

Resolution _____

Adopted: _____ 2024

**PINE MOUNTAIN LAKE ASSOCIATION
RESOLUTION ADOPTING SHORT-TERM
RENTAL PERMIT POLICY**

SUBJECT: Adoption of a Short-Term Rental Permit Policy.

PURPOSE: To establish a policy governing the rental occupancy and use of dwellings for a period of 30 or fewer consecutive days in Pine Mountain Lake Association.

AUTHORITY: The Declaration, Bylaws, and Articles of Incorporation of the Association, California Law and Tuolumne County Ordinance Code.

EFFECTIVE DATE: _____ 2024

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WHEREAS, a Short-Term Rental (STR) means one dwelling unit, including either a single-family residence, individual condominium unit or individual townhouse unit, rented for the purpose of overnight lodging for a period of not less than 1 day and not more than 30 days other than an ongoing month-to-month tenancy granted to the same renter for the same unit; [TC Ord. 8.70.010K]

WHEREAS, Short-term rentals provide the community benefit by expanding the number and type of lodging facilities available and assists property owners of STRs by providing a source of revenue which may be used for maintenance upgrades and deferred costs;

WHEREAS, Pine Mountain Lake Association CC&R compliance staff have responded to numerous complaints at STRs involving excessive noise, disorderly conduct, vandalism, trespass, overcrowding, traffic, congestion, illegal parking, and the accumulation, and scattering of trash, which require response from our Department of Safety Patrol, PMLA CC&R compliance, and other PMLA staff;

WHEREAS, the transitory nature of occupants of STRs makes continued enforcement against the occupants difficult. The provisions of this policy are necessary to prevent the continued burden on Association services and impacts on residential neighborhoods and homeowners adjacent to a STR home, who ultimately bear the burden of these STRs and need to file complaints against the STR homeowner;

WHEREAS, the Board of Directors anticipates the continued rise in the number of STR's in PMLA will increase the financial requirement from the membership due to an increase in operational needs and governing document enforcement activity to maintain current standards and the quality of life for residents in the community;

WHEREAS, the Association can generally be more restrictive than the State or County in adopting certain policies and rules unless otherwise specifically prohibited by law;

WHEREAS, the Board of Directors has determined that a Short-Term Rental Permit Policy is necessary to protect the assets of the Association and its ability to repair, maintain and operate the facilities and common area and enforce the governing documents for the benefit of the membership;

NOW, THEREFORE BE IT RESOLVED, The Board of Directors adopts the following Short-Term Rental Permit Policy and operational rules:

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1. An owner of a short-term rental may not rent a dwelling unit for 30 consecutive days or less without a valid PMLA STR Rental Permit. A permit must be issued by PMLA before the property can be used as a STR. No STR may be rented for a period of less than 1 day.

2. Each STR must be an entire permanent habitable single-family dwelling unit. Individual rooms or guest houses (q.v.) are not permitted for STR. [PMLA CC&R Art. VIII §1]

3. STR owners are required to provide adequate parking for the number of vehicles of the occupants renting the dwelling unit. No parking is allowed on PMLA streets. Permit applicants must list the maximum number and location(s) of parking spaces located on the property with the application. Renters must be advised of the maximum number of vehicles allowable and approved parking locations on the property.

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4. STR owners are required to preregister arriving renters by name for gate access, noting for the Safety Department that renters are arriving at a STR property.

5. STR owners are required to have adequate trash removal service, in accordance with Tuolumne County ordinance and PMLA CC&Rs, sufficient in quantity and adequately stored and scheduled to prevent trash being scattered by scavengers. [TC Ord. 8.05.030B] [PMLA CC&R Art. VIII §9]

6. STR owners are required to post a sign at the front of their property with the following information: unit and lot number, property street address, and PMLA Rental Hotline number. [TC Ord. 8.70.050F]

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7. STR owners are required to provide detailed information inside the dwelling for renters, including vehicle parking limitations, trash disposal requirements, quiet hours, advise against trespassing, community emergency egress maps and other basic PMLA rules. [TC Ord. 8.70.050B]

Deleted: PMLA STR permit number, maximum number of vehicles permitted to park onsite,
Deleted: , property street address, unit and lot number, PMLA Dept. of Safety telephone number and PMLA enforcement email address

8. STR quiet hours are required between 10 pm and 7 am. Regardless, any noise or sound that causes an unreasonable annoyance to the neighbors will be considered a violation any time of day or night.

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9. STR owners are required to designate a contact person to respond to complaints regarding their property. The designated contact person must resolve a violation within 60 minutes, or the STR owner may be subject to a fine or action against their STR permit. [TC Ord. 8.70.050A]

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10. At a minimum, all permit applications must contain the following information:

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a. The address, Unit and Lot number, and assessor's parcel number for the proposed STR home rental.

b. The name, address, telephone number, and email address of the owner of the STR home rental.

c. The name, address, telephone number, and email address of the local contact person for the owner of the STR home rental. The local contact person must be available for contact regarding any complaint, 24-hours a day.

d. State the number of bedrooms for the STR dwelling unit, along with the proposed advertised maximum occupancy limit.

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e. State the number of onsite parking spaces. Provide a diagram or photograph of the premises showing on-site assigned parking spaces in garages, driveways, or other parking areas.

