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Issue:

The definition of “bedroom” and Short-Term Rental bedroom counts as advertised before the effective date of the new Short-Term Rental Rules January 1, 2019 effective date need review and discussion by the board of directors to provide guidance and direction to staff.

Background:

To-date there are a total of 653 out of 1075 active short-term rental (STR) properties which have been registered with Tahoe Donner. Staff is communicating with the remaining properties who have not registered, to achieve compliance with the new rules.

Of the 653 registered STRs, approximately 40 have questioned the definition of bedroom and historically advertised bedrooms. Staff has brought the issue of “bedroom” definition and the historically advertised bedroom to the board of directors to receive guidance on both items.

Bedroom Definition Overview:

STR owners have been asking how we determine number of bedrooms for calculating maximum occupancy. We’ve been getting this question from homeowners whose bedroom count in their STR registration forms we’ve held or rejected due to lack of confirmation of a built-in closet. Staff informs them that we rely on Nevada County records of bedroom count, and when there’s a conflict between county records and applicants’ registration forms, Tahoe Donner defers to Town of Truckee’s definition of a bedroom. We also rely on the association record of bedrooms built at the home as the starting point when reviewing the application. Many owners are attempting to claim offices, dens and lofts as bedrooms.

Town of Truckee defines a bedroom as “A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom. A bedroom will have windows and closet(s) and is physically separate from other rooms” (<https://www.townoftruckee.com/home/showdocument?id=8195>). The Town does not define closets.

California Building Code doesn’t offer a definition of bedroom (<http://www.bsc.ca.gov/Codes.aspx> <https://codes.iccsafe.org/content/chapter/9287/>) but it describes the necessary features (size: 70 SF minimum, at least one wall that’s 7 feet high, one operable window or door, ventilation and light, and safety features such as smoke alarm, etc.) and a closet is not one of the necessary features.

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The International Residential Code (from which states and municipalities draft their definitions) doesn't define a bedroom as requiring a closet, but they define a closet as "A small room or chamber used for storage."

<https://codes.iccsafe.org/content/IRC2018/chapter-2-definitions>

Lastly, Oxford Dictionary defines a closet as "A tall cupboard or wardrobe with a door, used for storage." <https://en.oxforddictionaries.com/definition/closet>

Homeowners have therefore been arguing that a built-in closet is not required for a room in their STR to be included in the total bedroom count for determining maximum occupancy.

When drafting the rule, Board direction at the time was very clear that a bedroom was a room with a closet. Not a hutch or wardrobe, but a built-in closet. Staff is seeking board direction as to continuing with the definition of a bedroom is one where it has a built-in closet or some further allowance. An amendment to the Occupancy rule to include the definition of a "bedroom" may be advised.

Bedrooms as Historically Advertised:

Tahoe Donner Short-Term Rental Registration rule reads,

All Owners of STRs within the Tahoe Donner Association must register with the TDA administrative office to operate a short-term rental property within the Tahoe Donner. An annual registration fee may be imposed. Disclosure of the total number of bedrooms (as historically disclosed in rental advertisements) is required. Within 60 days of the effective date (January 1, 2019) of these STR Rules, all existing owners of STRs must register. An Owner must register within 30 days of commencing a short-term rental program. To register, an Owner must provide evidence of a current Transient Occupancy Registration Certificate (Ordinance 2004-08) issued under the Town of Truckee Transient Occupancy Tax program.

Procedurally, if an owner can show that a room classified as an "office," "den," or other, has a built-in closet and provides proof of historical advertisement, then we accept it as a bedroom. If they cannot provide evidence of a closet, then it is not accepted as a bedroom.

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Staff is seeking Board clarification on whether to use that historical advertising clause merely as one tool, along with built-in closet photos, in determining bedroom count, or whether to use historical advertising alone as conclusive evidence of bedroom count for determining maximum occupancy.