

### **Changes as of January 12, 2022**

- Added that the term “rental” as used throughout the policy includes both short-term rentals and long-term leases
- Added Owner responsibility for ensuring rental agreement complies with the *North Carolina Vacation Rental Act*
- Clarified minimum rental periods
- Expanded details on registration of property for rental and added an attachment entitled “Property Rental Request”
- Changed point of contact for renter gate codes from the Creston property management company to the Creston Gate Code Manager to comply with Creston’s “Controlled Access Policy”
- Removed three attached Creston policies to eliminate need to update this policy whenever attached policies are updated. Owners have access to all current policies on the property management company website
- Added line for Owner’s insertion of property address on attachment entitled “Information for Renters”

### **Change on July 2, 2019**

Added a bullet on disposal of ashes from indoor and outdoor fireplaces



## **Creston Property Owners' Association, Inc. Rental Policy**

This policy document incorporates the requirements set forth in the *Covenants, Conditions, and Restrictions* (the “CCRs”) of the Creston Property Owners' Association, Inc. (the “Association”) including items specified in Article XI, Section 17– Leasing or Renting; Article II, Section 4–Regulation of Uses; and Article VI–Use Restrictions. It also provides how these requirements are implemented.

Throughout this policy, the term “rental” includes both short-term rentals and long-term leases.

### **Definition of Property Rental**

A property is being rented when the following conditions occur:

- The sole occupant(s) of the property is not the Creston Owner(s) of that property.
- There is financial compensation for the use of the property.

### **Exclusions from the Creston Rental Policy**

When a Creston property Owner is involved in any of the following situations, the property is not considered a rental for the purposes of this policy and therefore not subject to this policy:

- A Creston property Owner rents and occupies a house in Creston owned by another Creston property Owner.
- A Creston property Owner rents a house in Creston from another Creston property Owner for use by family or friends.
- A Creston property Owner allows family or friends to occupy the Owner's house without compensation. The Owner does not have to be present while the property is occupied by the family or friends.

### **Scope of Rental Property**

The rental must include the entire residence. This means the main residence, guest cottage, carriage house and any separate living space must all be part of the rental.

### **Registration of Property as a Rental**

Creston Board of Directors (the “Board”) written approval is required before an Owner may offer property for rental. Rental authority is not transferrable; it attaches to the Owner, not the property, and is terminated upon sale of the property. Each new Owner must apply for rental authority. Owners who rent a property without written Board

approval are subject to being fined per “Consequences of Not Following Rental Policy” cited below.

Owners may forward a request, using the format in Attachment 1, to register a property for rental to the Board President. The request must include a copy of the standard rental agreement for review and approval. It is the Owner’s responsibility to ensure such agreement complies with the *North Carolina Vacation Rental Act*.

The rental agreement must include the following:

- Renters are to abide by all *Creston Covenants, Conditions and Restrictions*.
- The minimum rental period and maximum number of occupants as specified in the *Creston Covenants, Conditions and Restrictions* and cited below under “Requirements for Minimum Rental Period and Maximum Number of Occupants”. This information must also be included in any advertisement or solicitation for renters.
- The rental includes the entire residence. This means the residence, guest cottage, carriage house and any separate living space.

If the rental agreement is acceptable to the Board, the Board will provide written notification as such. Any time the standard rental agreement is modified, a copy of the new agreement must be sent to the Board for approval.

### **Requirements for Minimum Rental Period and Maximum Number of Occupants**

- Cabin lots:
  - Minimum of three (3) nights rental; meaning rent is collected in advance for at least a three (3) night rental period and each rental occurrence must involve a minimum of three (3) nights elapsing before another rental occurrence may take place.
  - Maximum of four (4) occupants per cabin
- Cottage, traditional, and homestead lots:
  - Minimum of seven (7) days rental; meaning rent is collected in advance for at least a seven (7) day rental period and each rental occurrence must involve a minimum of seven (7) days elapsing before another rental occurrence may take place.
  - Maximum number of occupants is at Owner discretion which should take into consideration factors such as sleeping capacity, well output etc.

### **Property Owner Responsibilities**

- Property Owners shall ensure renter names, contact information and dates of rental period are maintained by the Owner or rental agent and made available to the Board, upon request, to facilitate renter notification of emergencies or hazards such as fire, road blockages, threatening weather conditions.
- Property Owners shall ensure renters are advised they are expected to follow all rules and restrictions related to property use. These include:
  - Observe 20 mile an hour speed limit or any posted lower limits
  - No camping anywhere within Creston

- No parking on Creston roads
- No hunting or trapping
- A maximum total four (4) pets (dogs and/or cats) per lot with pets under control of an adult and pet droppings picked up immediately
- No discharge of firearms
- No excessive noise
- Only low voltage path/patio hooded lights may be illuminated all night
- No use of the Community Center (including the Fitness Center) or Gazebo fire pit
- No trespassing on other properties
- No sharing of gate code with others
- No feeding or otherwise molesting of wildlife
- Use of Creston trails is at renter's own risk
- Property Owners shall provide a covered metal can for the proper disposal of fireplace and fire pit ashes.
- Property Owners shall ensure renters are advised they are expected to follow good practices including the following:
  - Reduce speed as conditions warrant – fog, snow, ice, wind, etc.
  - Yield to construction vehicles
  - Exercise extreme caution with outdoor fires; do not have fires in windy conditions; thoroughly douse all fires and obey any fire danger warnings and restrictions
  - **Properly remove ashes from indoor and outdoor fireplaces: let ashes cool completely, transfer to a metal can, wet ashes completely and leave in can (Owner or cleaning service will complete disposal)**
  - Keep garbage in a secure place and dispose of it properly
  - No parking on road shoulders
- Owners are responsible for any damage to Association property or assets caused by renters.

