

**Somerset Property Owners Association**

PO Box 5  
Ames, IA 50010

June, 2020

**TO:** Interested Somerset Residents and Association Members

**FROM:** Dan Topf, President, Somerset Property Owners Association

**RE:** Short Term Rentals and Somerset Restrictive Covenants

This memo is a formal response to inquiries as to the compliance of short term vacation rentals of single family homes in Somerset, and the Restrictive Covenants for the Somerset Subdivision, Ames, IA. If you would like additional information regarding this issue, please contact me at [somersetames@gmail.com](mailto:somersetames@gmail.com).

**The Somerset Property Owners Association Role**

According to the Declaration of Covenants, Conditions, and Restrictions, the Somerset Property Owners Association, Article VII General Provisions Section 1:

“The Association, Declarants or any owner shall have the right to enforce, by any proceedings at law or in equity, any restrictions, conditions, covenants, reservations, liens, and charges now and hereafter imposed by the provisions of this Declaration.”

**SPOA Members' Inquiry**

During the months of March and April 2020, several members of the Association asked for clarification and a decision related to the short term vacation rental use of a home in Somerset and our Restrictive Covenants. The specific restriction most at issue is in Section 1 of the Amended and Substituted Restrictive Covenants and Regulations for Somerset Single Family Homes - Second Addition:

“All lots shown as Village Cottages, Country Houses, and Village Houses (single family dwellings) as designated on the final plat shall be known and described as residential lots and shall not be improved, used or occupied for other than private single family residential purposes, except that a church property including parking may be permitted in residential or commercial zones.”

Each Restrictive Covenant in every addition in Somerset has this language in Paragraph 1.

The inquiry to the SPOA Board was to clarify the use of a single family home as Guest Lodging, advertising or operating as an AirBnB. For the purposes of our consideration, the specific use was as a “home share” with a maximum home stay of 31 consecutive days.

## **The SPOA Decision**

Over two SPOA Board meetings, our discussions and research included review of the new City of Ames requirements for ST Vacation Rentals, application of our attorney's guidance, and collaboration with other POA's in the community. Several of our members participated in these Board meetings, with most of them offering their perspectives on the issue. They served to educate everyone on the issue and its implications.

At our SPOA Board meeting on 5 May 2020, we voted on the following motion:

The use of a home [specific address] in the Somerset Subdivision for short term vacation rentals is NOT in compliance with the [specific Addition] Restrictive Covenants, Section 1.

The motion carried unanimously.

## **Next Steps**

Our Board agreed to post this rationale and subsequent decision on our website, [www.somersetames.com](http://www.somersetames.com), and to inform other stakeholders in our community (City of Ames, other POA's, real estate offices, etc.) of this decision.

If you'd like to know more, or have a specific question, please contact me.