

## **HAMILTON COVE HOMEOWNERS ASSOCIATION**

### **RULES GOVERNING SHORT TERM RENTING AS OF 6/28/2021**

#### **Owners Who Rent to Short Term Renters/Owner's Responsible Person**

Owners may rent to Short Term Renters without using an Approved Rental Agency subject to the following requirements:

a) the Owner has provided the Association with the name and telephone number of the person ("Owner's Responsible Person"), satisfactory to the Association, located on Catalina Island who shall be responsible twenty four hours a day for the conduct of the Owner's Short Term Renters and their Visitors when they are present at Hamilton Cove. A person designated as the Owner's Responsible Person must be qualified and capable of handling disturbances caused by Short Term Renters or their Visitors to and including removing them from Hamilton Cove at any hour of the day or night;<sup>1</sup>

b) the Owner provides the Association the required paperwork including the names of all persons who are going to occupy the Unit prior to the time the Short Term Renters seek access to Hamilton Cove;

c) the Owner's Responsible Person has properly responded to any incidents involving the Owner's Short Term Renters or their Visitors when notified by the Association and removed any Short Term Renters or their Visitors violating the Rules or causing a disturbance if requested to do so by the Association; and

d) any damage to Association property caused by the Owner's Short Term Renters or their Visitors has been promptly repaired or paid for after notice.

e) Any fines resulting from the conduct of Short Term Renters have been promptly paid.

#### **Owners Who Rent to Short Term Renters**

1. Owners may engage in Short Term Renting must comply with the provisions of Chapter 3-1, Article 3 of the Avalon Municipal Code, Transient Rental Licenses, and pay any amount required by Chapter 3-3, Taxes, Article 4, Transient Occupancy Tax. Owners shall provide proof of compliance with these provisions to the Association when requested. Owners who do not comply will not be permitted to Short Term Rent.

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<sup>1</sup> . The managing agency, agent, property manager, or owner of the unit whose name and local telephone number appears on the sign pursuant to subsection (b) of this section must maintain a physical presence within the geographical limits of the City of Avalon during the term of the transient rental unit lease in order to provide prompt response to complaints. (Avalon Municipal Code Section 3-1.317 (i)(9))

2. In accordance with Avalon Municipal code Section 3.1.317(d), all Units used for Short Term Renting must have the following sign posted inside the unit on or adjacent to the front door and provide the Association of a picture of the sign in place:

**Notice and Rental Agreement Requirements.**

(1) Each transient rental unit shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:

- a) The name of the managing agency, agent, property manager, or owner of the unit, and a local telephone number at which that party or his agent may be reached on a twenty-four-hour basis;
- b) The maximum number of occupants permitted to stay in the unit;
- c) Notification that trash and refuse shall not be left or stored on the property, the scheduled dates and times for pick-up at the location, and an explanation of the City's recycling program;
- d) Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this section;
- e) When the City has enacted water conservancy measures by ordinance, notice of the requirements of such ordinance and a request that occupants conserve water as much as possible in the use of showers, baths, faucets and laundry;
- f) Notification that use of unenclosed decks and patios between 10:00 p.m. and 8:00 a.m. is prohibited where such use generates noise which would disturb or annoy a reasonable person occupying the adjacent properties; and
- g) A statement that Avalon has a "zero tolerance" policy towards nuisances, rowdy and disruptive behavior and advising that the occupancy will be immediately terminated for violations of this policy.

(2) The foregoing information shall be stated in the rental information and agreement provided to prospective renters prior to their occupancy of the unit.

3. Owners seeking to rent to Short Term Renters agree to be bound by the Rules, including the following:

- Short Term Renters may not have Guests (people who stay overnight)
- Short Term Renters may not have pets including emotional support animals;
- Short Term Renters may have no more than four Visitors who cannot use the Clubhouse, pool, jacuzzi or gym and who leave by 10:00 PM.
- An Owner Responsible Person or Approved Rental Agency Responsible Person shall be present within the geographical limits of the City of Avalon while the Short Term Renter or Renters are using the Unit.
- Short Term Renters and their Visitors are not to contact the Association Office for any purpose except to report an emergency.

