Stevenson Street, Suite 700, San Francisco, CA 94103](#)

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So, Yesterday the Tahoe Donner STR Taskforce had their "Informational" meeting. I have a solution to the "Party animal" problem, be they short or long term renters, or owners:

1. Increase the Noxious Activities fine to up to \$5,000 per incident, similar to unauthorized tree cutting, & fire Safety violations, taking it out of "Just the cost of doing business" category.
2. Those landlords & owners that stay in compliance would not be fined, what a concept. "Don't bring a knife (Present fine schedule) to a gun fight" (My quote)





Would appreciate your thoughts.

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I read through the comments submitted for the STR rules. Will you please help me understand the status? I found the way the update was written to be very confusing about whether action is still planned on these rules?

I am grateful for the highly articulate and thoughtful comments of so many homeowners who join me in opposing these rules.

Reading the comments, as a formerly practicing attorney (now inactive), a few things stand out to me:

- 1) It appears that the proposed rules are illegal, potentially violating both Davis Stirling and the existing rules prohibiting discriminatory rules without a full vote of the membership (not the Board).
- 2) I surely hope the Board is not going to expose the entire membership to costly lawsuits.
- 3) The existing covenants are already sufficient and simply need to be enforced.
- 4) If certain houses are an ongoing problem, they ought to be addressed with nuisance laws.
- 5) Tahoe Donner has always been a vacation home community, with short-term rentals from the beginning.
- 6) The proposed rules are highly likely to adversely affect both tax treatment of homes and home ownership values. Again, the likelihood of costly litigation is very high.
- 7) Tahoe Donner HOA is NOT in the position of a municipality and has no authority to do this.
- 8) Noise complaints or other legal violations need to be handled by the Truckee police.
- 9) This appears to be a few full-time homeowners attempting to infringe on the rights of everyone else.

I am deeply concerned about the confusing way in which the latest updates are written. We as homeowners have the right to know what is happening with this from here. The notices say the Board could take action "at any time." This feels terrifying given the extremely risky nature of these rules to homeowners and the threat of litigation.





I would appreciate some reassurance that the Board has reconsidered and will go back to collecting data and enforcing existing rules, plus dealing with the few problem houses as nuisances under existing law. Please let me know where things are at ...

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With all the discussion regarding STR units in Tahoe Donner. Has anyone question why these homeowners are allowed to run their second homes as a business. Even the Town of Truckee refers to these properties as a business/hotel/motel/inn/vacation home/guest house/room/apartment/studio hotel or bed and breakfast in the regulations regarding TOT and TTBID assessment. This will be a huge battle I'm sure.

Also, has the Town had discussions about STR in residential neighborhoods as South Lake Tahoe has done?

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I am writing about the proposed Short Term Rental Rule.

The rule, as drafted:

- Fails to recognize and build on current compliance mechanisms of TD
- Unfairly applies different rules to owners that sometimes rent their homes (see attached chart)
- Creates unintended consequences
- Contains unmanageable provisions
- "Shadow-bans" rentals by owners who choose to handle occasional rentals on their own without paying fees to a Truckee based manager
- Creates unnecessary divisiveness in our community.
- Contains a huge drafting error

I believe there can be a reasonable solution to the issue of rule violations if that solution is applied fairly and equitably to all similar situations.

In addition to my substantive concerns, I have concerns about the process being followed for this rule adoption.

To summarize my concerns:

- **Existing TD Procedures Already Address the Stated Concerns:**  
TD already has an after-hours "Covenants Complaints and Enforcement" hotline for complaints to be reported and responded to. The existing system is a rational, fair and equitable way to address complaints. I cannot find any material related to the STR proposal indicating why people believe this process isn't working or why minor modifications couldn't be made to assure that compliance complaints are adequately





addressed (For more on the existing process, see: <http://www.tahoedonner.com/covenants-complaints-and-enforcement/>).

