

Brickyard Creek Community Association Rental Policy Resolution

Updated and BYCCA Board approved 2/2/2022

This document defines:

- **Resolution Definitions**– pg. 1
 - **Rental Unit Owner Responsibilities**– pg. 2-3
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Whereas Brickyard Creek is a residential environmental community on the shores of Lake Superior dedicated to active stewardship and tranquility;

Whereas renting in Brickyard Creek is recognized as a positive and constructive community feature, supporting the ability of association members to afford the expense of buying and owning a cabin, to efficiently utilize cabins when they are vacant and to allow visitors to experience and discover Brickyard Creek as a vacation resource and potential home;

Whereas The Brickyard Creek Community Association (BYCCA) has a legal authority and delegated responsibility to ensure that rental rights and expectations are balanced with those of the residential and environmental community members who do not rent their cabins;

Whereas, short-term rental visitors to Brickyard Creek have increased significantly in the past two years, placing an increased demand on community and common resources, including but not limited to those involving BYCCA Director time, trash and recycling dumpsters, traffic, roads, wells, trails, beaches and peace and periodic violations of rules;

Whereas day-to-day rental management of cabins requires direct oversight and the capacity for an immediate response to visitor needs, emergencies and violations. Ideally professional rental management agencies with local resources are best suited to provide this service and are necessary to ensure the common elements are equitably managed for all unit owners, as short-term rental guests are by definition not subject to remote rental management which cannot respond directly and immediately to renter questions or issues. Additionally, having a single point of contact for short term rentals benefits all units as it provides a single contact to respond to questions or issues related to common resources or disturbances of other units, reduces demand on Association resources, and creates a single responsible entity to manage issues, which is essential to properly manage common resources. Unit owners and their Rental Management Agencies remain ultimately responsible for the conduct of their guests and their guests use of common elements; and

Whereas appropriately set occupancy limits benefit both the community and individual units in rental as short-term occupancy in excess of reasonable occupancy limits places increased strain on common element;

Therefore, be it Resolved by the Brickyard Creek Community Association Board of Directors has implemented a comprehensive Short-Term Rental Program:

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RENTAL UNIT OWNER RESPONSIBILITIES

Wisconsin law: "Short-term rental": a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days. All BYC Units that are in short term rental shall abide by a Brickyard Creek Community Association Board of Directors-approved Rental Management Plan. This plan may be demonstrated in one of two manners:

1. Rental Agency: Engagement with a BYCCA-approved Rental Management Agency. This agency must be approved and have completed the annual **BYCCA Rental Management Agency Contract** in full prior to the unit being made available for rent. Use of Airbnb, Vacation Rental by Owner or similar on-line rental brokers will be permitted only as marketing and booking resources utilized by board-approved rental management agents.

2. Owner-Manager: Where Property Owner desires to oversee their own property there must be a demonstrated current capacity and a rental management strategy that meets the standards of a professional agency with local agents and oversight while still abiding by BYC Common Expectations. The completion and acceptance of the **BYCCA Rental Management Agency Contract** ensures acceptance of BYCCA policies and expectations.

A Rental Unit Owner is required to complete the **Annual Owner Rental Review Form** for both initial application and for annual reviews. This is to be completed by Rental Unit Owner annually by November 30 for the coming year.

Both local **Rental Management Agency Contracts** and **Annual Owner Rental Review Forms** will be reviewed by BYCCA Rental Committee annually and are due no later than September 30th for approval to rent in the following year.

BYCCA Rental Unit Owners should be aware of and understand BYCCA expectations of their **Rental Management Agency:**

- Demonstrated equivalent experience with a minimum of 3 years managing travel lodging, short-term home rentals, online booking systems including AirBnB and VRBO.
- Demonstrated experience in reservation management through professional booking software and OTA's.
- Examples of **multiple** renter communications of occupancy limits and BYC community expectations provided prior to taking a reservation (i.e. website information), prior to arrival (i.e. confirmation communications) and on the day of arrival (i.e. check-in procedures), and during their stay (i.e. Drive-bys and courtesy phone calls).
- Approved Check-In procedures ensuring complete guest education on BYC community expectations and policies. If not completing an in-person check-in, identify specific steps taken to ensure guests are fully aware of BYC policies and common expectations upon arrival.

