

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, October 29, 2015 9:58 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rentals

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**From:** Danny Wedge [<mailto:Danny.Wedge@johnhcarter.com>]  
**Sent:** Sunday, October 25, 2015 10:09 AM  
**To:** CPCinfo  
**Subject:** Short Term Rentals

My wife and I live at Magazine Place, a high density residential complex in the Warehouse District. In spite of current laws and the rules and regulations of the complex, a few absentee owners have decided to illegally rent their units to anyone, without regard for their neighbors. As a result, we have experienced breaches in security, illegal parking, blocked access to private parking spaces, excessive noise at all hours, damage to property, theft, loitering, underage drinking, excessive litter and a number of other annoyances. We had hoped that we could rely on the city to enforce current laws and regulations. Unfortunately, the city has decided to look at changing the laws rather than enforce them, not an unusual move by our city government.

I was present at the public hearing conducted by the City Planning Commission on September 29, 2015. The vast majority of the proponents of short term rentals indicated that they wanted to follow the law and were seeking regulation, at the same time admitting that they were operating illegal short term rental businesses. How hypocritical is that? They also indicated a willingness to pay fees and taxes. I speculate that an audit of their personal income taxes might reveal something less than significant compliance. If past behavior is indicative of future behavior, compliance with and enforcement of any new laws and regulations will prove to be at least as difficult as it has been to enforce those currently on the books. With the violators blatantly advertising, the question is whether it is really that difficult to enforce current laws, or has a conscious decision been made not to enforce them?

It seems that the motivation on the part of the city is revenue, an admirable objective, but at what cost? Our city has a history of granting variances to laws and regulations to special interests, individuals and groups. These are laws and regulations passed by our representatives supposedly after careful thought and consideration. One is compelled to ask, "What changed that now requires a variance?" Was it the inability to enforce current laws? Money? Political Influence? Perhaps proactive enforcement of the current laws, the legislation of additional fines on operators, advertisers, property managers, and perhaps even the renters, all for the safety and security of our families and neighbors, would generate the desired revenue. We will never know unless we try.

After the hearing, I spoke to some of the proponents, many of them friends. I was assured that their intent would be to continue the prohibition of short term rentals in high density complexes such a Magazine Place and other Warehouse District developments. While it would be easy to accept that, say I got what I wanted, and move on, I would find it difficult to abandon those who have had similar experiences just because they live in a single family home.

My wife and I, most of those who reside in our complex, and the majority of those who reside in the neighborhood with whom I have had the opportunity to speak with on the issue of short term rentals, are all in agreement. No short term rentals, anywhere.

Regards,

*Danny Wedge*

Daniel Wedge  
760 Magazine Street, Unit 117  
New Orleans, LA 70130

## Nicholas J. Kindel

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**From:** Jay Brinkmann <jaybrinkmann@gmail.com>  
**Sent:** Sunday, October 25, 2015 8:58 PM  
**To:** Robert D. Rivers; Nicholas J. Kindel  
**Subject:** Additional comments on topics raised in October 16  
**Attachments:** CPC additional comments 10-23-15.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I would like to submit these additional comments on topics that came up in the meeting on October 16th.

Jay Brinkmann  
4506 Canal Street  
New Orleans, LA 70119

Jay Brinkmann  
4506 Canal St.  
New Orleans, LA 70119

Robert D. Rivers  
Executive Director  
New Orleans City Planning Commission  
City Hall  
1300 Perdido St, 7th Floor  
New Orleans, LA 70112

Dear Mr. Rivers,

I very much appreciated the opportunity to meet on October 16<sup>th</sup> with you and members of the City Planning Commission staff on the subject of short-term rentals. I wanted to take the opportunity to expand on two points that I brought up in the meeting that perhaps I did not explain very well.

The first issue deals with the impact of short-term rentals on home prices. I drew a comparison between what happened with home prices after 2007 and what could happen if AirBNB listings were allowed to expand at their current rate and suddenly pulled from the market. While many have laid the blame for the house price collapse on weak credit standards, the issue was really the degree to which these credit practices and other factors created a temporary and unsustainable demand for houses. That is the parallel I see with short-term rentals.