- **Inadequate notice:** I only became aware of the rules on about August 20 and only because I happened to see an email reference to a Nextdoor announcement about the August 18 Board Meeting. I gather that there was an article or other item in the Tahoe Donner Magazine. I don't believe I received that issue, but even if I did, I was unaware that this is the mechanism for providing official notices to homeowners of major pending actions. Other homeowners associations I have been part of inform members of pending actions via special mailings or inclusion of information in other mailings such as dues statements or election materials. Apparently a 45-day notice period was triggered. I cannot find what the first day of that notice period is .. it is not on the STR Task Force Webpage or anywhere else I can find.
- **Supporting documents are not readily available:** I cannot find on the STR Task Force webpage or elsewhere the supporting documentation for the proposal. What is the proportion of complaints/violations of STR and non-STR properties? If STR is discouraged by the policy, what are the negative economic impacts on TD amenities like downhill/cross-country skiing, golf and restaurants? How many renters use these facilities and what is their economic benefit? Where is the data pointing to the need for the STR policy apart from generally better rule enforcement?
- **Can't find updates on status:** Where can I find updates on the status of the proposal? When is it going to be heard by the Board? What is the process for responding to member comment? Is this the job of the STR Task Force, the Board, or someone else? Will there be amendments? I've heard that the Board is using Nextdoor for information dissemination, so I posed questions about the status in response to a Tahoe Donner NextDoor post regarding the STR. There has been no response to this. Please provide better status and related information.
- **Serious Drafting Error:** There is a serious drafting error that I hope was unintentional. The STR proposal defines Short Term Rentals as the Property that is offered for rent or lease. It does not say that the proposed rules only apply to the time period of the rental. Instead, they apply to the PROPERTY at all times, not just during the time of the rental. Thus, the required 24/7 availability, new fine structure, occupancy limits and other parts of the STR proposal would apply to an STR property regardless of whether it is occupied by renters, non-paying relatives/guests or other occupants.





- “Shadow-Ban” of Owners Who Do Not Use a Truckee Based Manager:** There is a long tradition of Tahoe Donner owners occasionally renting their homes and handling the management of the rentals themselves. The requirement for the owner/agent to be at the property within 60 minutes at all times effectively establishes a mandate for owners living west of Nyack to have a manager/agent on-call in Truckee at all times. One impact will be that the proposal may create a new sort of consultant/contractor to absentee owners who rent without a Truckee-based property manager. Assuming someone develops a business model like this, they would charge owners to be their 24/7 on-call person in Truckee. You can expect the fees to be quite steep for a manager/agent to show up within 60 minutes at any time. For the owners who only occasionally rent their property, this could force them to stop renting.
- Inequitable Application of Rules:** The STR rules only apply to rental properties. I have noticed problems with non-paying guests of owners. Why are the rules applied only to rental situations and not to all situations? If occupancy, 24/7 availability, notifications, hardline phone recommendation, and the other aspects of the STR are important, why aren't they important for ALL properties, not just STR properties?

I could go on-and-on, but you've already received many other well-reasoned comments about the problems with the proposed policy. There are reasonable and less-divisive solutions to the perceived problems. Why not build on the existing compliance and after-hours complaint mechanism rather than layer on a whole new system? Why non have the rules apply equally regardless of whether the obnoxious behavior is at a rental or non rental property? How about having a TDR staffer on-call to address complaints at ANY property and have that staffer be able to reach any owner by phone to help address the issue (i.e. the existing system)? How about having ALL owners have 24/7 emergency contact information for several people who can address any problem arising at their property?

The chart below (and attached as a pdf) shows the inequity of the proposal, including the problems associated with the drafting error.

Please let me know how I can constructively participate in an effort to find a more fair application of the TD rules to rental and other properties.

