

**TAHOE DONNER ASSOCIATION
BOARD OF DIRECTORS**

BOARD RESOLUTION 2018-5

SHORT TERM RENTAL PROPERTY RULES

WHEREAS, Tahoe Donner Association (TDA) is an owners’ association, as defined in California Civil Code section 4080, that owns and operates the Common Areas and performs other duties and obligations that are required of TDA under the First Restated Declaration of Covenants, Conditions and Restrictions for Tahoe Donner dated January 17, 1992, as amended (the “Declaration”); and

WHEREAS, Article 1 Section 38 and Article VIII, Section 1(a)(i) of the Declaration limit the use of residential lots within the Tahoe Donner community to “Single Family Residential Use”, as defined; and

WHEREAS, Tahoe Donner is a mountain/resort community that is known for its scenic and quiet environment; and

WHEREAS, the close proximity of the residences within Tahoe Donner increases the likelihood that disruptive behavior by any resident or occupant will impact others residing in neighboring homes; and

WHEREAS, Short-term rentals (STRs) are considered any occupancy of a home for periods of less than thirty-one (31) continuous nights – a definition that is consistent with Town of Truckee Municipal Code definition (Code section 3.24); and

WHEREAS, a large number of properties within the Tahoe Donner Association are offered as short-term vacation rentals through Vacation Rental Agencies and/or Vacation Rentals by Owner or through other agencies or by other methods, i.e. websites; and

WHEREAS, Article III, Section 7, of the Declaration empowers the Board to adopt rules and regulations relating to any matter that is within the regulatory jurisdiction of the Association in order to implement the purpose and intent of the Declaration and to promote the peace, health, comfort, safety and general welfare of the residents and Owners of Lots and homes in Tahoe Donner (as stated in Article III, Section 6(a) of the Declaration); and

WHEREAS, the TDA Governing Documents prohibit conduct, which violates statutes, ordinances and laws, which includes Short -Term Rental ordinances of the Town of Truckee; and

WHEREAS, some activities associated with short-term rentals, such as over-crowding of properties and excessive parking, have been determined to interfere with the quiet enjoyment of residents in the Association and to create nuisances; and

WHEREAS Article VIII, Section 1(c) of the Declaration prohibits activities which would unreasonably disturb any other Owner's or tenant's enjoyment of his or her Lot or the use and enjoyment of the Association's Common Areas and Common Facilities; and

WHEREAS, the Board of Directors of Tahoe Donner Association ("TDA") has elected to establish and adopt certain Rules specifically applicable to Association Members, Residents and Guests in relation to STRs; and

WHEREAS, the need to adopt Rules relating to STRs has been confirmed in numerous opportunities for public comment, including a 45-day public comment period per Article III, Section 7(b), and in discussions by the Tahoe Donner Board of Directors; and

WHEREAS, short-term rentals constitute a business activity, conferring a financial benefit to the owner-lessor, and;

WHEREAS, owners who rent their homes have an obligation under the Declaration to manage their property in a manner that avoids adverse impacts to the residential nature and ambiance of the Tahoe Donner community, and;

WHEREAS, the transitory nature of occupants of short-term rentals makes enforcement of TDA rules more difficult than with owner-occupied properties and long-term rentals; and

WHEREAS, short-term rental tenants need to be informed of TDA rules and the Owner or owner's representative needs to be informed of rule violations by the tenants, so the Owner can cure the violations, and

WHEREAS, the goal of the Short-Term Rental Property Rules is to avoid the disruption of neighborhoods by prohibiting the rental of homes to more tenants than the home can reasonably accommodate and the parking of more cars than the property's garage and driveway can contain; and

WHEREAS, the goal of implementing this policy, and rules is to modify the behavior of the renters to be more respectful of the rights of other residents in the community and to remind renters of their obligations to adhere to the Association's rules and regulations, and to create a peaceful environment during their occupancy of a home in Tahoe Donner; and

WHEREAS, the TDA incurs costs in dealing with short-term rentals as a result of the need to respond to violations of the Association TDA Governing Documents and Rules by short-term renters and owners

NOW, THEREFORE, under the authority of the Board to do and perform any and all acts which may be necessary or proper for, or incidental to, the exercise of any of the express powers of the Association for the peace, health, comfort, safety or general welfare of the Owners, the following Short Term Rental Rules are hereby adopted effective January 1, 2019:

Covenants Rules Concerning Short-Term Rentals:

Short-Term Rentals: Short-term rentals ("STRs") are residential properties in the Tahoe Donner development that are offered for rent or lease for one or more terms of less than thirty-one (31) continuous nights.

Short-Term Rental Registration: 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.

Real-Time Contact: As a condition of registration, the Owner must provide, among other details to be specified in the Registration, contact information for up to three (3) live persons, having authority to address any nuisance issues at the property. At least one contact person shall be available to respond 24 hours a day/7days a week within 45 minutes of being notified of any complaint of a violation(s) of TDA rules ("Contact Person") when functioning as an STR. Representative nuisance issues that are often associated with STR rentals include (i) an excessive number of vehicles at the property; (ii) vehicles parked in violation of the TDA parking rules; (iii) excessive noise; and (iv) physical altercations.

Complaint Response: When functioning as an STR, within 45 minutes of notice by TDA regarding a nuisance activity complaint at an STR, the Contact Person must contact the TDA office (530) 414-8166. Within 45 minutes of contact by TDA regarding a complaint, the Contact Person must respond at the property in person OR by telephone to a responsible adult occupant at the property and shall attempt to cure the condition or activity that gave rise to the complaint.

Compliance and 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, motorresidences, camping, parking and use of the TDA Common Areas and Common Facilities. (C&R Article VIII)

Owners must provide a list of applicable Tahoe Donner rules, made available by TDA and posted on www.tahoedonner.com, to STR renters at the time of their booking and advise them of the obligation to follow the rules. A copy of the rules must be available in the residence. Owners are required to provide renters a copy of the Tahoe Donner Emergency Evacuation Map and to have this information prominently posted in the residence. It is required the Owner obtain an acknowledgement from the principal STR renter that they have reviewed the rules and agree to comply with them. (CC&R Article II, Section 3(a))

Occupancy: When functioning as an STR, no residence may be (i) advertised to house or (ii) be occupied by more than two (2) people per bedroom plus four (4) additional people total. Children under age seven are excluded from the occupancy count. TDA may take disciplinary action on any owner who knowingly supplies false information regarding the number of occupants.

Parking: When functioning as an STR, the number of parked vehicles shall not exceed those spaces available in garages and on the driveway of the property. There is no parking on unpaved areas of Lots. Parking in the street may constitute evidence that “increased parking” as prohibited in the Business Activity rule has occurred.

Short-Term Rental Violation Enforcement In the event TDA determines that a potential violation of these STR Rules or any other Association Rules when the residential property is functioning as an STR, has occurred, the owner will receive a Notice of Hearing as provided in the Rules Enforcement Procedures. When functioning as an STR, violations of this rule set include (1) failure to register as required, (2) failure to respond to a nuisance activity complaint, (3) not providing the tenant with the required information, (4) exceeding occupancy limitations occupancy and (5) exceeding parking limitations, in addition to all other rules such as they apply to all residents, guests and tenants, In such event if a violation is found, TDA may impose fine(s) in accordance with the standard, published fine schedule that is in effect at the time of the violation.

ACCEPTED AND DATED: October 27, 2018

JENNIFER JENNINGS, President

, Vice President

DON KOENES, Secretary

JEFF CONNORS, Treasurer

DARIUS BROOKS, Director