I have a presentation on the topic that I have given as far away as Vienna, Austria and as close to Ralph's on the Park. The gist of it is that the elasticities of the supply and demand curves for houses are fundamentally different. All this means is that, in general, the demand for houses is far more sensitive to price than is the supply. In markets where buyers are looking for older homes, or where expansion is limited by physical barriers such as rivers, lakes, or mountains, an increase in price does not necessarily bring an increase in the supply of houses available for sale. In a normal market where increases in demand are organic, house prices may go up but they will stay there because it is unlikely that demand will fall. When we have a sudden and temporary shock that increases demand, like the growth of no-documentation mortgages to buy houses for speculation, prices will shoot up because supply cannot keep pace. However, as we saw, those prices will fall again once that artificial stimulus to demand is withdrawn.

The parallel I was trying to draw is simply this. The demand for short-term rentals is influencing house prices in certain sections of the city. The reason, as I outlined in my original comment letter, is that if an individual can purchase a home at a residential use price and put it into commercial use as a short-term rental, that individual can easily earn an unlevered return of over 10 percent with very conservative estimates of

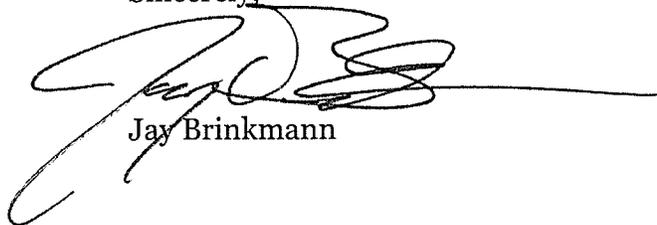
occupancy rates. House prices in those areas will be bid up until the risk-adjusted returns fall. My point is that if we have investor and speculator money buying up homes in certain neighborhoods in anticipation of internet operations such as AirBNB becoming a permanent fact of life, a price bubble is developing in those neighborhoods due to this extra demand. The larger the bubble, the bigger the shock when it bursts. I believe the city should act now to effectively prick this bubble now by acting sooner than later to stop the actions of firms such as AirBNB.

The second issue I raised dealt with making it illegal for visitors to rent an unlicensed short-term rental. While the initial response was that attempting to enforce such a law against visitors would make the city appear inhospitable to visitors, I do not see it that way. Hospitality is a somewhat intangible concept anyway that does not lend itself to being easily quantified. For example, we do not allow campers or large recreational vehicles to be parked in the French Quarter or the CBD. Is that being inhospitable? We place a significant tax on visitors to fund the Superdome that is almost exclusively used by local residents. Is that being inhospitable? I suggest that making it illegal for visitors to stay in unlicensed short-term rental would have an immediate and fundamental beneficial impact on the market for three reasons:

- 1) It would solve the enforcement issue for noise and other nuisance problems associated with some short-term rentals. If the NOPD is called to a house on a noise issue, the responding office can ask on what basis the individuals are occupying the property. Absent evidence that the occupants are legally occupying the property, they can be issued a misdemeanor summons. Most importantly, they can be immediately evicted.
- 2) The level of enforcement is not the issue, just the likelihood of enforcement. Most drivers travel reasonably close to the speed limit (Texans in pickup trucks are clearly the exception), despite the fact that there is not a state trooper parked every mile along the interstate. Making it illegal to stay in an unlicensed short-term rental would fundamentally change the risk-return equation for the renters, owners and firms like AirBNB. Visitors booking lodging through AirBNB are doing so because they can obtain lodging for less than the cost of a hotel room, but they would now know that they also face the risk of a fine and being without a room at all. For the owners and AirBNB, the added risk is not just the demand for refunds from customers who find themselves forced to seek other accommodations. It would be the legal exposure that comes from providing a product that it is now explicitly illegal for their customers to buy.
- 3) The city would need to do only a modest amount of notification. While the news media would likely draw attention to the new law at first, social media would carry the message as displaced renters vent their anger. For the city, enforcement would be funded by the fines.

I appreciate the level of time and effort you and the staff are investing in this topic and I appreciate the opportunity to offer these additional comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Brinkmann', with a long horizontal flourish extending to the right.