Situation	Applies to Owner of STR	Applies to Other TD Owners
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Must register and pay \$150	Yes	No
Must disclose total number of bedrooms	Yes	No
Must provide Truckee TOT Compliance	Yes	n/a
Must provide applicable TD rules to guests and advise them of their obligation to follow the rules	Yes	No
Copy of TD Rules to be provided in residence	Yes	No
Acknowledgement required from guest that they have reviewed and agree to TD Rules	Yes	No
Occupancy limited to 2 people per bedroom plus 4 additional	Yes	No
Must provide name /phone number of person who has authority over property and is available to respond to renter problem within 30 minutes 24 hours/day, 7 days/week	Yes	n/a
24/7 available contact person must be on site at property within 60 minutes of a contact by TDA regarding a complaint to attempt to cure cause of complaint involving renter	Yes	n/a
24/7 owner/agent availability to be on site within 60 minutes for family members when owner is not present (Note: read proposal carefully & find that the definition of an STR is the "property" .. the requirements do not appear to be limited to the times the property is rented)	Yes	No
24/7 owner/agent availability to be on site within 60 minutes when letting a friend use the house	Yes	No
24/7 owner/agent availability to be on site within 60 minutes when doing a home exchange	Yes	No





Rule Violation First Offense up to (Note: for rental properties, the new fine structure appears to apply regardless of whether the violation is related to a renter)	\$500	\$200
Rule Violation Second Offense up to	\$1,000	\$400
Rule Violation Third Offense up to	\$1,500	\$800
Fines assessed per incident, daily, weekly or monthly at discretion of Covenants Committee	Yes	Yes
Board can restrict the use by non-owners, including non-paying guests	Yes	No
"Hardline" telephone recommended to assure compliance	Yes	No

Hi, we own a home in TD at \_\_\_\_\_, we love it there and try to use it as much as we can.

We live in San Francisco.

I wanted to find out the rules on STRs, our next door neighbor up the hill typically rents his house every weekend. There are all kinds of folks that rent it, nice ones and not so nice ones.

This past weekend there was a houseful of people who were drinking a lot and very loud, they were on the deck playing a board game and were screaming and yelling all Saturday afternoon.

Some of them got so drunk they were throwing up over the deck railing.

Is it ok to rent a house every weekend? We like to go to our cabin for peace and quiet.

Is there anything we can do to curb this?

We're thinking of selling of house at this point.

Please let me know





I have been a homeowner in the Tahoe Donner since 2005. I have been renting our house for short term rentals for the last few years. I have never had a single complaint from any of my neighbors regarding one of our guests. I think this proposition is a gross overstep in regulation and just another expense to the homeowner without getting any benefit from these rules.

It just feels like someone else is trying to get their hand into the honey pot. With this regulation you are not helping the rental homeowner with any additional benefits or support, but merely adding another expense. We are already heavily taxed by the town of Truckee that support local infrastructure.

Most rental homeowners are already immediately available to their tenants. I have already strict rules on number of guests, which admittedly can be difficult to enforce.

I strongly oppose this proposition.

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Not sure you received my email about setting a time to talk. Since, I spoke with Annie Rosenfeld and have reviewed documents she provided by links. I wish to add the following to my previously submitted response.

I read the compiled 5 year complaint history document and have a few comments. If you take out garbage spill and storage, the data is not significantly different over the years. I am not sure as to what "storage" refers. None of this appears to rise to a level justifying rental restrictions. I agree with the idea to have current contact info for all owners and their property managers if applicable. Educating all guests as to rules with a short summary list is important. Also I think having some minimal holiday amenity useable limits for guests without member accompanying them is appropriate to consider.

In checking with the town of Truckee I learned that parking on the dirt side of streets is legal except during November 1 to April 30 due to snow clearing considerations. The town has an easement past the pavement 10 + feet onto dirt. The only time they take action for roadside parking is if a vehicle remains parked for over 72 hours. This being the case, unless a car blocks a driveway, it is perfectly legal in summer to park along the street.

The data on STR rentals may show TD is a large portion of the Town total. However, as a percentage of the total homes in TD, it is only about 14% (815 TD STR town registrants / 5600 homes- number of units I recall hearing).

The noted list of communities for comparison that have instituted STR restrictions are quite different from Tahoe Donner. We are not Carmel or Lahotan. South Lake Tahoe is entirely different and attracts a different group including gamblers and party goers and more resembles Las Vegas than our outdoor mountain community. I know owners in Monterey and





Carmel and question compliance actually occurring.

