**TPPOA Town Hall Meeting 6/18/2024**

**Submitted by Rosemary Hartigan, Secretary**

**The meeting was conducted in person at the Kiwanis Club and on Zoom.**

**Attendees: Board Members:** President Mike Viens, Vice-President Beth Supple, Treasurers Dar Snapp and Pat Snapp (Zoom), Secretary Rosemary Hartigan, Jeff Apdow (Zoom), Mike Billiings (Zoom), Charlie Candon, Diana Cortese, Rick Feldman, Mark Frawley, and Jim Hunter (Zoom). **Neighbors at Kiwanis:** Jim Brewer, Beverly Cloud, Bob Conley, Joanna Davis, Barbara Flynn, Chris Fosbrook, Bill and Susie Kunz, B.J. Lewis, Gil Martinez, Sean McMullen, Ken and Andrea Oursler, Rich Pauli, Claudia Remington, Sondra Riley, Pam and Wayne Winders, Bob Youmans, and Jim Ziepolt. **Neighbors on Zoom:** Ann and Mike Armstrong,Laura Billings, Tyler Bruner, LeeAnn Candon, P. Dolan, George Dove, Anna Douma, Andrea Garvey, Alan and Anne Kraft, Jason Mattingly, Christie McMullen, Art Smith, Ken Turner, and Deb Whitman,

**Treasurers’ Report:**

Dar Snapp presented the YTD report. She noted that 120 homes have paid their dues to date.

**Covenants and Restrictions Draft Revisions:**

Beth Supple opened the discussion by noting that the board appreciates all the feedback regarding the bylaws and covenants and that the board has incorporated community feedback into the version presented tonight.

Mike Viens thanked everyone who helped with the plantings at the entrance to the beach at Paca.

Mike Viens reviewed changes to the Covenants and Restrictions draft document based on community feedback. The document with all marked up changes was sent to residents in an email and posted on the TPPOA website prior to the meeting.

In response to a question from the floor, Mike emphasized that the covenants provide that there will be a 30-day period for comment prior to any common area rules adopted by the board going into effect.

In addition, the covenants provide that a 60-day notice will be given in advance of dues increase or special assessments.

**Article 10: Rental Policy:** Pertains to all renters regardless of length of the rental term. The purpose is to protect neighbors and the Association from liability for potential damages or injuries caused by renters. This provision is to provide a common expectation of what is expected of renters. For all rentals, a written agreement should incorporate the covenants and restrictions, and a copy of the covenants should be provided to renters.

A resident noted that the Board has to ensure that rules are always up-to-date and posted so residents are aware of any changes. In response, it was noted that once adopted, the Covenants and Restrictions can’t be changed without a formal vote of community and 60% approval. Residents will be notified of rule changes 30-days in advance of effective date so that community comments can be considered before the rules go into effect. Pier and playground rules will be posted physically and electronically on the website an via eblast.

There was a request that the covenants should clarify how notices will be provided: The TPPOA will communicate to residents via email, but we need postal addresses as well for dues and notices requiring certified mail.

A resident voiced a concern that this provision where owners are responsible for their renters’ actions opens up owners’ exposure for liability for “all of a renters’ behavior.” Andrea Garvey noted that the TPPOA needs to be indemnified from injuries and/or damages to and/or caused by renters. Pat Snapp also clarified that the Association has authority to hold owners' responsible for violations by their renters simply of governing documents and rules, and not for general behavior.

Pat Snapp added that there have been no known infractions by owners of rental property or by their renters; the proposed policy is to cover any possible future contingencies.

**Short-Term Rentals:**

Beth provided a clarification of the definition of “short-term rental” as applicable to our community per the AA County Code [TITLE 13A. SHORT-TERM RESIDENTIAL RENTALS (amlegal.com)](https://codelibrary.amlegal.com/codes/annearundel/latest/annearundelco_md/0-0-0-109549#JD_Article11Title13A) and reviewed recent legal issues and legislative changes in the City of Annapolis and other communities attempting to restrict short-term rentals.

**AA County Code Definition and Requirements:** In AACo Short term residential rentals (STRs) are treated differently than long-term rentals. A STR is defined in Title 13A-101, as follows:  "Short-term residential rental" means “the use or occupancy, facilitated by a hosting platform in exchange for rent, of all or part of a dwelling unit to provide accommodations to transient guests for **no more than 120 consecutive days in a calendar year”** [emphasis added.]In addition, the Code requires registration with the County and a license for short-term rentals and prohibits rentals of less than 24-hours. § 11-13A-102 further provides that “A host may not register more than two dwelling units as short-term residential rentals” and that “the rental period for a short-term residential rental shall be no less than 24 hours.”

**Issues**:  Beth noted that communities across the country have been attempting to restrict short-term rentals by imposing a variety of restrictions such as grandfathering or restricting the number of weeks an owner can rent. According to Andrea Garvey there are many cases in Westlaw where hosting platforms like Air BnB are suing HOAs on behalf of the owner to stop the restrictions on grounds of discrimination when exceptions exist. However, these hosting platforms will not bring a suit when the community has a complete restriction on STRs that applies evenly to everyone.

Andrea also pointed out that this landscape is constantly changing. The City of Annapolis has recently curtailed short-term rentals. While Annapolis does not recognize rentals during Naval Academy commissioning week as STRs, Anne Arundel Co. continues to classify commissioning week as a STR.

Note that the vote on approval of the Covenants and restrictions is separate from the vote on STR restrictions.   If STRs continue to be allowed, some of the current renters have developed best practices which could be recommended.

There was a question about how a restriction on STR would affect owners who are currently renting their homes on a short-term basis.    This will affect their income stream. In the event that the community votes to disallow rentals of less than 120 days, we will need to develop an exit plan for those who are already renting their homes short term, and we will need to honor existing contracts.

Charlie Candon noted that as a former president of the TPPOA, he still receives calls from Real Estate Agents. He was contacted in the last year by two agents who had clients interested in properties on TPI as a STR. Charlie informed them that they are currently not restricted, but the community was discussing a possible restriction.

**Next Steps:**

Final amendments will be sent out to everyone after legal review.

**Voting Process – Pat Snapp**

We will follow the current rule that there is one vote per household. Residents must be owners in good standing to be eligible to vote (not in arrears on dues).

The ballot will include three separate votes:

1. Covenants and Restrictions
2. STR – Yes or No to restricting to no less than 120 days
3. Bylaws

The primary method for voting will be conducted on email Google Form: Name and address and email address required. The email voter will acknowledge that it is not a secret ballot because it will be seen by the team counting votes.

Anonymous voting will be conducted in person either at Kiwanis or Methodist Church. Voters will register with their name and address and then vote on a separate secret ballot which will be sealed.

For those who don’t have email, mail-in ballots will be sent. Names and addresses are required.

If needed, residents with disabilities who cannot vote in person or by mail can notify the board for special arrangements.

Proxy voting is possible if needed.

There will be a set voting period of 30-days to allow time for vacations, etc.

Votes will be counted by a 3-person certification team who will gather, count, and certify all of the votes. Two individuals from the community and one from the board have volunteered for this team. They will have a dedicated email account for Google voting forms.

Records of vote will remain on file for twelve months.

The President and Secretary of the Board will certify results.

We encourage everyone to vote and get your neighbors to vote. Otherwise, our community will continue to have the 1941 Covenants and Restrictions in effect, and we will have to start the process over again. Amendments require an affirmative vote of at least 60% of ALL eligible households in the association to pass. Failure to vote has the same effect as voting No and could cause the amendment not to pass.