Jay Brinkmann

Cc: Nicholas J. Kindel

## Nicholas J. Kindel

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**From:** info@gvbb.com on behalf of Bonnie Rabe <bonnie@gvbb.com>  
**Sent:** Monday, October 26, 2015 10:16 AM  
**To:** CPCinfo  
**Cc:** Nicholas J. Kindel; Stacy S. Head; Jason R. Williams; Susan G. Guidry; LaToya Cantrell; DistrictC; Jared C. Brossett; James A. Gray; Mayor Mitchell J. Landrieu  
**Subject:** French hotel industry to 'go hard' after Airbnb

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

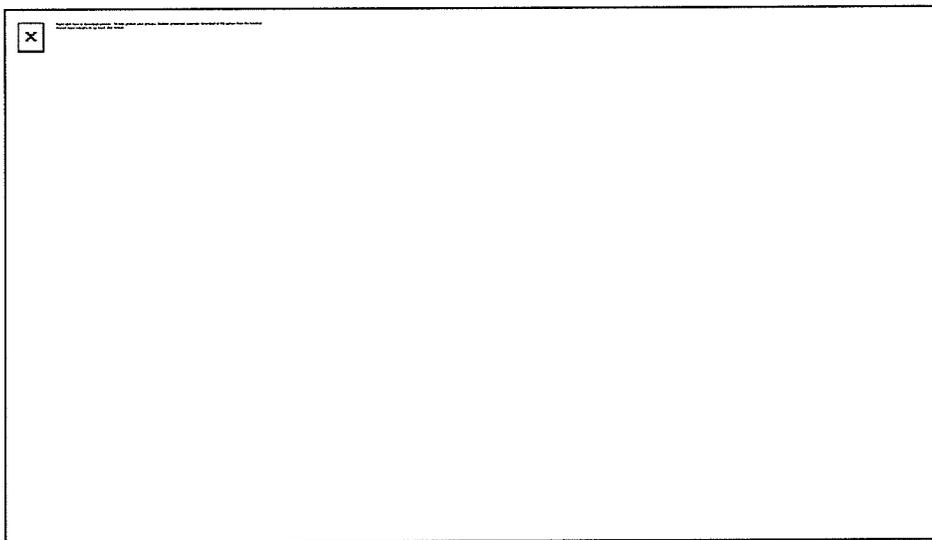
CPC Staff,

Here is another informational article of how other places are preparing to deal with the unfair advantage that AirBnB/STRs have over legitimate businesses with which they compete. Hope that you find this helpful!

<http://www.thelocal.fr/20151009/french-hotel-industry-to-go-hard-after-airbnb>

## Travel & Tourism

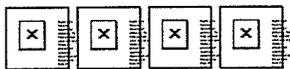
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The rise of Airbnb has angered the French hotel industry who say the game is no longer fair. Photo: AFP

## French hotel industry to 'go hard' after Airbnb

Published: 09 Oct 2015 13:44 GMT+02:00



The head of France's hoteliers union (UMIH) has fired a warning to Airbnb telling The Local that the suffering hotel industry will "go hard" after the room sharing website in a bid to level out "unfair competition".

- In Numbers: How Airbnb has conquered Paris (02 Oct 15)
- Airbnb starts charging users tourist tax in Paris (01 Oct 15)

Fresh from a recent victory over Booking.com the head of the French hotel industry has told The Local they will now be turning their attention to Airbnb to stop hotels from being driven out of business.

Laurent Duc and France's hoteliers have long complained that Airbnb is unfair competition due to the fact individuals who rent out their apartment through the site are not subject to the same rules, regulations and taxes as hotels are.

It's a grievance that echos the gripe of France's taxi drivers against the rise of companies like Uber and other ride sharing services.

But in recent years the hotel industry in France has had other battles to fight, in particular with reservation sites like Booking.com and Expedia.

Earlier this year they finally won the long legal fight to force Booking.com to allow hoteliers in France to charge cheaper internet prices on alternative sites or to those who book in person.



*(Laurent Duc. Photo: UMIH)*

Duc told The Local this week they will now turn their attention to their grievance with Airbnb, which has thoroughly conquered France to the point where Paris is the world's number one destination for users.

"We haven't even started with Airbnb yet. We have spent five years fighting Booking.com and Expedia to have parity and after all that we find we have unfair competition with Airbnb," he said.

"We are going to go harder and harder towards the end of the year and try to get the government to include rules and regulations in its next Macron bill," Duc said.

