

September 6, 2019

Neighbors,

We are writing to you because there is a ballot, we will be voting on soon, to prohibit short-term rentals in our covenants. We would like to present our side of the issue as we feel this change is unnecessary and invasive to our rights as property owners.

In 2018, a list of pros and cons was compiled by a Committee formed of three HOA residents taxed to research short-term rentals. Their finding is listed in the EFPOA website under Minutes from the EFPOA Short-Term Rental Committee. Following is that list of pros and cons:

Pro: 1-The owners of these properties make a bunch of money.

Cons: 1-Safety and Security (not knowing who is coming and going)

2-Neighbors taking the brunt of the disturbance for a commercial operation.

3-Increased traffic on our roads.

4-Partying into the night.

5-Enforcement issues.

6-Destabilization of neighborhood

7-Mixed use (residential and commercial)

8-Fear of dropping home values.

9-Takes away affordable housing.

We would like to briefly address each of these findings.

The Committee stated they could come up with only one pro and that was that the "owners of these properties make a bunch of money". Personally, we feel that this is of absolutely no concern of any individual or HOA. How much money to be made is of no relevance to this issue. What is considered a bunch of money anyway? We use our rental to offset the cost of having a second home.

The Committee stated not knowing who is coming and going is a safety and security concern. We have many neighbors whom we have never met and have no idea who is coming and going. Why should we feel the need to control that?

Number 2 was neighbors taking the brunt of the disturbance of a commercial operation. The fact is, the Colorado Supreme Court defined short-term rental, not to be commercial, but is residential.

Increased traffic on our roads was number 3. Ourselves, as well as most of our neighbors, travel the subdivision roads daily and many of us have three cars. Also, what is the difference in road traffic of a short-term renter compared to long-term renter who may have two teenage drivers and a mom/dad driving in and out daily?

Partying into the night was number 4. We have been here 20 years and have attended and sponsored parties well into the night, as many of you probably have. Why would we single out short term renters?

Enforcement issues was number 5. As Laura Nesbitt stated in her rebuttal letter to the Committee, "If a short-term rental guest violates public intoxication or noise ordinances ... they have to leave the

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premises. There is no long, drawn-out eviction process. They have no domicile rights." Enforcement has always been part of landlord's duties regardless of the length of the rental period.

Number 6 was destabilization of the neighborhood. We cannot comment on this as we understand what it means.

Number 7 was mixed use (residential and commercial). Once again, the Colorado Supreme Court has deemed short-term rentals as residential, not commercial.

Number 8 stated "Fear of dropping home values". Dropping home values is not an issue or trend. All home values in Elk Falls Ranch have increased over time.

Number 9 is "Takes away affordable housing". This statement is contradictory to Number 8. If you want increasing home values, then you don't want a neighborhood that promotes affordable housing. We, as well as most residents, do not live here due to affordable housing.

The Committee also stated that if we do not prohibit short-term rentals in our covenants surrounding neighborhoods might prohibit these operations which would lead short-term rental operators seeking out Elk Falls Ranch. This is speculation, not based on facts. We, personally, called Woodside subdivision, which is our closest neighboring subdivision and spoke with their HOA secretary. He stated they have no restrictions on short-term rentals and have no plans of future restrictions. In fact, they are encouraging short-term rentals as they bring money into the community.

We have owned a second home in Elk Falls Ranch since 2010. We have used it as a long-term rental and, more often, as a short-term rental. Often, as a short-term rental, it has been rented to home owners here in Elk Falls Ranch to house their out-of-town friends and relatives. It has been our experience that short-term renters enjoy and take better care of our property than any of the long-term renters. We have learned the affluence of a short-term renter is usually higher than a long-term renter. We have never had any complaints from any of our neighbors, yet we have enjoyed a modest supplemental income to our retirement. Having lived here for over 20 years, we have yet to hear of any issues from anyone involving a short-term rental.

Why are we proposing a covenant change now? We have no issues or problems at the current time. If at some time in the future, this becomes an issue, we can discuss changing covenants then. Why try to take away property owner rights "just in case"?

