

## **SHORT TERM RENTALS (SS)**

**NOTICE TO ALL MEMBERS: Sections of this Property Owner’s Manual include CC&R’s, rules and regulations, policy and procedure, laws and/or guidelines. Violation and/or failure to comply with any of these as set forth herein may result in applicable fine(s) at the discretion of Canyon Springs Resort Property Owner’s Association (CSRPOA). For additional information, refer to the Schedule of Fees and Fines.**

### **SECTION I: SHORT TERM RENTALS (DEFINITION & RULES)**

#### **SS.1.1 Short Term Rentals**

Short term rentals are one or two-family dwellings that are rented for overnight lodging for less than 30 days at a time. Hotels, motels, bed and breakfasts, resort properties, apartment unit rentals, or dwellings that are rented for a period longer than 30 days are not considered short-term rentals. Permits and annual life safety inspections may be required for all short-term rental units within Comal County. Canyon Springs Resort limits the number of short-term rentals to ten percent of the total number of residential properties. There is no cap on long-term rentals.

### **SECTION II: CSRPOA CC&R’s SHORT-TERM RENTALS (Leasing)**

#### **SS.2.1 CSRPOA CC&R’s Short-Term Residential use ONLY Language**

##### **SS.2.1a**

As pertaining to UNITS I, II, III, III-A, IV, and V of the DEED RESTRICTIONS, CANYON SPRINGS RESORT is a privately owned property developed for MEMBERS only. Only members may own property and enjoy privileges there-of. Members are subject to approval by the Seller of his successors and assigns.

##### **SS.2.1b**

As pertaining to UNITS I, II, III, III-A, IV, and V of the DEED RESTRICTIONS, all tracts, parcels, lots, and any re-subdivisions thereof, shall be used EXCLUSIVELY for residential purposes except those designated for commercial and/or business usage. The nature and purpose of business usage shall first be approved in writing by Seller, his assigns, or designees. (Canyon Springs Resort Property Owners Association).

#### **SS.2.2: Leasing Provision**

Primary single family residents may be rented only in their entirety; no fraction or portion may be rented. Secondary facilities are prohibited for short-term leasing (tiny homes, RVs, sheds). All leases shall be in writing and shall be for an initial term of no more than 30 days, except with the prior written consent of the Board of Directors. The following are the rules regulating short-term leasing:

1. Property Owner’s must apply with the Canyon Springs Resort POA for permission to lease their residence as a short-term rental per the Deed Restrictions.
2. Home Owner must be and remain in good standing in all aspects with the Association to remain eligible for leasing their unit.

3. Property Owner(s) must submit a Short-term Rental Application, On-site Sewage Facilities Permit (OSSF), OSSF maintenance contract, and a one-time Lease Approval Processing fee of \$50.00 payable to the Association. Canyon Springs Resort only approves ten percent of the residential lots to be used as short-term rentals. If the Association has reached the maximum rental occupancy under the regulations of the Lease Restrictions of the Association, Owner may be placed on a WAIT LIST until which time the restriction has been lifted or a place has become available. This will be handled in the order in which permission to lease unit has been granted.
4. All short-term rentals, doing business within Canyon Springs Resort are required to register with Water Oriented Recreation District (W.O.R.D.) District, whether located within the district or not must obtain a Revenue (Tax) Permit from W.O.R.D. This permit will be submitted to the Association and maintained with the Property Owner(s) file. Short Term Rentals must keep and maintain all record and furnish all documents during an inspection or audit.
5. Property Owner(s) will be billed annually for a Lease Administration Fee payable to the Association each January. This fee offsets the overall costs relating, but not limited, to administrative, legal and maintenance expenses directly incurred by the Association on behalf of non-owner occupied units. The amount is \$150 per unit leased.
6. All tenants must have access to a copy of the Deed Restrictions, Bylaws, and Rules and Regulations.
7. Any one or two-family dwelling advertised as a short-term rental on home sharing websites such as Airbnb, VRBO, HomeAway, etc. must be permitted through the Canyon Springs Resort Board of Directors before the advertisement is posted.

### **Section III – W.O.R.D. District**

#### **SS.3.1 The W.O.R.D District**

W.O.R.D. was created by the Texas Legislature in 1987 to collect fees from people that visit the area. The district includes most of the unincorporated portions of Comal County including 30+ miles of the Guadalupe River and Canyon Lake.