The Macron bill is the next raft of financial measures expected to be drawn up by the Economy Minister Emmanuel Macron, that are more designed to free up the French economy rather than tighten the rules.

Duc wants authorities to stiffen regulations so those who rent their apartments on Airbnb are subject to the same rules as hotel owners, whether it be around taxes, health and safety, or sanitary standards.

Tourists who use apartments rented out by private owners have no guarantees around safety and cleanliness, he argues, nor with disabled access and minimum sized rooms, which are criteria hotels have to meet.

"We want the government to force Airbnb to give the state what it is owed, we want them to claim the taxes and the VAT from those who rent the apartments," Duc said.

He also wants the government to crack down on renters in Paris, those who put their flats on Airbnb even though it is illegal, because they are not the owners.

"We want the website to be controlled and those who put their flats online to be given a specific registration number," said Duc.

He says the rise of Airbnb has profoundly changed the landscape and forced many hotels out of business.

“In the countryside, hotels are closing and the buildings are being divided up and their flats are being put on Airbnb instead,” said Duc.

The president of UMIH also accepted that hotels would have to change with the times to keep up with new competition.

Bonnie Rabe, Innkeeper

Grand Victorian Bed & Breakfast

and President of PIANO

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tel: 504-895-1104; toll free: 1-800-977-0008

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New Orleans, LA 70130

New Orleans -- Better Way to Stay advertising campaign

## Nicholas J. Kindel

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**From:** info@gvbb.com on behalf of Bonnie Rabe <bonnie@gvbb.com>  
**Sent:** Sunday, November 01, 2015 11:43 PM  
**To:** CPCinfo  
**Cc:** Nicholas J. Kindel; Stacy S. Head; Jason R. Williams; Susan G. Guidry; LaToya Cantrell; DistrictC; Jared C. Brossett; James A. Gray; Mayor Mitchell J. Landrieu  
**Subject:** Airbnb has become its own worst enemy

CPC Staff,

Here is another article that highlights the same issues that we have here in New Orleans with stats and practices from other big US cities.

The plethora of such articles and studies should be evidence enough that the AirBnB model itself is broken for everyone EXCEPT AirBnB investors who continue to get more rich from the "sharing economy" it hides behind.

PLEASE do the right thing for New Orleanians and put an end to the "rape & pillage" mindset that are these STR platforms! Use the list in the article below as a guideline to requirements in any new legislation to be formulated WILL include. The list is very concise and would virtually solve the biggest part of our problem here in New Orleans.

<http://www.sfexaminer.com/airbnb-has-become-its-own-worst-enemy/>

# Airbnb has become its own worst enemy

Airbnb, the giant app-based hotel service, has disrupted housing markets and people's lives in city after city. In response, many cities are cracking down, and that's really a shame because Airbnb began as a good idea — it empowered "regular people" hosts, allowing them to earn a few extra dollars by renting out a spare room or couch to tourists.

Unfortunately, Airbnb has **drifted very far from its roots**. Today, independent data analysis of its business practices in numerous cities has revealed that Airbnb has morphed into a giant loophole for professional real-estate operatives. **Airbnb is allowing an increasing number of these professionals to evade city laws that are crucial for preserving the housing stock for local residents**. Consequently, Airbnb's service is eating up affordable housing.

In my research, I have found a consistent pattern. In San Francisco, various studies have found that 40 percent of revenue comes from Airbnb hosts with multiple listings. In Los Angeles, a separate study revealed that 89 percent of the company's revenue was generated by professional landlords and agencies. In New York City, an investigation by state Attorney General Eric Schneiderman found that nearly 40 percent of Airbnb's revenue — some \$168 million — came from hosts who had at least three listings on the site.

Let's be clear: **Hosts controlling multiple properties are not "regular people" renting a spare room.** These are professional operators, some of whom own or control dozens of properties. Some "hosts" in San Francisco are property managers renting out dozens of homes on behalf of absentee owners. Others are landlords who have evicted entire buildings of tenants in rent-controlled apartments, converting them into Airbnb tourist hotels.

A leaked memo from real-estate developer Coldwell Banker Commercial estimated that a landlord could more than double net annual income by renting to Airbnb tourists instead of local residents. This is a seriously lucrative enterprise that pits the housing needs of locals against tourists.

