

Updating RMEOA Governing Documents

Review of Proposed Changes for Community Discussion

August 15, 2026

The RMEOA governing documents are critically out of date and in some cases uncompliant with the current laws of the State of Virginia—namely the Virginia Property Owners Act. To make our RMEOA governing documents consistent with current POA laws and regulations we are embarking on a process to engage RMEOA owners in a discussion on how we—as a community—want to revise our Deed covenants and By-Laws.

The process will be:

- 1) Discuss potential changes and clarifications (Sept 26th) and develop consensus on guidance to provide to our lawyers
- 2) Lawyers draft legal documents
- 3) Review and discuss legal documents and request any necessary changes
- 4) Hold community vote on new documents. Ratification requires 2/3 approval—which at this moment would require 22 members out of 33.
- 5) File new document with court.

We have engaged a law firm that specializes in POA law and stands ready to update our documents. However, in order to do that, we must give them express direction as to the community consensus on the following issues.

This document serves as a guide for RMEOA members to review and consider ahead of our September 26th membership meeting. It is not intended to determine specific language for the final document, but rather a framework for members to understand options work towards consensus.

I. Change already approved to RMEOA Deed Covenants, voted on in September 2024 meeting:

Fiber cement siding (e.g. Hardie siding) or vinyl permitted "so long as it maintains the appearance of natural stone or wood." Vinyl was correspondingly removed from the prohibited-materials list (aluminum siding, metal/brick buildings, and mobile homes remain prohibited).

II. Summary of changes proposed to community in 2024 but not yet discussed or approved by community:

A. Procedural items related to administration of RMEOA

- Allow electronic voting in keeping with VAPOA.
- Allow disclosure packets to be furnished “by hand, by mail, and/or by e-mail.”
- Allow on-line voting- for example, that amendments to governing documents required a two-thirds decision must be by members “in good standing and voting in person, on-line, by mail and/or by proxy.”
- Add specific language clarifying that “All structures must adhere to state and county health requirements and building codes.”
- State explicitly that lots cannot be subdivided. No subdividing of lots. This aligns with Madison County A-1 zoning that prohibits subdivision of lots that are 6 acres or less because the minimum lot size allowed is 3 acres.
- Require financial reporting to the members done annually before member meeting, instead of quarterly.
- Prevent executive committee from waiving fees for “institutional members.”
- Increase late fee for not paying dues and assessments from \$10/year to \$50/year. *Penalty of 20% on unpaid dues and assessments remains in effect.*
- Expand list of permitted signage to include speed limit signs and address numbers, in addition to the existing directional/information and name signs.

B. Items raised for further clarification or modification:

- Clarify that clearcutting is prohibited by adding language to the effect of: Removal of trees is “only permitted when required for construction, utilities and septic systems, safety, and/or property access. Dead and dying trees may be removed for safety and fire mitigation purposes.”

Clearcutting is legally defined as removing all or most of the trees and vegetation from a lot at the same time. County and state laws regulate the terms of clearcutting and the permits required to prevent erosion and damage to streams and waterways. Madison County defines a land-disturbing activity as a change to land that may cause soil erosion or sediment movement, including clearing, grading, and excavating—especially on steep grades. Removal of stumps and

roots constitutes soil disturbance and may be considered a land-disturbing activity subject to erosion and sediment-control requirements.

- Modify language on the prohibition of off-road vehicles in RME.
Example from other association: “The speed limit for all vehicles, recreational or otherwise, shall be fifteen (15) miles per hour on Association roads. The exception shall be for medical, fire, or other emergency vehicles. Recreational vehicles are not permitted, except for an owner requiring it for transportation to and from their lot due to inclement weather or disability. Motocross bikes and ATVs are always prohibited. Joy-riding is forbidden.”
- Add maintenance standard requiring that seasonal/camping owners to keep their property in a manner that does not detract from RME's appearance or impact the health and safety of RMEOA members. RMEOA needs to talk to the Zoning Office about use of lots for camping because the county adopted new rules on this in May 2025 that RMEOA is obligated to follow and RMEOA lots do not qualify under the new rules due to the anomaly of our lot sizes in a A-1 zone. We will get answers and report back on this. *Personal camping, compensated camping/campgrounds, RV use, and short-term lodging are different zoning issues, and RMEOA needs to get a written interpretation from the Madison County Zoning Administrator about the RMEOA lots.*

III. Issues Requiring Community Definition

- 1) **Short-term rentals.** RMEOA has always prohibited commercial activity in the community. Our current covenants say that property cannot be used for “commercial” purposes. However, services such as Airbnb and VRBO have created a new issue that the existing language does not clearly address.

