



# RHODO MOUNTAIN ESTATES HOMEOWNERS ASSOCIATION

## Short-Term Rental Program

### **Purpose:**

The Rhodo Mountain Estates Homeowners Association (RMEHA, RME) Short-Term Rental Program is intended to provide a reasonable mechanism to monitor and enforce the needs of the RME community, with respect to the need of any certain Owner renting their home on a short-term basis.

Foremost, RME would like all rentals to go smoothly and safely for all parties, with the perfect rental event going completely unnoticed, and the Owner's renters having an enjoyable time in RME and Penn Forest Township.

To that point, the Program requires Owner registration, licensure, and payment of certain fees. The Program also identifies the various oversight and contact responsibilities of the Owner with regard to rentals and violations of the Program and the RMEHA Rules of Conduct, as amended.

### **Definitions:**

**Bedroom:** A room intended for, or capable of being used for sleeping and that is at least 70 square feet in area.

**Contact Person:** The Owner or local property manager or agent of the Owner, who is available to respond to tenant and neighborhood questions, complaints or concerns, or any agent of the Owner authorized by Owner to take remedial action and respond to any violation of this Program. The Contact Person shall have actual authority to represent the Owner for purposes of emergency and non-emergency contact and communication regarding the Owner's Short-Term Rental. A Contact Person must provide a 24-hour emergency contact number, be able and willing to come to and be present at the Short-Term Rental within one (1) hour following notification to address any issue that is not capable of being addressed by telephone, and be able to act as legal agent for the owner. The Contact Person may be the Owner of the Short-Term Rental. The RMHEA Board of Directors must be notified, in writing, within fourteen (14) days if there is a change in the identity of the Contact Person.

**Owner:** The person or entity that holds legal or equitable title to the private property.

**Short Term Rental:** A dwelling unit that is rented and/or leased, in whole or in part, for a transient use in exchange for rent, compensation or remuneration of any kind. This definition applies to all types of dwelling units rented, time-shared and/or leased for a transient use under this Program, unless excluded herein, including (but not limited to) single family, two family and multi-family dwelling units, whether or not primarily used as permanent residences, or seasonal or vacation homes.

**Transient Use:** Occupancy, use or possession of a dwelling unit by a person or persons for a period of less than 30 consecutive days, other than the Owner(s) of the dwelling unit or tenant(s) of the dwelling unit with a lease for 30 consecutive days or more, and/or the family of such Owner(s) or tenant(s); and further excluding temporary stays by unrelated individuals that are guests of the Owner or tenant of the dwelling unit without the payment of any type of rent, compensation or other remuneration.

## Rules & Regulations

### **Short-Term Rental License Requirements:**

The Owner of a short-term rental shall be responsible for obtaining the license and license renewals.

- A. Registration Required. A Short-Term Rental license shall be required prior to renting out a dwelling unit as a Short-Term Rental. Operating a Short-Term Rental without a Short-Term Rental registration is a violation of this Program and shall subject the Owner to the enforcement proceedings and penalties set forth herein. The cost of a yearly Short-Term Rental registration is \$360 per rental property.
- B. Outstanding Violations. A dwelling unit located on any premises that violates any RME, Township code or ordinance shall not be eligible for a Short-Term Rental license until such violation is corrected in a manner acceptable to RME.
- C. Registration Renewal. A Short-Term Rental registration shall be renewed annually and at any time when any of the conditions of the rental which are governed by this Program are changed.
- D. Separate registrations. A separate registration is required for each Short-Term Rental.
- E. Issuance to Owner. The license shall be issued only to the Owner of the Short-Term Rental.

**Contact Person:**

Each Owner of a Short-Term Rental shall designate a person, property manager or agent as a Contact Person who has access and authority to assume management of the Short-Term rental and take remedial measures. The Contact Person must be accessible by telephone 24 hours a day and must be able and willing to come to and be present at the Short-Term Rental within one (1) hour following notification to address any issue that is not capable of being addressed by telephone, and be able to act as legal agent for the Owner. An Owner of a short-term rental may designate himself/herself as the Contact Person. The Contact Person shall respond within one (1) hour after being notified by the RMEHA Board of Directors member, Police, Township official of the existence of a violation of this Program or any disturbance requiring immediate remedy or abatement. If the Contact Person is not the Owner, the Contact Person shall immediately advise the Owner of any notification of a violation.