Consequently, various cities have begun to crack down. In New York City, the city council appears ready to raise the current \$1,000 fine for violations to as high as \$50,000. Beach town Santa Monica has banned Airbnb rentals unless the homeowner is on-site, barring absentee owners. Coronado has banned short-term rentals, Solana Beach has limited them to seven-day minimum stays and Encinitas has permitted them but not in multi-family dwellings or condominiums.

As San Franciscans contemplate Proposition F, I would like to address the "regular people" hosts who are trying to use Airbnb to make ends meet. I'm with you. Your need is legitimate. But you are being poorly served by Airbnb. The company knows that its service has been invaded by professional operatives, because it has access to its own data. Airbnb could have designed its platform to serve your needs, instead of the professionals.

**Instead, it is cynically using you, the "regular people," as human shields to hide behind and to deflect criticism, so that the public and the media won't recognize what it has become.**

Showing corporate leadership, Airbnb still could:

1. De-list from its website anyone renting out multiple properties. It has the data and knows who they are.
2. Cooperate with cities like San Francisco and Portland, which require hosts to register with the city, by de-listing any of the thousands of unregistered hosts.
3. Supply the data cities need to enforce regulations and taxation, including the number of rental nights and rates charged by each host. Without this data, San Francisco's current law is completely unenforceable.

Airbnb could have enacted those on its own. Instead, it is spending more than \$8 million to defeat Prop. F, which proposes reasonable regulations. If Airbnb already had done the right thing, Prop. F would have been unnecessary.

Bonnie Rabe, Innkeeper  
Grand Victorian Bed & Breakfast  
and President of PIANO  
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## Nicholas J. Kindel

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**From:** info@gvbb.com on behalf of Bonnie Rabe <bonnie@gvbb.com>  
**Sent:** Sunday, November 01, 2015 11:57 PM  
**To:** CPCinfo  
**Cc:** Nicholas J. Kindel; Stacy S. Head; Jason R. Williams; Susan G. Guidry; LaToya Cantrell; DistrictC; Jared C. Brossett; James A. Gray; Mayor Mitchell J. Landrieu  
**Subject:** Fwd: [PIANO-b] Proposed CZO Revisions from the Professional Innkeepers Assn of New Orleans (PIANO) [2 Attachments]

CPC Staff,

Over 2 years ago, PIANO's Board of Directors submitted the following proposal while engaged in an ongoing discussion with your staff as to how best the new CZO would "modernize" its definition of B&Bs.

I would like to draw your attention in particular to item #3 with subsequent notes and attachments which discusses a new category for these STRs that we're discussing today. There is a place for them as whole house rentals perhaps, but they are NOT B&Bs and do NOT function as we do. They should have a separate category rather than try to shove us all into one category as a "one size fits all." One size does NOT fit all of us. We do entirely different things on most levels.

Several of you addressed today on this email were also addressed on the forwarded one 2 years ago. Please look at it again and consider it as a potential solution. Thanks!

----- Forwarded message -----

From: **Bonnie Rabe** <bonnie@gvbb.com>

Date: Thu, Oct 10, 2013 at 3:25 PM

Subject: [PIANO-b] Proposed CZO Revisions from the Professional Innkeepers Assn of New Orleans (PIANO) [2 Attachments]

To: [pcramer@nola.gov](mailto:pcramer@nola.gov), [ltalley@nola.gov](mailto:ltalley@nola.gov), [SHead@nola.gov](mailto:SHead@nola.gov), [jbclarkson@nola.gov](mailto:jbclarkson@nola.gov), [kgpalmer@nola.gov](mailto:kgpalmer@nola.gov)

Cc: PIANO Board <[piano-b@yahoogroups.com](mailto:piano-b@yahoogroups.com)>, [jtharris@nola.gov](mailto:jtharris@nola.gov)

[Attachment(s) from Bonnie Rabe included below]

***Proposed Resolution for the new Draft CZO from the Professional Innkeepers Association of New Orleans (PIANO) to the City Planning Commission (CPC) and the New Orleans City Council:***

The Board of Directors of the Professional Innkeepers Association of New Orleans (PIANO) passed the following resolution for the draft Comprehensive Zoning Ordinance (CZO) and the City Council.