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f. Acknowledgement by the STR owner that residential sewage and septic systems are typically designed and sized for an assumed maximum residential occupancy, e.g. two persons per bedroom plus one person. State the date of last septic system inspection, if applicable.

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g. Evidence of a valid transient occupancy tax registration certificate issued by Tuolumne County for the STR. [TC Ord. 3.32.060]

Deleted: they have checked to determine that their sewer or septic system can accommodate the number of occupants and intended rental use so that it does not fail and cause harm or a nuisance to the renters or neighboring property owners or an environmental hazard

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h. An executed waiver of liability holding harmless PMLA for any occurrence caused by a renter, whether on the rental premises or within the PMLA common area. State whether the property is covered by a policy of insurance including premises liability and the amount of coverage, if any.

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Deleted: Proof of insurance coverage for the STR. ¶

i. Acknowledgement that the owner, agent, and local contact person have each read the policy and all rules pertaining to the operation of a STR home rental and they will comply with all requirements of same, to include by reference pertinent county ordinances. [TC Ord. 8.70]

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Owners are required to provide proof of insurance issued by a company regulated by the California Department of insurance. The insurance coverage must be at least five hundred thousand dollars (\$500,000) in general liability to cover anyone injured due to the property owner's negligence. The insurance policy must cover the use of the property as a STR home rental or an appropriate rider or addendum must be included to cover the use of the property as a STR. ¶

j. State whether the property is exclusively used for rental operations, or whether the owner also at times occupies the property for personal use.

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Specific proof of insurance must be submitted with any STR application or renewal including a copy of the insurance policy showing the coverage amounts, covered property location, and which clearly states that short term rental activities are covered/insured activity (i.e., not excluded from coverage). ¶

11. If an applicant for a new STR permit or renewal unintentionally provides information that is found to be inaccurate, the applicant will be provided a reasonable opportunity to correct any errors. However, if PMLA staff believes any application includes intentionally false information, staff may issue a notice of violation in accordance with PMLA Governing Document Enforcement Procedures.

Commented [CP1]: Presently there is a single annual fee applicable to new applications and renewals. We propose to allow for the possibility of scheduling a new application fee and a separate renewal fee if necessary to defray the costs of additional review.

12. An application for a STR permit must be accompanied by an initial fee established by resolution of the board. A permit is valid for one calendar year after it is issued and may be renewed by filling out a renewal application and the payment of an annual renewal fee, established by resolution of the board, only if there have been no significant changes which would affect the conditions of the permit as required in this policy.

Commented [CP2]: Presently there is a single annual fee applicable to new applications and renewals. We propose to allow for the possibility of scheduling a new application fee and a separate renewal fee if necessary to defray the costs of additional review.

13. If there have been significant changes to the unit or property that would affect the conditions of the permit, the owner must submit a new permit application with the accompanying new permit fee. If the annual renewal fee is not paid when due, the permit will be revoked.

Commented [CP3]: The committee recognizes that the definition of "significant changes" may be vague. This provision and the distinction between a new application and a renewal application requires a bit more elucidation.

14. If a PMLA property owner is found to be renting out their dwelling unit as a STR without an approved PMLA STR Rental Permit, this is a major violation of this permit policy. The penalty for operating an unpermitted STR may include a monetary fine, suspension of STR permit privileges before a new application may be submitted, or both, in accordance with PMLA Governing Document Enforcement Procedures.

Deleted: the owner may not rent their dwelling unit for less than 30 consecutive days for a period of twelve months and must apply for and receive ... [2]

15. ~~Violations of PML rules and regulations by renters will be processed in the same manner as violations by the property owner. Property owners are responsible for the violations of their renters with the same due process protections, rights of appeal, and fine schedules.~~

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16. ~~In addition to regular PMLA Governing Document Enforcement Procedures applicable to all property owners, violations at STR rental properties shall accrue "points" per violation according to a schedule designed to identify ongoing problems and repeat offenders.~~

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17. ~~The penalty for exceeding the maximum "points" threshold at a STR property may include a monetary fine, suspension of STR permit privileges before a new application may be submitted, or both, in accordance with PMLA Governing Document Enforcement Procedures.~~

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Deleted: a third violation is a revocation of the STR permit for a period of 12 months. The property owner may apply for a STR permit after the 12-month period

18. ~~A property owner under suspension of privileges for STR may still rent out the property in the long term for a period of more than 30 consecutive days after properly registering their dwelling unit as a long-term rental.~~

Moved down [1]: The property owner may still rent out the property in the long term for a period of more than 30 consecutive days after properly registering their dwelling unit as a long-term rental.

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19. All PMLA property owners who apply for and receive an approved PMLA STR permit agree to abide by all rules and provisions in this policy as a condition of receiving the approved permit.

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Commented [CP4]: The committee recommends that this precise language be duplicated on the actual permit application signature block and attestation.

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With the adoption of this resolution, the Board of Directors hereby rescinds or nullifies any portion or provision in any previous resolution, policy or rule until such time that the resolution, policy or rule can be updated to reflect the adoption of this resolution.

The Association Board of Directors reserves the right to update, amend or rescind this resolution as appropriate in the future.

Deleted: All PMLA property owners who receive an approved STR permit agree to allow the Association to post and/or publish their STR permit number and Unit and Lot number along with a list of any complaints of violations under investigation by the Association.

Respectfully submitted,

Karen Hopkins, Board Secretary

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