**Notification of Rental, Program Fees:**

Owner or designated agent shall notify RMEHA Board of Directors within 1-day prior of a Short-Term Rental Event by providing the RMEHA “Acknowledgment of Receipt of Association Documentation” form, completely filled out in entirety and signed by both the Owner and renter. Late notification will incur a late fee of \$25. Lack of notification shall be a violation of the permit, subject to a \$100 fine.

The Short-Term Rental Program has a Short-Term Rental Program Fee Schedule, as amended, that references the above fees, and identifies other fees, costs, and penalties associated with the Program.

**Standards:** All Short-Term Rental permits issued pursuant to this Program are subject to the following standards:

- (1) The Owner shall, by written agreement, limit overnight occupancy of the Short-Term Rental to the specific number of occupants designated in the license, with the number of overnight occupants not to exceed two persons per bedroom plus four additional persons per residence. Infants (under two years of age) shall not count towards the limit of overnight occupants.
- (2) The maximum number of day guests allowed at any one time shall be 75 percent of the maximum overnight occupancy of the Short-Term Rental.
- (3) The number of bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental shall be limited to three bedrooms unless proof is provided to the Township Sewage Enforcement Officer that the sewage disposal system is adequate to handle additional flows. Any Short-Term Rental advertising more than five bedrooms shall provide proof that the sewage disposal system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a sewage disposal system permit previously issued by a Sewage

Enforcement Officer. If a sewage disposal system malfunction occurs, the use of the dwelling unit as a short-term rental shall be discontinued until the malfunction is corrected in accordance with Township and Pennsylvania Department of Environmental Protection (PADEP) requirements.

- (4) In no instance shall the existing number of bedrooms be increased without proper Township, ACC, and PADEP approval being obtained, as required.
- (5) A Short-Term Rental shall also have at least one other habitable room containing a minimum of 120 square feet.
- (6) The Owner shall, by written agreement, limit the number of all vehicles of overnight occupants and day guests to the number designated in the Short-Term Rental license, with the number of all vehicles not to exceed the number of designated on-site parking spaces.
  - (a) All parking for overnight guests and day guests shall be designated in the license and shall be located only on the Owner's property and not in any private, community or public right-of-way.
  - (b) A minimum of one parking space per bedroom shall be provided. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.
- (7) The Owner shall use best efforts to ensure that the occupants or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Program, RMEHA Rules of Conduct, as amended, or applicable Township ordinance or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding Short-Term Rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the Owner, local agent, or contact person act as an enforcement officer or place himself or herself in harm 's way.
- (8) The Owner shall, upon notification that occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this Program, RMEHA Rules of Conduct, as amended, or applicable Township ordinance or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests and/or future occupants or guests.
- (9) Occupancy or use of recreational vehicles (ATV's, motorcycles/dirt bikes), camper trailers and tents shall not be allowed. Children under the age of 13 are permitted to "camp out" in a tent on the premises.
- (10) The use of open fires, fire pits, charcoal-burning grills, or other devices (as applicable) shall not be allowed.
- (11) The Owner of the Short-Term Rental shall post a copy of the permit, RMEHA Rules of Conduct, as amended, and a copy of the conditions set forth in this in a conspicuous place within the Short-Term Rental.
- (12) Each Short-Term Rental shall have a clearly visible and legible notice posted within the property on or adjacent to the front door, containing the following information.
  - (a) The name of the managing agency, agent, property manager, contact person, or Owner of the property, and a telephone number at which that party may be reached on a 24-hour basis.
  - (b) The maximum number of occupants permitted to stay in the Short-Term Rental dwelling unit and the maximum number of day guests permitted at any one time.
  - (c) The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community or public right-of-way.

- (d) The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access.
  - (e) The Owner's trash pick-up procedure and notification that trash and refuse shall not be left or stored on the exterior of the property.
  - (f) Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this Program and RMEHA Rules of Conduct, as amended.
  - (g) Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this Program subject to a citation and fines.
- (13) All Short-Term Rentals shall comply with the following standard: It is unlawful for any person to maliciously and willfully disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarrelling, challenging to fight, or fighting.
- (14) A Short-Term Rental shall comply with all applicable building codes and shall have the requisite number of functioning smoke and/or fire detectors, fire extinguishers, carbon monoxide monitors and other safety devices required under the applicable codes.