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- Examples of online and onsite documents and signage provided to communicate the appropriate use of features and amenities provided within BYC Community
- Demonstrated examples of problem-solving capacity (provide specific examples of potential violations and how they would be handled).
- Identification of local support staff addressing housekeeping, maintenance and potential violations.
- Identification of local key contact person within a 15-mile radius of the property able to respond to issues or violations.

Both the rental cottage owner will be reviewed annually by the of the BYCCA Rental Committee and BYCCA Board.

RENTAL MANAGEMENT AGENCY RESPONSIBILITIES

The following are considered critical items for a successful BYC Rental Program as outlined in the BYCCA Rental Management Agency Contract:

RENTAL AGENT LOCATION

The local professional management agency or key contact person for Owner/Manager must be doing business with in 15-mile radius of Brickyard Creek.

CHECK-IN PROCESS

The **renter check-in process** is critically important for ensuring renters are aware of BYC policies and expectations. **Face-to-face check-in is the preferred method. If alternative check-in procedures are used, there must be evidence of multiple guest contacts reinforcing this policy information including guest signature on policy document, a follow up phone call or post-check-in visit.**

The management agency or Owner/Manager must demonstrate thorough communications that ensure guests are aware of both owner and community policies and expectations. The Management Agency or Owner/Manager is responsible for day-to-day oversight of the unit in rental, including the ability to respond in a timely manner to the needs of the client/owner, renter, or resident neighbor.

CONTACT INFORMATION

The name and telephone number(s) of the current local agent and the owners whose units they represent shall be included in the owner directory on the BYC website along with instructions to call **both** the property owner and the designated local agent for issues or concerns involving a specific rental unit or their associated visitors. Failure of the local rental agent to respond in a timely or satisfactory manner should be reported to the BYCCA Director or the BYC Board of Directors

OCCUPANCY LIMITS

Each unit shall conform to BYCCA Rental Occupancy limits, local and Wisconsin State Statutes and the Bayfield County Department of Health Requirements. Occupancy limits are defined by number of bedrooms and bathrooms. There is evidence of higher number of rental violations in overbooked units.

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The BYCCA occupancy limits are based on the size and floor plan of each rental unit as determined by Brickyard Creek Board of Directors. BYCCA Occupany Limits can be found on the RENTAL RESOURCES page of the BYC website.

MINIMUM STAY REQUIREMENTS

A minimum **two-night stay** will be required for all rental units. Rental Agencies will be instructed that under no circumstances should less than two-night stays be booked.

POSTING OF BYCCA RULES & EXPECTATIONS

The **BYCCA Rental Rules (Expectations)** shall be prominently displayed in all rental units. A copy of the rental rules must be sent to a renter when they book the unit and a copy must be provided when they register. A short form of the BYCCA Rental Rules must be signed by all renters. A signed copy must be retained by the rental agency.

LIABILITY INSURANCE REQUIREMENT

All rental units must carry a minimum of one million dollars of **liability insurance**. This must be on file with the BYCCA Director and provided annually along with the **Annual Owner Rental Review form**.

BRICKYARD CREEK SHORT-TERM RENTAL COST ANALYSIS

The Brickyard Creek Community Association has historically been supportive of those owners who wish to provide short term rentals. We seek a positive co-existence of a residential community and short-term rentals. However, the recent increase in occupancy of these short-term rentals has increased the wear and tear to Association Common Elements such as increased administrative costs associated with the BYC Short-Term Rental Program, trash & recycling, septic systems, roads, beach, and wells.

In an effort to clearly identify any increased costs related to the Short-Term Rental Program, the BYCCA Rental Committee has been charged with establishment of measurable metrics showing direct and indirect costs. The data will be reviewed throughout 2022. Recommendations for any changes or additions to the BYCCA Rental Program will be provided by the Rental Committee to the BYCCA Board of Directors no later than September 15, 2022.