The purpose of W.O.R.D. is to improve the environment and welfare of the district by conserving natural resources, improving public health, promoting water safety, and operating public parks located in the district.

To carry out the mandate, W.O.R.D. issues permits to water-related businesses allowing them to collect user fees from customers visiting the district.

The majority of the collected fees are expended on services such as:

- Regular clean-up efforts along the river, lake, and popular roadways.
- Law enforcement and emergency medical services.
- Contributions to local projects and organizations to promote and improve the district.
- Community education and outreach programs to promote safe and responsible water recreation.
- Public health and sanitation to include dumpsters and portable toilets for public use.

### **SS.3.2 Right to Revoke Permit(s)**

W.O.R.D. retains the right to revoke any permit per chapter 100.5(i) (1-4) of the POLICIES, RULES, REGULATIONS AND PROCEDURES of the Comal County WORD District.

### **SS.3.2a Penalty**

Failure to comply with the requirement to maintain accurate records or to permit inspection and auditing of records may subject a permit holder to penalties described under §324.066 Local Government Code (Class C misdemeanor) and revocation of permit to operate under §324.099 Local Government Code.

### **SS.3.3 Lodging Requirements**

Per SECTION 100.8 (6) of the POLICIES, RULES,REGULATIONS AND PROCEDURES of the Comal County WORD District:

- a. Lodging businesses (Including vacation rentals, timeshares, etc.):
  - i. All lodging rentals must include their W.O.R.D. Permit Number (Example: WP# L1234) on all online advertisements under the “Contact” or “Taxes” sections. If neither of these sections exist, the number shall be displayed in a prominent location on the advertisement.
  - ii. All businesses reporting more than two lodging outlets (Separate properties) must attach W.O.R.D. Form 004 to the tax return detailing taxable revenues and tax amounts due for each individual property or outlet.
  - iii. All businesses operating multiple outlets (Example: Property Management companies) are required to fill out Form 005 and submit it to W.O.R.D. whenever a property is added or removed from their management or ownership. If using the online payment system, businesses may simply enter multiple outlets and the forms not required. The online payment system will also have the ability to add/remove properties electronically. For third party companies that provide detailed revenue and tax information on tax returns and remit taxes on behalf of the property owner, the host property will not be required to obtain a permit.
- b. Lodging – Third Party websites (TPW):
  - i. Companies that operate websites which offer short term taxable lodging stays on behalf of the individual homeowners AND collect the monies due as the result of a rental on behalf of the homeowner shall obtain a W.O.R.D. permit and collect and remit W.O.R.D. tax on lodging
  - ii. In this case, homeowners shall be required to maintain their own W.O.R.D. permit. Quarterly reporting is still required, with the individual remitting lodging amount totals by outlet (TPW) and remitting tax on any amounts not funneled through a TPW with a W.O.R.D. permit. The homeowners/individual W.O.R.D. permit holders must remit the summary page provided by the TPW(s) as backup for those amounts. This shall be submitted with form 006, listing each TPW used by the permit holder as well as revenue received from other means.

## FEE & FINE SCHEDULES

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The purpose of fines is not to earn revenue for the Association, but to compel compliance. The fine amounts set forth are the amounts generally considered for the described violation. In every instance, the Association reserves the right to impose a fine of a different amount as may be appropriate under the circumstances. Fines are not the Association’s exclusive remedy for violations. The Association reserves the right, in all cases, to pursue other remedies/enforcement procedures in addition to and/or in lieu of imposition of fines.

### FEE SCHEDULE

| Fee Name   | Fee Amount                                      |
|--|---|
| Yearly Assessment Fee:   | \$18.00 Per Year                                |
| Late Payment Fee:  | \$30.00 Per Year                                |
| Club House Rental: Member in Good Standing                                 | \$100.00 Per Day<br>\$100.00 One Time Deposit ❖ |
| Club House Rental: Non-Member  | \$200.00 Per Day<br>\$200.00 One Time Deposit ❖ |
| Club House Trash Removal   | \$75.00   |
| Resale Certificate Package (Breakdown)<br>(Cite: Property Code 207.003(b)) | \$375.00  |
| Resale Certificate   | \$275.00  |
| Title Transfer   | \$75.00   |
| Insurance Document   | \$25.00   |
| Returned Check Fee   | \$35.00   |
| Architecture Review Application  | \$25.00   |
|  |   |
|  |   |

❖ Deposits are refundable if no damage or clean up after rental is required

\*\*A certified letter must be sent to the member advising the non-compliance with the deed restrictions and the member will be given a chance to remedy the non-compliance. If not in compliance after two weeks, a second certified letter will be sent advising that a hearing before the Board will be conducted. If a remedy is still not completed, the fee will be charged to the members account weekly.

