

Short Term Rentals

The Developer's original intent is defined in the governing documents and supported by the policies of Pine Mountain POA. There is no intent within these documents that condones profiteering for select Members as it pertains to Short-term Rentals.

The references documented are:

[Articles of Incorporation](#)

Article III--- ...does not contemplate or expect direct or indirect pecuniary gain- to any Member.

Membership costs increase to provide both a direct and indirect pecuniary gain to some select Members when they profit from this non-profit private community. As a fiduciary to the non-profit, short-term rentals cannot be supported by the Board of Directors.

The insurance companies consider short-term rentals a business. Pine Mountain Members refuse to accept liability for unattended guests. Permission was never granted and the increase in costs to cover unattended customers/guests in and on the inherently dangerous common areas, (including the curvy narrow roads and/or trails/waterfalls,) is an unfair encumbrance to the Members not operating short term rentals. Short-term rentals should be prepared to pay for an expanded umbrella-policy covering THEIR customers on private POA common properties

Pine Mountain has measured, but unmetered water. Increased use/costs by short term rental guests is a matter of fact. In addition, the inability to communicate with the Members or their Customers impacts every resident who doesn't operate a short-term rental. When the POA can't contact the 'missing' short term rental owners or their guests AS emergencies arise, the costs and inconvenience to resident Members unfairly subsidizing the profiteers are immediately realized.

There are many volunteers in the community quitting because there are a few short-term rentals operating poorly, rudely, and against the recorded contract. When volunteers go away, the costs increase to all Members in order to satisfy those making profits from the rest of the Membership.

Pine Mountain does NOT have a CLASS of ownership for any short-term rentals defined in its recorded documents, therefore it can't exist as a Member. Allowing short-term rentals would be a SERVICE where the cost+ should be charged to the short-term rental owner.

[The C&Rs Definition :Part I Article II \(15\) Single Family Detached Dwelling](#) (p.9):

A residential dwelling, not attached to any other building... ...maintain a common and singular household in such dwelling.

The Same Restriction is for Country Home, (which is a townhouse)

Any other use than "a common and singular household" for residential properties is

unsupported by this definition. A common and singular household is not a transient vacation customer-based business by any standard of contract or law.

The C&Rs Part V Article I Section 2 (M):(p.46) (link above)

Businesses Prohibited in Residential Areas

....the practice of any profession or the carrying on of any business is prohibited upon any Unit of PM Property.

Residents have documented numerous transgressions breaching a level of Nuisance, also itemized in the C&RS.

Enforcement of the C&Rs can be brought by the Association or through *any Member(s)*.

-Disclosure: There are Members gathering with definitive damages to themselves and the Association from short-term rentals for legal enforcement of the AoC and the C&R Restrictions.

In addition, The Board of Directors sets the rules for the Common Areas- There is a long standing policy of "Members must accompany Guests". This means that NO Short-term rental should be advertising any of the Common Areas as 'free use' to their customers/guests, including but not limited to the roads, greenways, trails, and other amenities.

Pine Mountain Members have an expectation of privacy on their privately-owned common property- which includes the roads.

Vandalism, littering, vehicle/traffic issues, and trespass on Member's personal real estate by guests/customers will not be tolerated. Members are ultimately responsible for their guests on common properties, including but not limited to the roads. Hearings, suspensions of rights & privileges, fines, and criminal prosecution where necessary should be expected.