1. That the new CZO classify all B&Bs into a single category labeled Bed and Breakfast: A private, residential dwelling that is owner or operator-occupied and serves as the principal residence of the owner/operator, provides no more than 9 guest rooms, and in which the owner/operator has control of the environment. It provides for overnight paid occupancy and amenities auxiliary to guest accommodation. Common bathroom facilities may be provided rather than private baths for each room.

Notes:

a. This will allow the definition to align with that of the State of Louisiana.

b. The conversion of formerly commercial, industrial or public use facilities into use as a bed & breakfast would be permitted as would new construction as long as the property fulfills the other requirements of being classified as a bed and breakfast. This would allow for the conversion of old police and fire stations, post offices, grocery stores, warehouses, health & swim clubs, etc. into bed & breakfast use pursuant to their adherence to construction standards, Safety & Permits requirements, HDLC guidelines and neighborhood restrictions.

c. Delete the maximum number of overnight room nights for bed and breakfast for several reasons, allowing B&Bs to meet housing demands of the public in the aftermath of hurricanes and other natural disasters as well as fulfilling the lodging needs of persons who are on temporary work assignment in the area. Also, the draft seems to use two different numbers 7 nights and 14 nights. There should be no maximum number of nights as there are no restrictions like this on hotels.

d. Delete the use of square footage to determine number of rooms and instead base the use on the functionality of the building. A Creole Cottage or Shotgun style building may not be able to meet the same square footage requirements as a Greek Revival, Queen Anne or Italianate building. The use of square footage requirements is not a good indicator of a property's suitability for bed & breakfast use.

2. That the new CZO add a classification labeled Historic Inns and Guest Houses: A dwelling that operates in a residential environment that is owner or operator-occupied, provides 10 - 25 guest rooms, and in which the owner/operator has control of the environment. It provides for overnight paid occupancy and amenities auxiliary to guest accommodation. Common bathroom facilities may be provided rather than private baths for each room. This classification would meet all the hotel criteria called for in the draft CZO.

Notes:

There is currently no defined category for this size property. They operate very much like a B&B and are owner/operator occupied. This is not a request to change any of their requirements, but to define them as something other than a hotel (which they are not.)

3. That the new CZO add a classification under hospitality labeled Transient Occupancy and that this classification be used wherever lodging accommodations are offered on a nightly or short-term basis that do not meet the minimum requirements of a monthly rental (60 days in the French Quarter, 30 days elsewhere in the city) and where the property does not fall into any of the previously defined hospitality classifications.

Notes:

a. This would create a definition for what the city currently labels illegal short term rentals. These properties do not function as B&Bs at all and shouldn't be categorized as such, giving our industry a bad name/reputation. They are NOT owner/operator occupied or inspected in any way via a Use and Occupancy certificate issued by Safety & Permits.

b. There is a need/demand for an "entire house" type rental in town. Develop a definition and standards/restrictions for them, issue a license and charge them the appropriate fees/taxation. (See 5. below.)

c. This classification may include, but is not be limited to, private homes, condos, apartments, boarding houses, hostels, timeshares, vacation rentals and other types of temporary lodging facilities that are not specifically defined elsewhere in the CZO.

d. See attached photographs of such license as found in California in this type of VRBO rental in Santa Barbara.

4. That the City Council adopt level taxation on bed and breakfasts as defined by the CZO.

Notes:

This will level the playing field across the board for all B&Bs to be collecting the same taxes within the single Bed and Breakfast definition.

5. That the City Council adopt a transient occupancy tax on properties that fall into the Transient Occupancy classification in the CZO.

Notes:

In California, the Transient Occupancy Tax (TOT) is levied as 10% of the nightly room charge on all nights booked. (Attached is a copy of such license.) This property was rented from a listing on VRBO, which is one of the biggest violators proliferating these types of illegal rental here in New Orleans.

We would also like to set up a meeting to discuss this with you/your committee at your convenience. Please contact me directly to arrange these meetings.

Thank you, in advance, for your consideration of this proposal from PIANO. Our Board feels this would be the ideal, comprehensive definition for our industry and related categories, based on the current and proposed draft CZO definitions and our current practices as functioning members of the New Orleans tourism industry. Have a great day!