It really seems that a probable limited few properties/ party houses have created the perception of widespread problems that owners don't or won't address on their own, given the information. So apply the NOISE after 10 pm rule and enforce it. But don't tell owners they cannot use their hot tub after 10 pm at night.

The STR rules unfairly single out and target owners who rent.

It also appears that this project has been rushed along. Anything of this scope impacting ownership property rights deserves there be at a minimum, separate specific mailed notices to owners at every step of the process. Magazine and on line website articles are insufficient and easily missed.

Last and most important, **THIS PROPOSAL IS OF MAJOR CONSEQUENCE AND IN FAIRNESS SHOULD BE DECIDED BY MEMBERSHIP VOTE. I URGE THE BOARD TO CALL AN ELECTION SO ALL VOICES MAY BE HEARD.**

Thank you and I request that you share these concerns with the Board.

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I am writing to follow up (after reviewing the various comment letters posted and talking to a few other owners) on my letter about the proposed STR rules.

I thought it might be helpful to actually take pen to paper and try to mark up the proposed rule. This might lend more concreteness to my prior comments, and I hope help advance discussion. I should say though, that the mark up is still more than I would like to see done in this area: at bottom I think commitment to the principle that all are entitled to the use and enjoyment of their homes, and that all are responsible for the behavior of their tenants and guests (regardless of the duration of their stay) should be sufficient. That said, I tried to revise the proposed rule to (a) simplify the "registration" process and allow it to be a source of data but not a burden, (b) fix the contact rule to bring it more in line with what I think the task force slides suggest it may have had in mind (and in any event make it more workable), (c) retain the occupancy rule (though I would clarify what occupy means and I would prefer to exclude minor children with their parents or guardians) and (d) focus the enforcement provision on rule violations and eliminate more open ended language.

I think as I revised it the rule would respond to most of the objectives of the rule that I have heard (and respond to many of the objections to it). It would not impose a fee, recognizing that renters and guests of all types already contribute to the Association bottom line through guest fees. It tries hard to avoid stigmatizing rental activities or people who rent, whether through "registration" (which some will see as a step toward further limitation) or unique and potentially burdensome rules. In suggesting the attached revision if this is to go forward, I tried to preserve creating an accurate contact





database, provide a means of identifying properties that are rented (since I understand some want that data), include an occupancy rule similar to that proposed that I suspect would address the most serious overcrowding cases (like the 40 person rentals) and provide for a fair and clear set of enforcement provisions. And by piggybacking off the existing contact information system, I don't think what I envision would be incrementally burdensome to the Association. In short notes in the attached, I explain the suggested revisions.

I think as we think about this issue more, we should remember that people have rented their properties in the Tahoe basin for decades. Renting for short periods (weekends mostly) is how most of us came to love the area. The economic boost that rental provides to the entire community (not just Tahoe Donner, but Truckee and the wider region) is rather clear (just think about how difficult things are in Truckee when folks are not visiting, something we all saw during the drought). So, while I recognize some people have issues they believe attributable to rental which folks are trying to address, I think the board should avoid adopting rules that might be seen as reflecting some animosity toward the renting public, the owners who make available properties to rent, or the companies that work with them.

I am happy to discuss any of this further with anyone involved in the STR process. I am also happy to have you share this note and attachment with the task force and the board (which I hope you will do). I appreciate very much this is likely a thankless project for all involved.





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

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

**SHORT-TERM RENTALS** Short-term rentals ("STRs") are residential properties offered for rent or lease for one or more terms of less than thirty-one (31) continuous nights.

**SHORT-TERM RENTAL REGISTRATION / CONTACT / RESPONSE** All Owners of STRs within the Tahoe Donner Association must (a) maintain current contact information for the owner and/or a representative (the "Contact Person(s)") with the Association, and (b) register with the TDA administrative office to operate a short-term rental property within the Tahoe Donner Community. An annual registration fee of \$150 is required. Disclosure of inform the Association that they engage in STR.<sup>1</sup> total number of bedrooms (as historically disclosed in rental advertisement) is required. An Owner must register within 30 days of commencing short-term renting or within 30 days of the effective date of these STR Rules. To register, an Owner must provide evidence of a current compliance certificate issued under the Town of Truckee Transient Occupancy Tax program.

