



October 18, 2018
5:00 p.m.

MEMBER COMMENTS:
PROPOSED NEW SHORT TERM RENTAL RULES AND ENFORCEMENT PROCEDURES
September 14 thru October 18, 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. Comments were received September 14 thru October 18, 2018. A total of 5 comments were received.

We built a cabin at _____ in 1985 and have used it off and on ever since. We have never rented.

Our full-time (more or less) home is in a small subdivision on Clear Lake, California. Increasing problems with renters led to the establishment of an HOA committee tasked with developing some common-sense rules for them. The committee comprised both owners who rent and those who don't.

The committee agreed at the outset that any fine should be levied against the owner, who is the one profiting from the rental, not the renters, from whom collecting a fine could be problematic. A requirement for the owner to register with the HOA establishes a contractual relationship between the two, which becomes the basis for enforcing fines. The result was the attached Sunrise Shore Home Rental Policy, which went into effect in June. It appears that you are proposing much the same.

To date, the HOA has had to issue only one fine. It should be noted that the CC&Rs in a neighboring subdivision flatly prohibit short-term rentals.

Of these rules, the two most important are the requirement for a contact to respond to renter problems and the limitation on occupancy. The contact relieves an offended neighbor of having to confront a group of folks, some of whom may have been drinking, in the middle of the night about some problem. The occupancy limitation is important because noise, garbage, traffic, vehicles, and nuisance are directly proportional to occupancy. On-property parking is pretty limited in our subdivision, so there was no need to address the number of vehicles here, but it would make sense in Tahoe Donner.

We hope you move forward with the proposed rules. An occupancy limit would have greatly reduced the problem we experienced with our next door renters last Thursday night-Friday morning. Cars were coming and going, people were standing around chatting, and the property





was lit up with floodlights all night. At one time, there were ten cars parked on the property, three on the street, and several in the garage.

We appreciated the open discussion on this subject held at Saturday's board meeting. We also support the lengthy endeavors of the task force. We support allowing for a fee in the written rules, We think, in view of the new information from the Town of Truckee, reducing the fee would be appropriate.

There are some issues we would like to raise:

1. Limiting the number of cars at a house to those in the garages and on pavement is not much of a limiting factor. We reside on an easement and have a shorter driveway than most. Even within that, our neighbors have a 3 car garage. They have a space outside each garage and can even squeeze 2 more cars on the pavement. (Most driveways have greater capacity.) In other words, 6 cars are legally possible. If you count the number of people these cars could contain you have a very large group in residence.

On Saturday afternoon, in a short distance drive on Skiview Loop, we saw at least 4-5 houses with 5-6 cars on the driveway pavement.

2. We believe that children of any age should be counted in the numbers permitted at an STR. Children take up space in houses and cars and add to the noise and activity going on outside a house. If you look back at #1, the 4 bedroom house next door could legally hold 12 adults (2 per bedroom +4) and any number of small children. We have counted up to 21 people at this house in fewer than the maximum vehicles.

3. Although it is not possible to strictly enforce a maximum number of people residing at a home, areas invoking restrictions all have a maximum-person-limit--- and stricter ones than those proposed. They seem to help.

4. If we impose measures that are less strict than those elsewhere in the area, we become the easy hit and the location of choice for large parties.

5. The increase in STRs is having serious impact on TD. While on that same drive of 1/4 mile on Skiview Loop, almost every house had a car or cars outside and signs of being occupied. This was the last weekend in September. Our occupancy rate over the summers and even now has surely increased and is being felt at the amenities of TD. We are losing the feeling of the single family mountain community that TD has always had. We did not build amenities to accommodate these volumes.





6. We wish to point out that while TD has always permitted STRs, it is not a god-given right. With the exception of a few newer developments who have totally ruled out rentals, all other place that now have rules restricting or prohibiting STRs once permitted them.

We strongly support regulations of short term rentals in Tahoe Donner. This growing phenomenon needs strong regulations in place to keep STRs from adversely affecting our Tahoe Donner neighborhoods and reducing the quality of life here.

We have read the proposed new STR regulations and support them. This email is past the official comment period, but we see on the TDA website that comments will still be accepted until the board acts.

I have written previously sharing concerns regarding the proposed STR rules. I am writing again, this time on the specific subject of the proposed occupancy limit for STRs.

Section 7(a) of Article III of the Tahoe Donner Association covenants authorizes the board to make "Association Rules" regarding certain subjects. The rule-making power under Section 7(a) is not unlimited. The second paragraph of the section provides that the Association Rules shall not materially alter the rights, preferences and privileges of Association Members under the Association's Governing Documents.

The Board is currently considering an occupancy restriction on short-term rentals, among other proposed STR rules. As proposed in the 45-day notice, this rule would materially alter my right to use my home as I currently use it (which is allowed under the TDA covenants).

In the past year I rented my home to short-term renters 23 times for a total of 73 nights. Groups larger than the proposed maximum accounted for 11 stays (48% of the total) and 33 nights (45% of the total). A full 43% of my total STR nightly rate revenue was from groups larger than the proposed limit.

The proposed occupancy limit makes no accommodation for bunk beds, lofts, game rooms, or other non-bedroom sleeping areas that are common in Tahoe Donner homes. In addition the proposed occupancy limit doesn't differentiate between adults and children. I am impacted on both fronts.

- My home has a sleeping loft and a game room, which combined have a twin-over-twin trundle bed, a queen sofa bed, and a twin-over-full bunk bed. This is in addition to bunk beds in two of my traditional bedrooms.





- Of the STR groups that stayed in my home in the past year that exceeded the proposed maximum occupancy, approximately 90% included three or more children.

I note that my property has a 2-car garage and a large, flat driveway which together are sufficient to provide parking for groups of the size that I rent to. I also note that I have never had a complaint made to TDA regarding noise or any other covenant or rule violation related to STRs.

I continue to encourage you to focus on education and enforcement of existing covenants, association rules, and Town of Truckee ordinances rather than adopting new rules that materially alter my right to use my home as currently allowed under the Covenants.

I am a Tahoe Donner owner and member and one of the many non-residential owners. I have just become aware of a proposal to prohibit short term rentals in Tahoe Donner

I would like to express my strong disagreement with this proposal.

- Short term rentals are **extremely beneficial to us and our use of the property** as it helps cover the expenses of the property.
- Undesirable behavior by the occupants of **some** short term renters does not mean that all short term rentals create negative impacts. (An analogy is - some cars driving on roads cause accidents, but this does not mean all driving is bad and needs to be prohibited).
- A short term rental restriction is likely to decrease the property values of members properties by reducing the number of potential purchasers. (Particularly with the 2017 SALT tax limitations which increases cost of owning a TD second home). Obviously, this would be detrimental to TD property owners.
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- With approximately 75 percent of TD living off the hill I suspect that many find short term rentals very beneficial, whereas many resident owners have no need for short term rentals and only see negative impacts. I hope that the board considers what percentage of the entire community as divided by residents and non-residents
- Personally, I did not receive adequate notice of the proposal to make this very significant change to the use of the property. It is buried in the text of the Tahoe Donner News and at the bottom of emails. I hypothesize that many non-resident property owners are unaware of the proposal.





Where is this proposal in the process? Will this be implemented with a board resolution or Is the board of directors intending to amend the CCR's to incorporate this? The CCR's specifically mention the vacation and seasonal rentals ...

I look forward to hearing from you.

