

**Policy on the Use of Amenities by Short-Term Renters
(adopted March 20, 2024)**

Policy

Individuals or families who rent a home in the Arnell Creek for less than 31 consecutive days (a “short term renter”) may not use the Arnell Creek swimming pool or tennis courts. Homeowners who advertise that short-term tenants have access to the amenities, or homeowners who allow their short-term tenants to use the amenities, may be subject to a \$100 fine per occurrence.

=====

Background Information

- As of January 1, 2024, the *Declaration of Restrictions* is ambiguous on the subject of short-term rentals (such as through Airbnb, Vrbo, etc.) of homes within the Arnell Creek community.
- The *Declaration* clearly states in Section 1 “all lots excluding the community area shall be used solely for private, single family residential purposes, unless otherwise hereinafter expressly provided” in the document. In Section 3, the *Declaration* prohibits the use of structures on any lot in the community for business or institutional use.
- However, Section 3 also does NOT prohibit a lot owner “from selling or renting a single family residence”. Furthermore, item D or Section 15 states “any owner may delegate his rights of enjoyment to the Community Area and facilities to the members of his family and/or tenants.”
- In terms of this policy, individuals who rent a property for less than 31 days is considered “rentees” or “customers”; individuals who rent a property for 31 or more days are considered “tenants”.
- This policy will remain in effect until such time as the *Declaration of Restrictions* is amended by a vote of the community in such a way that addresses the ambiguity in language, or further action by the HOA Board.