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

**COMPLAINT RESPONSE** The A Contact Person must be available to respond, after Within 30 minutes of notice by TDA regarding a complaint at an STR, as warranted by the situation, the Contact Person must respond back to TDA. Within 60 minutes of contact by TDA regarding a complaint, the Contact Person must respond at the property in person or by telephone to the property and shall attempt to cure the cause for the complaint.<sup>2</sup>

**COMPLIANCE + NOTIFICATION** All Owners, renters, and vacation renters must comply with all provisions in the TDA Governing Documents and rules including provisions which prohibit "nuisance" behavior and set forth rules concerning vehicles, trailers, motorhomes, camping, parking and use of Common Area. (C&R Article VIII) Owners must provide a list of applicable Tahoe Donner rules, made available by TDA and posted on [www.tahoeonner.com](http://www.tahoeonner.com), to renters at the time of their booking<sup>3</sup> and advise them of the obligation to follow the rules. A copy of the rules should be available in the residence. Owners are required to provide renters emergency evacuation information and to have this information prominently

<sup>1</sup> This both accomplishes the need for contacts and the perceived need for information about whether a home is used as an STR without creating a "registration" system with fees, additional requirements, etc. I envision this being simply the existing contact information page on the TDA website with a new line item "Do you use your home as a short term (i.e., less than 31 days) rental?" This allows for the identification of properties that are STRs (assuming that is perceived as necessary) without fees, new forms, and additional requirements (like the occupancy tax item).

<sup>2</sup> This tracks what I understand was the original intend of this rule (a more flexible "as warranted" response standard).

<sup>3</sup> Again, unnecessary. If they are informed, they are informed.



~~posted in the home.~~<sup>4</sup> It is required the Owner obtain an acknowledgement (whether in the lease, rental agreement or otherwise) from the renter that they have reviewed the rules and agree to comply with them. (C&R Article II, Section 3(a))

OCCUPANCY When functioning as an STR, no home may be (i) advertised to house or (ii) occupied overnight by more than two (2) people per bedroom plus four (4) additional people (exclusive of minor children accompanied by their parents or guardian).<sup>5</sup> ~~total TDA may take disciplinary action on any owner who knowingly supplies false information.~~

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

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

a. For a first violation impose a fine of up to five hundred dollars (\$500) and take appropriate action to collect the fine(s);

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

~~c. Fines may be assessed, per incident, on a daily, weekly, or monthly basis according to the nature and severity of the infraction and at the discretion of the Covenants Committee;~~<sup>6</sup>

~~ed. Suspend the right of the Owner or STR renter to use common areas or common facilities (except for ingress and egress to the property);~~<sup>7</sup>

~~ede. Impose a special individual assessment against the Owner for costs incurred by TDA (including sums paid to contractors, attorneys and/or others) to repair damage and/or cure a violation of these STR Rules and to collect any unpaid fines;~~

~~def. In cases where there have been more than three discreet violations of these rules in a one year period in connection with a single STR property, the Board of Directors reserves the right (after notice~~

<sup>4</sup> Another unnecessary add. These routes are signed. I suppose if the Association wants to add to the rules sheet folks are to give to renters "here are the evac routes" you can get to the same place without this rule.

<sup>5</sup> This clarifies what "occupy" means without a lot of new words, and excludes supervised children from the count. This rule is after frat party weekends, and the changes don't compromise that.

<sup>6</sup> This is unnecessary and undermines the limitations in subparagraphs (a) and (b).

<sup>7</sup> I really don't know what this means. It doesn't seem at all tailored to any particular situation. And the suspension power is addressed in d (as I revised it), focused on the use of the property.





~~and hearing) 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 suspend or limit (for a period not to exceed one year) ing the right to rent, lease or allow use thate property as an STR 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.