4. The Owner or Approved Rental Agency must follow the Notice Procedure and submit to the Guard Gate the following information 24 hours before the expected arrival time of any Short Term Renters:

- a. Name of Owner
- b. Home and Business Phone Number of Owner
- c. Number of Persons in the Arriving Party
- d. Names of Short Term Renter
- e. Arrival and Departure Dates
- f. Name and telephone number of the Approved Rental Agent's Responsible Person, if used
- g. If an Approved Rental Agent is not used, the name and telephone number of the Owner's Responsible Person.
- h. If a "Service Animal" is to accompany the Short Term Renter(s) the answers to the following questions:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

False answers are a misdemeanor. California Penal Code Section 367.7. NOTE: Emotional Support and Comfort Animals are not Service Animals.

5. Violations of the Rules by Short Term Renters are a continuing problem at Hamilton Cove. Owners are responsible for the conduct of the Short Term Renters occupying the Owner's Unit. Owners shall be fined for violations of the Rules by Short Term Renters and their Visitors. The following are the common violations:

- intoxication;
- driving while intoxicated;
- reckless driving;
- domestic violence;
- fighting;
- underage driving;
- use of banned substances;
- damaging Association property;
- harassment of a Security Guard or Association employee
- loud, disturbing noise at all hours of the day or night.
- flying drones

6. Owners or an Approved Rental Agency are required to maintain a list of renters who have been alleged to have violated the Rules and they are prohibited from renting to such individuals. The Association reserves the right to bar individuals who, in the Association's opinion, have a history of violating the Rules from entering Hamilton

Cove.

7. Violations of the Rules may result in a Predetermined Fine to the Owner of the Unit occupied by the Short Term Renter whether caused by a Short Term Renter or a Visitor of a Short Term Renter:

8. A Schedule of Predetermined Fines provided by the Association will be posted in a rental Units.

9. All Short Term Renters shall execute a written Rental Agreement. All Rental Agreements shall contain the following provision:

"This agreement shall be subject in all respects to the provisions of the CC&R's, Bylaws and the Rules and Regulations of the Hamilton Cove Homeowners' Association, Inc. The failure of the Short Term Renter to comply with any term of these documents shall constitute a default under this agreement. "

10. No Unit shall be rented to any Short Term Renters where the number of people in the rental group exceeds the actual sleeping accommodations provided in the Unit. The rule is based on the original configuration of a Unit and is as follows:

BEDROOMS	OCCUPANCY
1	4
2	6
3	8
4	10

Rooms or areas created for sleeping do not increase the occupancy unless the room or area has been authorized as a bedroom by the City of Avalon Building Department. Individuals over one year of age count as an occupant. **Predetermined Fine for over occupancy--\$300.**

11. Short Term Renters may entertain no more than four Visitors before 10:00 p.m. Visitors are not allowed to use the Clubhouse, pool, jacuzzi, tennis court, putting course or gym. **Visitors may not stay past 10 PM.** Owners are responsible for the conduct of Visitors brought into Hamilton cove by Short Term Renters. When a number of Units are rented by affiliated individuals, such individuals are precluded from assembling in one Unit in violation of this Rule.

12. "For Rent" signs are prohibited.

13. An Owner may not use the Recreational Facilities while the Unit is occupied by Short Term Renters except as permitted by the Public Access Agreement.

14. All Short Term Renters must be provided with a phone number or a person to

contact if they have questions or problems. Rental Agencies and Owners who rent directly are prohibited from advising Short Term Renters to call or go to the Association Office or to contact a Security Guard or Association's employee for any purpose other than to report an emergency. The Association Office and employees are not to be involved in Short Term Renting.

15. An Owner who is more than ninety (90) days delinquent in the payment of any sum due the Association may not engage in Short Term Renting unless the Owner directs any rental agency used by the Owner to pay any money due the Owner directly to the Association to be applied to any amount owed by the Owner. The direction must be in writing and copied to the Association. The Association shall notify any Owner ninety (90) days delinquent and that Owner's rental agent, if known, that the Unit is ineligible for Short Term Rental. If the Unit is rented directly by the Owner without the use of a rental agent, the Owner must prepay the rental to the Association before Short Term Renters shall be permitted access to the Unit.