## FINE SCHEDULE

All 1<sup>st</sup> time violations are subject to a one-time warning at the CSRPOA board of directors' discretion

| <b>GENERAL RULES &amp; REGULATIONS</b> |   |  |
|--|---|--|
| <b>Section No.</b>                     | <b>Abbreviated Violation</b>                                | <b>Fine Amount</b>                       |
| GR.2                                   | Any Violation of the Rules with No Specified Fine           | \$50.00 per offense                      |
| GR.2                                   | Threats to Damage Personal Property                         | \$50.00 per offense                      |
| GR.2.1                                 | Falsification or Forgery of Documents                       | \$500.00 per offense                     |
| GR.2.3                                 | Malicious Mischief (Vandalism, Graffiti) on CSRPOA property | \$500.00 per offense + Cost of Repairs   |
| GR.2                                   | Damage to CSRPOA Property (Unintentional/Accidental)        | \$500.00 + Cost of Repair per occurrence |
| GR.2.                                  | No Noxious or Offensive Conduct Allowed (Noise)             | \$50.00 offense                          |
| GR.2.6                                 | Restrictions for Campers and Trailers                       | \$50.00 per week per violation           |
| <b>ACTIVITIES RULES</b>                |   |  |
| <b>Section No.</b>                     | <b>Abbreviated Violation</b>                                | <b>Fine Amount</b>                       |
| AD.2.5                                 | Removal of CSRPOA Property                                  | \$100.00, Plus Cost of Property Removed  |

| <b>PLANNING &amp; COMPLIANCE/ARCHITECTURAL GUIDELINES</b> |   |  |
|---|---|--|
| <b>Section No.</b>  | <b>Abbreviated Violation</b>                              | <b>Fine Amount</b>   |
| PC.1.2  | Committee Review / Approval Process                       | \$25.00  |
| PC.2.1  | Commercial Use of a Residential Lot                       | \$100.00, Per Week   |
| PC.3.2  | Accessory Structures                                      | \$105.00, Per Week   |
| PC.4.5  | Failure to Obtain Permit                                  | \$50.00, Per week per violation  |
| PC.4.6  | Encroachments   | \$50.00, Per week per violation  |
| PC.5.1  | Time Limits   | \$50.00, Per Month per violation   |
| PC.5.2  | Forms and Footing Inspections                             | \$105.00 per violation<br>One Time Fine with Stop Work Order                 |
| PC.5.3a   | Concrete Delivery Trucks                                  | \$105.00 per violation<br>One Time Fine Plus Cost of Clean-Up                |
| PC.5.3b   | Storage / Job Site Conditions                             | \$100.00, Per Day per violation  |
| PC.5.3c   | Temporary Living Quarters                                 | \$100.00, Per Day per violation  |
| PC.5.3e   | Portable Toilets  | 1st Offense - \$50.00<br>2nd Offense -\$200.00<br>with Stop Work Order       |
| PC.5.3f   | Temporary Structures                                      | \$100.00 Per Week per violation  |
| PC.5.3g   | Working Hours   | 1st Offense - \$50.00<br>2nd Offense -\$100.00<br>with Stop Work Order       |
| PC.5.3i   | Signs   | \$25.00, Per Day per violation   |
| PC.5.4a   | Contractor Conduct  | \$100.00, Per Occurrence per violation                                       |
| PC.5.5  | Occupancy Permits   | \$100.00, Per Day per violation  |
| PC.5.6  | Failure to Obtain Permit                                  | 1st Offense - \$50.00<br>2nd Offense - \$1,50.00<br>3rd Offense - \$200.00   |
| PC.5.7  | Failure to Build According to Plans                       | 1st Offense - \$100.00<br>2nd Offense - \$500.00<br>3rd Offense - \$1,000.00 |
| <b>SHORT-TERM RENTALS</b>                                 |   |  |
| <b>Section No.</b>  | <b>Abbreviated Violation</b>                              | <b>Fine Amount</b>   |
| SS.2.1  | Failure to register short-term rental with CSRPOA or WORD | 1st Offense - \$100.00<br>2nd Offense - \$500.00<br>3rd Offense - \$1,000.00 |