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August 15, 2017

[Owner Name]
[Mail Delivery Street Address]
[Mail Delivery City, ST Zip]

Re: Proposed Amendment to Use Restrictions

Hi [Owner Name],

In the last few days you've probably received several messages from the Desert Mountain Master Association. DMMA is proposing restrictions on short-term rentals and exchanges – and suggesting why these restrictions are needed. Here's what you may not have been told.

- These restrictions affect your property rights permanently, including the rights of anyone who buys your property.
- The amendment is a unilateral change in your contract with our HOA.
- Both the property restrictions and the contract amendment may become effective without your vote and without full discussion.

DMMA is right about SB 1350. The new law prohibits cities and counties in Arizona from doing precisely what DMMA now proposes at Desert Mountain. When signing SB 1350, Governor Ducey said the new law will promote economic development in the state. Could Desert Mountain use some of the same? That's just one issue owners will want to consider. There are many others, both pro and con.

My concern is that the July 28 DMMA proposal will be written into our CC&Rs if at least 238 members don't object by October 31. If 238 owners object before 10/31/17, DMMA must schedule a vote by all owners. This gives us time to consider the proposed change and express a preference by voting.

If you agree, please consider signing, dating and mailing the enclosed letter, or your own letter, to Kevin Pollock, DMMA Community Manager.

Sincerely,

Gary W. Moselle
Home: 480-488-1923
Gary@Moselle.net

The Short-Term Rental Ban at Desert Mountain -- Some Questions and Likely Answers

How can DMMA infringe my property rights without my approval?

There's a loophole in Arizona law. In Arizona, condo HOAs need unanimous consent to restrict owner property rights. But DMMA is a Planned Unit Development HOA. There's no similar restriction on PUD HOAs.

Will I still be allowed to invite my children, friends and associates to use my home?

No. Nothing in the July 28 proposal allows short-term rental or exchange with anyone except DMC members and DM owners. Even a house sitter minding your home would be subject to eviction by DMMA.

Will short term rentals by the Desert Mountain Club be allowed?

No. There's no exemption for DMC. Someone representing the Club should address the effect this ban will have on recruiting new members.

How many incidents have there been with short-term tenants?

None. DMMA management doesn't know of any case where a short-term tenant caused a problem requiring HOA intervention.

Will DMMA have to add staff to enforce these new rules?

Almost certainly. Staff will have to search advertising media for offers prohibited by the new rules. Staff time will be needed to review the names of guests passing through Desert Mountain gates. DMMA management has said they're not willing to go door-to-door looking for illegal tenants. Effective enforcement is nearly impossible.

Maybe DMMA doesn't really plan to enforce these new rules.

That's possible. Maybe the ban won't be enforced against DMC or specific groups of realtors. But selective enforcement by any HOA is both poor policy and likely to draw legal fire from those actually cited under the rules.

Aren't short-term rentals a good way to share what we love about living here?

Good question. At the town hall meeting, Desert Mountain owners can offer stories about guests who rented here and then bought here.

Is it possible that short-term rentals are good for our community?

Governor Ducey said SB 1350 would be good for Arizona. Clearly, anyone offended by infringement of their property rights will want to re-consider their commitment to DM.

Aren't there other good ways DMMA could handle problems with short-term rentals?

DMMA management will have a chance at the town hall meeting to describe what was tried and failed before this ban was proposed.

Is DMMA responsible if outsiders are using DMC restaurants or driving ranges?

No. DMC has good ways to monitor use of Club facilities. DMMA has no responsibility for that.

Who is behind the July 28 proposal and why do they want to reduce our property rights?

Those who support the ban will have a chance to state their case at the town hall meeting.

Does this proposal violate either the 1968 Fair Housing Act or the 1988 amendments?

Legal counsel for DMMA can answer that question at the town hall meeting.

Will restricting short-term rentals depress real estate prices at DM and increase Club dues?

Tough question. We'll need some expert opinion on these issues.

Why would any DM owner agree to permanently give up the right to exchange or rent their home to a qualified person of their own choice?

Let's give DMMA a chance to make their case at the town hall meeting before we vote.