**Additional Standards.** The Board of Directors shall have the authority to impose additional standards applicable to Short-Term Rentals as necessary to achieve the objectives of this Program.

**Permit Conditions.** The Board of Directors shall have the authority to impose additional conditions on any Permit or renewal in the event of any prior violation of the conditions of the license or the provisions of this Program.

**Action on Complaints.**

- A. Violation in Progress. Upon receipt of a verbal complaint of a violation in progress and if the complainant's name and address is provided, RMEHA Board of Directors shall immediately notify the Owner and/or the Contact Person of the complaint and may thereafter investigate the matter. If the RMEHA Board of Directors member believes a crime to be in progress, he/she shall notify the appropriate police department. The Board of Directors may proceed with a Notice of Violation if the Board of Directors member, police officer and/or other authorized representative determines a violation of this Program has occurred.
- B. Violation Preceding Complaint. Upon receipt of a complaint of a violation which occurred prior to the date of the complaint, the Board of Directors shall not be obligated to proceed with any action to determine if a violation of this Program exists. However, the Board of Directors member may, at his/her sole discretion, proceed with an investigation into the complaint to determine if there is an existing violation of this Program.
- C. Confidentiality. The Board of Directors member shall make a reasonable effort to maintain the confidentiality of the name and address of the person registering the complaint unless otherwise required by law to release such information.

**Notice to Violators.**

- A. Service of Notice. Whenever the Board of Directors determines that a violation of this Program exists, the Board of Directors shall prepare a written Notice of Violation to be served on the owner and contact person (if applicable) of the premises on which the violation exists or originates. The written Notice of Violation shall be served on the Owner and contact person by one or more of the following methods:

- (1) Personal delivery; or,
- (2) Fixing a copy to the door of the building on the premises of the violation; or,
- (3) Mail and or E-mail to the owner and contact person to the addresses on the license
- (4) Other means of legal service deemed appropriate by the Board of Directors and recognized by law.

**B. Content of Notice.**

- (1) The Notice shall enumerate the conditions which constitute the violation and what action is required to abate and/or otherwise correct the violation.
- (2) The Notice shall include a time frame for the abatement and/or correction of the violation, with such time frame established by the enforcement officer based upon the nature of the violation and providing a reasonable period for the violator to take the required action. In certain cases, immediate correction may be required.

- C. **Repeat Violators.** If an Owner commits the same or a similar violation within six months of receiving a Notice of Violation as set forth in this Program, no additional notice shall be required to be served on that Owner prior to initiating an enforcement action in accordance with this Program.

**Violations, Penalties and Costs.**

- A. **Compliance.** Failure to comply with any provision of this Program and/or failure to comply with an order to abate and/or correct a violation of this Program, shall be a violation of this Program and subject the Owner to criminal prosecution and the revocation of any Short-Term Rental permit previously issued.
- B. **Fines.** Any person who has violated or permitted the violation of any provision of this Program shall and will be subject to fines as set forth in the RMEHA Rules of Conduct, as amended.

Each day of a violation shall constitute a separate offense for which a fine can be imposed. All judgments, administrative, enforcement, security firm or police response, and other costs, interest and attorney fees collected for the violation of this Program shall be paid to RMEHA.

- C. **Other Remedies.** The Board of Directors shall also have the right to seek Injunctive Relief for violations of this Program.
- D. **Permit Revocation.** If an Owner is convicted of three (3) violations in any rolling twelve (12) calendar month period, then the license shall be revoked by the Board of Directors for one (1) year and the Short-Term Rentals must be discontinued while the permit is revoked. The conviction of a fourth or more violations shall be cause for permanent revocation of the permit. Any violation of the PA Sewage Facilities Act and applicable regulations may result in immediate license revocation until the violation is corrected.
- E. **Reinstatement.** The Board of Directors may, in its sole discretion, approve the reinstatement of a license, if satisfied that there has been an appropriate change of ownership and/or that the cause of the violations has been corrected and that all other requirements of this Ordinance have been met.

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