Bonnie Rabe, Innkeeper  
Grand Victorian Bed & Breakfast  
and President of PIANO  
[info@gvbb.com](mailto:info@gvbb.com)  
tel: 504-895-1104; toll free: 1-800-977-0008  
2727 St. Charles Avenue  
New Orleans, LA 70130

Attachment(s) from Bonnie Rabe  
2 of 2 Photo(s)



IMG\_1729.jpeg

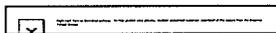


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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, November 05, 2015 3:16 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: SHORT TERM RENTALS

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**From:** Joann M Castaing [<mailto:joann.m.castaing.hw4e@statefarm.com>]  
**Sent:** Tuesday, November 03, 2015 9:37 AM  
**To:** CPCinfo  
**Subject:** SHORT TERM RENTALS

SHORT TERM RENTALS UNDER 6 MONTHS SHOULD BE LEFT TO THE HOTELS AND MOTELS, IT YOU ARE STAYING UNDER 6 MONTHS THEN YOU ARE JUST PASSING THROUGH AND THE TURN OVER WILL BE TO GREAT. THE PEOPLE WILL BE TO HARD TO FIND IF THEY DAMAGE PROPERTY OR CAUSE TROUBLE. WITH A 6 MONTH OR LONGER RENTAL THE BETTER DESIRABLE PEOPLE WILL HELP BUILD THE CITY.

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, November 05, 2015 3:17 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short term rentals

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**From:** Frances Swigart Steg [<mailto:frances@swigart-steg.com>]  
**Sent:** Tuesday, November 03, 2015 10:19 AM  
**To:** CPCinfo  
**Subject:** Short term rentals

I want the CPO to remain unchanged concerning short term rentals.  
It can be informed.  
Pima County in Arizona has done so.  
They look up residential properties on VRBO, and other web platforms.  
Send a letter to the property owner and change the taxes with the assessors office to commercial property rate.  
This can be simply done. Same enforce as we have now.

These Pima County property owners are also charged hotel sales tax. This requires greater man power as it is more time consuming.  
Calls from neighbors living next to nuisance "hotels," will assist in providing evidence for enforcement.

This is in contrast to the Sept 29, 2015, New Orleans CPC hearing debacle.

Frances Swigart Steg

<http://www.swigart-steg.com>

504 874-1278

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, November 05, 2015 3:17 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: M-15-391 short-term rental study

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**From:** Carolyn Dunn Goodwin [mailto:carolyndg2004@yahoo.com]  
**Sent:** Wednesday, November 04, 2015 4:12 PM  
**To:** CPCinfo  
**Subject:** M-15-391 short-term rental study

TO: City Planning Commission  
FR: Carolyn D. Goodwin  
RE: Short-Term Rental Study  
DT: November 2, 2015

GOOD DAY:

Thank you for taking on this momentous task. Your recommendations will be far-reaching for home-owners, long-term renters and the neighborhoods which make up the fabric of our city. For most residents, our homes are our largest investment. Buying a home is not only a financial investment but an emotional one. Our homes give us a sense of security and control over our environment. There are also social benefits in home ownership for the community such as greater political participation and support of social service and religious organizations. In areas like New Orleans, our neighborhoods define us. Most thoroughly investigate a potential home and its neighborhood. We rely on existing zoning laws to protect us from negative influences. Buying a home requires trust. We trust any changes to our neighborhood will require our input and negative disruptions will be dealt with by city

officials. We trust existing laws will protect us and the city will enforce the laws designed to protect the community, our investment and our peace of mind.

We realize that neighborhoods will change and evolve. The disruptive teenager next door will leave for college. New neighbors with families replace elders. But throughout these changes, our neighborhood will still be a neighborhood composed of neighbors. We don't anticipate losing our neighborhood but that is happening now in NOLA. Neighbors are being replaced by transient renters as homes are bought strictly for investment. We couldn't have foreseen the changes internet platforms would have on our lives. Now we find ourselves trying to solve a problem that has taken years to develop and is spreading at an alarming rate. In looking for a solution, we should acknowledge changing times while working to protect the investment in our homes, our heritage and culture. Laws are often passed to alleviate an existing problem. My comments on how possible legalization of short-term rentals might be structured are the result of my experience living with it daily. Thus you will find personal observations interspersed with my recommendations. Some of the areas I cover may be out of your purview but I don't believe changes to zoning and land use should be made in a vacuum.