Virginia courts generally require deed restrictions to be clear and specific. Because of this, RMEOA should not rely only on the word “commercial” to regulate short-term rentals. If the community wants to limit or prohibit short-term rentals, the covenants should clearly say what types of rentals are allowed, what types are not allowed, and what minimum rental period is required.

Virginia law defines a short-term rental as lodging rented for fewer than 30 consecutive days. Madison County also treats rentals of fewer than 30 days as short-term lodging and requires applicable transient occupancy taxes to be collected and paid.

The 30-day definition in Virginia law does **not** mean that RMEOA must allow rentals of 30 days or longer. A property owners' association may set a different minimum rental period if the restriction is properly included in its recorded covenants and is allowed under Virginia law. Therefore, if RMEOA wants to limit short-term rentals—for example, by requiring rentals to be at least 30, 60, or 90 days—the rule should be clearly written into the Declaration/Deed Covenants

and approved and recorded according to the amendment requirements of the existing covenants and Virginia law.

There are three primary options:

a) Allow short-term rentals.

b) Prohibit short term rentals

c) Allow short-term rentals with conditions. If RMEOA decides to allow short-term rentals, the Declaration would need to establish clear conditions and limits. These may include:

- Limit the number of rental properties owned by one person. An owner may rent no more than one property within RMEOA as a short-term rental.
- Establish a minimum rental period. RMEOA may set a minimum number of consecutive nights for each rental. Virginia defines a short-term rental as lodging for fewer than 30 consecutive days. Therefore, a minimum rental period of 30 days or more would effectively prohibit short-term rentals as defined by Virginia law.
- Prohibit partial-house rentals. A home must be rented as a single dwelling. Individual bedrooms, basements, accessory areas, or other portions of a home may not be rented separately.
- Limit how often a property may be rented. RMEOA may establish a maximum number of rental periods or rental days allowed during a calendar year.
- Limit short-term rentals to homes also used personally by the owner. RMEOA may require that a property be used by the owner as a personal residence or vacation home and not be operated solely as a full-time short-term rental business. Any owner-use requirement should be clearly and objectively defined.
- Require renters and guests to follow RMEOA rules. Owners must provide renters with the current RMEOA rules and require renters to acknowledge in writing that they have received and will follow them.
- Require basic rental information and records. Owners must maintain records showing compliance with RMEOA rental requirements and provide information that RMEOA is legally permitted to request. This may include the names and contact information of tenants or authorized occupants, vehicle information, and acknowledgment of RMEOA rules.

- Require appropriate liability insurance. Owners must maintain liability insurance that covers the property's use as a short-term rental and provide proof of coverage upon reasonable request.
- Establish occupancy limits. The number of overnight occupants must comply with applicable building, zoning, health, and septic requirements, as well as any additional reasonable occupancy limits established by RMEOA.
- Establish parking, noise, trash, and community-use requirements. Renters and guests must comply with all RMEOA rules concerning parking, noise, trash disposal, use of roads and common areas, outdoor activities, and similar community requirements.
- Prohibit disruptive events or parties. Short-term rentals may not be used for large parties, weddings, commercial events, or other gatherings that create excessive traffic, noise, parking, or disturbance within the community.
- Require a responsible contact person. The owner should provide current contact information for the owner or another responsible person who can respond promptly to problems involving renters or guests.
- Hold the owner responsible for renters and guests. The property owner remains responsible for violations of RMEOA covenants and properly adopted rules committed by tenants, renters, guests, or invitees. Any fines or other enforcement actions must follow the requirements of RMEOA's governing documents and Virginia law.
- Camping and RV use need to be addressed separately. Camping, RV use, and the rental of campsites are separately regulated by Madison County zoning. RMEOA should obtain clarification from the Madison County Zoning Office concerning how those rules apply to RMEOA properties before adopting its own restrictions.

Any rental restrictions adopted by RMEOA must be clearly stated in the Declaration/Deed Covenants and approved and recorded according to the amendment requirements of the existing covenants and applicable Virginia law.

Adoption of short-term rentals will put a burden on the RMEOA for enforcement and require clear penalties and remedies.

- 2) **Prohibition of open fires.** Recent severe droughts and forest fires amplify concern and potential threat to lives and property. As a FireWise community the DOF recommends we prohibit open fires at all times. *Language can be added to our regulations that define "open fire" and what is and is not permitted including campfires, burn piles, and fireworks.*