

Rosetta Canyon Community Association

Prohibition of Short Term Rentals/Renting Out of Individual Rooms

The Rosetta Canyon CC&Rs contain the following use restrictions regarding short term rentals and renting out of rooms:

2.4 Resale and Rental. Nothing in this Declaration shall be deemed to (a) prevent an Owner from selling the Lot or (b) prevent an Owner from entering a written lease or rental agreement for occupancy of the Residents and the Lot by a single Family, provided that the lease or rental agreement is made expressly subject to this Declaration. Owners may also rent Lots to Declarant for use as sales offices, model homes and parking areas. All lessees, tenants, and their Families, agents and invitees are bound by the Restrictions when present in the Properties, and any violation of the Restrictions constitutes a default under the lease or rental agreement. Declarant may not lease any portion of the Common Property to the Owners or the Association.

2.5 Business and Commercial Activities

2.5.1 Generally. No Owner or other occupant of the Properties may undertake any activity on any Lot or any portion of the Common Area for business or commercial purposes including manufacturing, mercantile, storage, vending, auctions, transient occupancy (such as vacation rental, hotel or time-share), vehicle or equipment repair, or other non-residential purposes. Such activities are prohibited whether they are engaged in full- or part time, whether they are for-profit or non-profit, and whether they are licensed or unlicensed.

These CC&R restrictions were put in place by the Association's developer and every Association member purchased his or her lot within the Rosetta development subject to these restrictions.

In response to questions on whether short term, Airbnb-style rentals would be permitted within the Rosetta development, the Association's Board of Directors adopted this policy.

(1) No short term rentals (less than 30 days) are permitted within the Rosetta development. CC&R section 2.5.1 specifically prohibits transient occupancy, vacation rentals and hotel-style uses.

(2) Owners may rent out their entire property for a rental term of 30 days or longer. No rental or lease shall be permitted unless it is for the entire lot, for at least 30 days and for single-family residential purposes. (For purposes of applying this restriction, a "family" is defined as a group of individuals living together as a common household, sharing chores, meals, space and household expenses.) Renting out of individual rooms and similar boarding house-style uses are not permitted.

Adopted by the Rosetta Canyon Board of Directors on July 14, 2016, following compliance with member notice and comment requirements of California Civil Code section 4360.