

From the Desk of

Joe Gimenez

345 Coventry Rd

Spicewood, TX 78669

November 9, 2024

Mr. J. Adams

2025 Windermere Oaks Drive

Spicewood, TX 78669

Dear Mr. Adams,

The Windermere Oaks Property Owner Association Board will soon send you a ballot to gain power over your unrestricted right to rent your property.

I urge you to vote against their restrictions. Why give up your economic rights to one of your family's largest life investments?

Specifically, the Board wants to restrict rentals to a 30-day minimum period, to one family that must continuously occupy the rental. The effect? Rental properties here will become unappealing – practically impossible – to most people who rent for weekend or Spring Break stays.

Our community's 51-year-old "Restrictive Covenants" currently say that "Renting or leasing of a residence shall be allowed." There is NO RESTRICTION on the type or term of renting or leasing. See page 6, section 8 of the restated Restrictive Covenants, enclosed.

When I bought here in 2014, I reviewed the Windermere Oaks Restrictive Covenants precisely for that provision. Since life takes many strange twists, you never know when your investment in your Windermere Oaks home could be needed as a source of rental income. I bought my house with that in mind. Many others also bought their homes and lots here with that in mind.

Deed covenants and property owners' association have one duty, to preserve or improve the value of homes. Rental restrictions hurt property values.

Here's proof: A local realtor recently surveyed 700 other Austin realtors and 77 responded. Fifty-three (53) said homes in communities with short term rentals are more saleable. Only 10 said they were less saleable. **Sixty-nine (69) of the 77 respondents said they lost sales because the homeowners' association did not allow weekend rentals.** Sixty-four (64) said homebuyers think it positive when a community allows short stay rentals. Only 13 thought it to be a negative. See the survey at www.friendsofwindermere.com.

The realtors' responses show that buyers WANT homes in neighborhoods that allow short term rentals. I am personally alarmed that the Board did not survey realtors. The Board is not doing its job to preserve and improve home values.

The Board says they want to discourage rentals due to infrequent incidents where unconscientious renters inconvenience full-time residents for a day or two. There are alternative solutions. Call the Sheriff. Pool area rules can be enforced by part-time security guards. If renters' cars inconvenience a resident, a knock at the door and polite request works. Trashcans are picked up on Tuesdays.

An owner with a rental house close to mine responsibly rented their house for 3-years (before selling it at good profit!). Not one renter caused a single problem to me. The owner was making approximately \$20-30,000 a summer. That added significantly to the sale price. It also covered their property taxes!

When the Board's ballot arrives in your mail, please vote NO to their restrictions!

The 2021 Board is trying to ram this through. Two current Board members were in 2020 elected by a small group that collected stealth proxies, so they could be elected without submitting applications before the election. They were 'nominations from the floor' at the annual member meeting. The broader community did not have the opportunity to vet their credentials. They, Julie Neuman and Marsha Westerman, have been the Board presidents that have executed the destructive agenda of the small group that used proxy votes to put them in office.

Neuman, Westerman and the Board are trying to ram this through. There are many ways to monitor and improve renters' behavior without reducing homeowners' economic rights to our properties. I served as President on the 2019 Board and a committee prepared reasonable rules regarding renters' behavior. We DID NOT seek to alter EVERYONE'S rights to their property's income potential. The 2020 Board and 2021 Board ignored the 2019 Board's work and now wants to reduce your property rights. Vote NO!

Finally, if the 2021 Board is successful, it opens the POA to another lawsuit. Across Texas there are already dozens of lawsuits about rentals. Let them pay to settle laws on these matters before Windermere Oaks changes its 51-year-old allowance of unrestricted rentals and leasing.

It would be far better to vote NO on this matter right now and deal with inconveniences than to get embroiled in the legal issues affecting other Texas communities. We all would pay for that in the form of higher POA fees or special assessments.

Send a message to the Board. **Vote NO today.** Every vote in our small community counts.

Sincerely,



Joe Gimenez

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P.S – Please visit www.SpiceWoodNews.com and www.FriendsofWindermere.com for more information about this and other matters affecting our community.