

SHORT TERM RENTALS – TASK FORCE MEETING

JANUARY 17, 2019 (5:30 – 6:40 p.m. CST)

Comments Transcribed from Video: <https://www.youtube.com/channel/UCOdPdLiVobZNhxw7S9uSRgw>

Task Force Members: City Councilors Bob Parsons and Brett Smith

Planning Commission Members: Marcus Marshall and Bob Ritenbaugh

Questions and/or Comments were as follows:

1. Application of Proposed Ordinance: This is a city-wide proposed ordinance. See Item # B.14.a of the Proposal for applicable zoning classifications. Classifications can be found on the City's website (<http://webgis.auburnalabama.org/COAMap/>), then, find the Overlay symbol and, subsequently, turn to the maps and locate the legend for Zoning Overlays and Classifications).
2. Comment made that, as proposed, Ordinance is very limited as to allowable zoning classifications (see above referenced B.14.a.); proposal should be extended to other classifications (e.g., NC). Also, allowable 30-day for occupancy provision is too restrictive (B.14.b). It was noted that NC classified residential neighborhoods vary in character, a factor that should be taken into consideration in designating allowable zones for *Homestays*.
3. Argument was presented that the decision as to allow *Homestays* in neighborhoods should be regulated by Home Owners Association (the "HOA"). It was noted that many neighborhoods do not have HOAs. Also, increased tax revenues will be realized by expanding rental opportunities. If restricted, visitors will seek other communities in which to reside during events; e.g., Opelika, Montgomery, Columbus, as well as pursuing *black market* arrangements.
4. Suggestion was made that Paragraph B.7. restricting *Homestay* occupation to six (6) overnight guests is too restrictive. One comment made that resident has five (5) bedrooms and provides for 12 adults. This raised the question regarding criteria to be applied in determining adequate parking.
5. Comments were made that Airbnb and select other web-based recreational leasing mechanisms contain vetting services, including background checks, as well as visitor and owner ratings to provide some level of a quality check on both visitor and owner.
6. Paragraph B.14.g. provides that the Planning Director may revoke the Certificate for stated violations. Comment was made that there should be an appeals process. [*Aside Commentary*: consideration may be warranted giving prosecutorial authority to the Code Enforcement Department, not the Planning Department].
7. Question was raised as to why allow *Homestays*. Several responses were given: limited hotel accommodations; allowing people of similar interests and backgrounds to remain together under one roof instead of in multiple hotel rooms; i.e., this facilitates shared experience, ambience, etc. Another perspective given was that it gives families with young children an opportunity to *put children to bed*, and, then, allowing adults to continue entertaining. Others commented that it's simply a matter of economics, enabling people to make additional income.

8. Question was raised as to why introduce this ordinance. Response was given that over time concerns have been raised by nearby residents. Concerns include, but not limited to, traffic congestion on neighborhood streets due to inadequate parking, noise generated at night; accumulation of trash, and other nuisances. Current ordinance(s) only address long-term lease arrangements. Short-term leasing is not addressed; hence, such use is in violation of current regulations. Additionally, comment was made that many potential homebuyers want to reasonably know what to expect from their future next-door neighbors. A comment was made that Government's intrusion should be limited to addressing obvious violations affecting the health, safety and welfare of nearby residents. An individual commented that over regulation likely would lead to a *black-market economy of Homestays*.
9. Comment made that *Homestays* should be regulated similarly to hotels to include safety and health inspections, and taxation; i.e., *level the playing field*. A comment was made that Airbnb and, possibly, other web-based leasing mechanisms require select safety measures be installed/provided; e.g., carbon monoxide sensors, fire extinguishers, and ingress and egress instructions. No protests were raised against limited inspections as a condition of occupancy.
10. A question was raised regarding the existence and adequacy of current and future enforcement mechanisms, including permitting, inspections (and the costs associated therewith), and tax collections. Currently, Airbnb's tax assessment is as follows: seven (7) percent City; four (4) percent State, and two (2) percent Auburn Tourism Bureau, albeit it appears the 2% is not uniformly collected. [*Aside Commentary*: Clarification was not offered with respect to taxes collected by other web-based leasing mechanisms. Also, no mention was made as to tax collections from *Homestay* owners not using any of the web-based agents. See also, Paragraph B14.b. as an enforcement challenge re 30-day limitation].
11. The current proposed regulations assume a somewhat homogeneous residential configuration; e.g., urban lot; average residential square footage, etc. It does not address the atypical situation; e.g., estate sized acreage, large home with multiple amenities able to accommodate many visitors, etc.
12. It appears that the lines between the provisions typically associated with that of a *Home Occupation* and that of a *Homestay* are somewhat blurred. [*Aside Commentary*: For example: Paragraph B.14 states that the provisions in Paragraph B.1-14 apply to *Homestays*. If that is the case, per Paragraph B.3 the implication is that as long as the structure is intended to be used as a *Homestay* it cannot be enlarged to accommodate the business activity. Also, with the *Homestay* being included under the umbrella of a business activity would it not be subject to all the terms and conditions applied to a business, including the requirement that [*no*] *business deliveries be made to a property on which a home occupation business is conducted*; e.g., no pizza deliveries].

[Remarks: Please note that the *Aside Commentary* are those comments made by the author of this paper].

END OF NOTES

Meeting comments summarized 01/25/19