

PSA Governing Documents Committee

Meeting Minutes

Wednesday, March 22, 2023

Location: Tina and Dan Simms' house

1. The acting committee chair, Velinda Brown, called the meeting to order at 6:55 pm.
2. Members Present: Velinda Brown, Tina Simms, Dan Simms, Merrisue Steinman and Sue Lord
3. Approval of the previous committee minutes of March 1, 2023 was by consent.
4. Revisions to Rules & Guidelines:
 - a. Dues payment schedule: Discussion was had to clarify the Proposed Rules, page 7, **HOA Dues Calendar** per the following:

April 1-Final Notice (60 days past due)

- Lose park privileges.
- \$10.00 re-billing fee added to balance.
- Letter will be sent.
- Letter with bill, stating: "If not paid by May 1, your account will be sent to collections and water will be shut off. Appropriate disconnect and reconnect fees will be added."

May 1-Lien (90 days past due)

- Certified Letter will be sent about filing a lien.
- Lien will be applied.
- Account sent to collections.
- Water will be shut off.
- Interest will continue until entire balance is paid.

Velinda will re-write the changes as noted above.

- b. Dangerous dogs: Brief discussion. There is really no one to call about off-leash dogs. The Sheriff department is unlikely to respond. (**Editorial Comment:** Dog Control is an aspect in our Park Use Rules. Can we use them as guidance for dog control in the general areas of our community?)
 - c. Property clean-up: Little discussion was had. Sue asked, "Do we really need to do this in our community?"

5. Short Term Rentals:

- a. Current rule in **Rules & Guidelines/Assessment Details-Landlord-Owners**
 - b. See Assessment details: Discussion was had that we will need to expand this section to include Short-Term Rentals.
 - c. Covenants

- i. #3: Review of this covenant does not specifically address STRs.

shall in no wise affect any of the other provisions which shall remain in full force and effect.

3. No lot shall be used for other purposes than a one family dwelling, plus one guest cottage. It shall not be used for business or other purposes excepting lots and areas that have been specifically shown on the original Plat filed with the Auditor of Mason County, Washington, as eligible for other purposes and to the extent stated herein, however, this does not prohibit the erection and maintenance of a garage, boathouse, woodshed and such for the family convenience and personal use.

- d. Attorney remarks
- i. Pody and McDonald: Some remarks were reviewed to show we will likely need to allow those members who wish to use their property as STRs. Velinda said we must be very clear about the rules & procedures. We should include the RCWs regarding WA State STR law when creating our application documents.
 - ii. Velinda said it is clear that STRs have become problems to their neighbors in homeowner's associations. Common complaints can cause HOA regulations to become more stringent. She addressed a 2019 Emory Law Journal article that makes this evident. She cited several definitions and explanations in the article and pointed out pages which may help to define our association rules for STRs:
 - Pg 809: *Common Interest Communities*
 - Pg 810: "Servitude is a legal device" definition
 - Pg 811: *Declarations of Covenants, Conditions, and Restrictions* (Covenants are key foundational documents. Courts will look to the intent of the "founders" and the language of the instrument to discern their meaning.)
 - Pg 813: *Community Association* definition
 - Pg 814: *Bylaws & Rules*. Rules are similar to a governmental administrative agency
- e. Other HOA solutions: Discussion was had about the information we have from the following communities and agree we need to create an application process for short-term rentals as well as for long-term rentals in our homeowners' association.
- i. Gig Harbor
 - ii. Lake Cushman: Velinda asked if anyone can take this association's STR application in .pdf and convert it to a Word document. Sue and Tina will see if they can do so.
- f. Recommendations to the board will be forthcoming.

6. Next meeting: Tuesday, April 11th at 6:30 at Merrisue Steinman's home.

Meeting adjourned: 7: 55 pm

Respectfully submitted,
Susan M. Lord