### **Gate Access**

- Owners shall not share their personal gate code with renters; Owners may share their remote-control fob at their discretion.
- For Owners who have registered for rentals, a rental gate code will be issued to Owners of a registered rental or the Owner's rental management company consistent with the "Creston Controlled Access Policy". Owners who do occasional rentals may request a gate code for their renter(s) by contacting the Creston Gate Code Manager at [crestongates@gmail.com](mailto:crestongates@gmail.com).

### **Information to be Provided to Renters**

- Property Owners who are registered for rentals must have at least one copy of the information provided in Attachment (2) conspicuously posted in the home.
- Owners shall fill in the rental address on Attachment (2).
- A copy of the Association's "Pet Policy".

Owners who allow friends/family to use their home are encouraged to provide this

information as well.

**Consequences of Not Following Rental Policy**

The Association's policy on "Procedures for Assessing Penalties and Fines and Suspension of Privileges and Services" will apply to Owners who do not follow the Rental Policy. This includes any violations committed by renters. Fines may be up to \$100.00 per day and unpaid fines may result in a Claim of Lien against the property.

**Attachments**

- (1) Property Rental Request
- (2) Information for Renters

**Approved by Creston Property Owners' Association, Inc. Board of Directors:  
January 12, 2022**

## Property Rental Request

Date:

From:

To: President, Creston Property Owners' Association, Inc. Board of Directors

Subj: Request to Register Property for Rental

1. I hereby request authority to rent my entire residence on a **[insert lot type, i.e., CC, C, T, or H]** lot located at **[insert full address]**.
2. I have read and will fully abide by the "Creston Property Owners' Association, Inc. Rental Policy".
3. I have attached a copy of the standard rental agreement that will be used for my property rental. I understand that any modification of the standard rental agreement requires that it be resubmitted to the Board of Directors for approval.
4. **[In the case of rental of a residence on a CC lot type]** I affirm I will not advertise nor will I permit my agent to advertise the residence for less than the three (3) night rental period and that the rent charged and received will be based on not less than a three (3) night rental period.

--or--

4. **[In the case of rental of a residence on a C, T, or H lot type]** I affirm I will not advertise nor will I permit my agent to advertise the residence for less than the seven (7) day rental period and that the rent charged and received will be based on not less than a seven (7) day rental period.

Sincerely,

**[Signature]**

Attachment: Copy of standard rental agreement

# Information for Renters

## McDowell County 911 Call Center/Emergency Management

**Rental Address:** \_\_\_\_\_

The 911 call center may be reached by **dialing 911 or texting 911** if you are within the county when texting. Texting may be an option if in an area where no phone signal is available.

**\*\*\*Report above address if incident is on the rental property or trail name if hiking, and state location is in the Creston Development off of Mt. Hebron Road in Crooked Creek.\*\*\***

### Fire Emergency

- Call 911.
- Report a house/structure fire, wildfire, or both.
- Provide address/fire location and get to a safe area to await first responders.

### Medical Emergency

The nearest ambulance is on Highway 70 in Old Fort — about 13 miles from Creston.

- Call 911.
- Report the nature of the emergency and address or location.
- If able, unlock doors and turn on lights.
- If able, lock pets in a room away from the doors/emergency.
- If able, post someone at the location entrance to alert first responders.

### Hospitals

**Mission Hospital in McDowell County:** The closest hospital is Mission Hospital in McDowell County. It is located at 430 Rankin Dr. in Marion (phone number (828) 659-5000). The hospital is 19 miles from the Creston entrance and estimated drive time from the entrance is 25 minutes.

Directions to Mission Hospital - McDowell:

- When you exit Creston, turn left onto Mt. Hebron Rd.
- Travel approximately 4 miles until you dead end into Bat Cave Rd.
- Turn left onto Bat Cave Rd. and travel approximately 4 miles to Interstate I-40.
- Take a right at **I-40 East** entrance ramp.
- Travel east on I-40 until you reach exit 81.
- At the stop light after exiting I-40, turn left onto Sugar Hill Rd.
- Take Sugar Hill Rd. until you reach Rankin Dr.
- Turn left on Rankin Dr. to reach Mission Hospital - McDowell.

**Mission Hospital in Asheville:** The largest hospital – and a slightly longer driving distance from Creston – is Mission Hospital in Asheville. It is located at 509 Biltmore Ave in Asheville (phone number (828) 213-1111). It is 23.3 miles from the Creston entrance and estimated drive time is 35 minutes.

Driving directions to Mission Hospital - Asheville:

- As you exit Creston, turn right onto Mt. Hebron Rd.
- Travel approximately 1.7 miles until you reach Rte. 9 (Mt. Hebron Rd., which changes name to Crooked Creek Rd. at the county line, ends at Rte. 9).
- Turn right onto Rte. 9 and continue on Rte. 9 for approximately 6 miles until you reach I-40.
- Take the Interstate **I-40 West** entrance ramp.
- Drive west on I-40 approximately 13 miles to Exit 50B.
- Take exit 50B onto US-25N/Hendersonville Rd.
- Use left two lanes to continue on US-25N/McDowell St.
- Turn right onto Anna Woodfin Dr.
- Turn right onto Lily Carmichael Dr. which takes you to the Emergency Room.

### **Law Enforcement**

Creston is under the jurisdiction of the McDowell County Sheriff.

### **For Emergency:**

- Call 911.
- Report the nature of the emergency and address or location.
- Advise if able to speak openly.
- Get to a safe location if able/as needed.
- Have proof of identity available if able.

### **For Non-Emergency:**

- Call dispatch at (828) 652-4000 for deputy sheriff response.