It is our opinion, that regulations of this type are not only unnecessary, but an infringement of our rights as property owners in Elk Falls Ranch.

We urge you to vote "No" to amending the covenants to disallow short-term rentals. We look forward to being here to help you with lodging for your family and friends in the event you ever need such.

Thank you for your time.

Merle and Jeri Lehmkuhl  
20-Year Residents of  
Elk Falls Ranch



I don't know if the Committee didn't want my opinion, however, I would like to provide input on the proposed changes to the covenants wrt short term rentals.

The research conclusions in the newsletter don't represent a balanced view of short term rentals. The statement that "The only pro we could come up with is that the owners' of these properties make a bunch of money." is not only inaccurate, it belies the bias underlying the research. Many, many communities are successfully allowing short term rentals, it's just that those cases are never reported in the news.

Like with most things in life, nothing is all bad or all good. Here are some of the pros to short term rentals:

- Short term rentals are well kept in tip-top shape, very well maintained. They have to be in a competitive market. With long term rentals (and we have evidence of this in our neighborhood), maintenance can & often does become deferred.
- If a short term rental guest violates public intoxication or noise ordinances, or too many guests staying, they have to leave the premises. There is no long, drawn out eviction process. They have no domicile rights.
- It is most often better to have a home occupied than sitting vacant. Would-be burglars try to avoid homes that are lived in.
- Short term rental opportunities provide primary home owners a way to make occasional income from their largest investment, while they are on vacation, a work assignment, etc.

These are just a few pros. However, instead I believe we should focus the conversation on desired outcomes, because that is really where the focus needs to be. What are the outcomes that we want to achieve for both the community as a whole as well as individual home owners? Any changes to the covenants should be drafted with the desired outcomes in mind.

There are ways to meet the public safety & the peace & quiet needs of the neighborhood while at the same time allowing home owners some flexibility with which, for many, is their largest life time investment. We can problem solve this, is my point. If wedding traffic is one of the primary concerns with allowing short term rentals, we can problem solve that too, with a 14 day minimum stay. There are solutions.

So there you have it. If I can help provide input to the covenant changes, I would like to do so. At a minimum, I would like these points shared with the EFR POA to offer a more complete view of the situation.

— Laura Nesbitt

September 17, 2019

Dear Fellow Elk Falls Ranch Property Owners,

As a homeowner who rents our home through Airbnb, I'd like to make a few quick points relative to the proposed change in covenants to disallow short-term rentals.

- 1) This is not Denver with endless restaurants and night life nor is it Vail with skiing and summers filled with festivals. It's sleepy, relaxing, out in the middle of nowhere, Pine Colorado. Because of that, our rental is not booked 24/7 nor is it booked with huge groups of party people. Our renters come to simply escape city life, hike and mountain bike, or attend concerts at Red Rocks. We had been renting our home for over six months and our surrounding neighbors didn't even realize it until we mentioned it in conversation.
- 2) We maintain the home and the landscaping better than the previous owner because we want it nice for guests and we want good reviews in order to preserve our good standing with Airbnb. We are also available, responsible and will take action should any issues arise. Remember, this is our home and our neighborhood too. We will not tolerate any misbehavior or trouble.
- 3) By disallowing short term rentals, we are disallowing freedoms we can have with our own homes.
- 4) I question why we are proposing such a change to our covenants when, as far as I am aware, there have been few or no issues. If there are big problems with short-term rentals in the future, let's discuss it then.

Thank you,  
Andrea McGarva  
303-674-6211

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As someone who stays in neighborhoods during all types of travel using AirBnB and VRBO, I think most people are extremely respectful and are there to merely enjoy the surroundings being embedded in the area they are visiting. I think unruly tenants are the exception. If people are doing short term rentals, it would make sense they have to 'register' with the board, so if there are issues, neighbors can find out how to contact the owners directly. Maybe the people with a rental have to tell immediate neighbors their contact numbers. There is also county ordinances to fall back on

If people are intent on limiting the length of stays there are many ways to do it. It can be limited to 1x a month or minimum or 3 day stays. It doesn't have to be all or nothing.

Nancy Bluhm  
Long term resident of  
Elk Falls Ranch

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