**DENSITY:** Limits have to be set on the number of short-term rentals permitted in an area and the number of guests per unit. There are ten short-term rentals operating within a block of my home. Only one has a nearby owner. Three are in dependency buildings. Two are double shotguns and two condo units. One is a beautiful Creole cottage purchased by a group of out-of-state investors to convert to a short-term rental. This practice of six or more investors pooling money to purchase an investment home is becoming common. For many speculators, this does not represent a substantial financial investment and does not lead to an interest in the welfare of our community beyond it's ability to provide profit.

Some short-term rental hosts do not set limits on the number of guests allowed. The population in these buildings swells from Friday-Monday. As many as ten people fold themselves into a one bedroom home. The resulting crowding pushes the party and rolling trash carts to the sidewalk. At times, the ratio of dogs to visitors is the same. The majority travel by car often bringing ice chests and provisions with them. License plates indicate that most are from surrounding states.

Hotels and B&Bs demand a level playing ground. Without controls on density this is impossible. How many hotels allow or are willing to allow an unlimited number of guests per room? The result would be additional damage to hotel property, higher insurance premiums and complaints from other guests. But we think nothing of allowing short-term rental hosts to subject their neighbors and neighborhoods to the same abuse.

**NEIGHBORHOOD NOTIFICATION:** Neighbors **MUST** be notified when a person applies to host short-term rentals and be given the opportunity to voice support or opposition. In New Orleans we live cheek to jowl. Many older homes have little insulation or sound-proofing. Remember, Miss Annie, in *A Confederacy of Dunces*. At one point, she says about the noise next door, "Like it's driving me nuts. My nerves is shot." Many residents are past that point.

**PERMITTING:** Short-term rentals should be allowed only in residences with an on-site host. To be eligible for a legal license a potential host should present proof of commercial insurance and registration for commercial rates with S&W. Proof of a homestead exemption is vital and there has to be an investigation of the property to ascertain if this is valid. Three hosts of short-term rental properties near me receive homestead exemptions and do not live on the property. If the residence is a rental apartment, written and notarized landlord approval should be required. The use of a condo

for short-term rentals must be approved by the condo board with a written permit presented.

Licensing fees should be substantial. Short-term rentals in my block range from \$179.00 to \$500.00 per night off season. Seasonal rates are vastly higher. Most cities that have legislated registration for short-term rentals have a low compliance rate. Opponents maintain that high registration charges are one cause. To me, the correlation is that people running and profiting from an illegal business do not have a high regard for existing laws and little respect for their neighbors. That and a feeling there will be no enforcement result in low registration.

**HOST ACCOUNTABILITY:** Hosts must be held accountable for their client's behavior. Information on noise restrictions, trash disposal, pets, and group gatherings should be posted permanently. Reported infractions would be investigated by the enforcement body and fines levied. Three strikes and the host loses his short-term rental license for a prescribed amount of time.

**SHARED CITY RESOURCES:** Short-term rental hosts should pay commercial rates for S&W and electricity. Ads should state explicitly that parking is not included in the rental and parking regulations must be posted. Many hosts give guest their residential parking pass. Some sell the use of the pass and use it as an enticement for rental. This is illegal and anyone doing this should lose their right to a residential parking pass. Guests from suburban areas have no concept of parking in a congested city. Recently, I observed a public dispute between two groups of short-term renters over the parking space in front of one of the rentals. Both felt they had a right to the parking space for an extended amount of time regardless of the two hour residential parking limit.

And most important: **ENFORCEMENT:** Please don't waste your valuable time and the resources of taxpayers on a plan that cannot be enforced. Presently, we have an ordinance against illegal short-term rentals and the advertising of the same. Some months ago hearings were scheduled for alleged offenders. Residents felt they were finally being heard and there would be some enforcement. After they received notification of the hearings, several hosts elected to sell their property or evict renters who were violating their leases by renting to others short-term. It was clear that even this modicum of enforcement might make a difference. Hopes were dashed when an injunction was filed against the hearings. If a simple blanket ordinance against short-term rentals cannot be enforced, what hope is there for a more complicated law? Enforcement can't be an afterthought. It shouldn't force neighbors to confront neighbor or expend their resources doing the city's job. Any legislation adopted must pass the final test. Can it be enforced? How will it be enforced? Does the city have the resolve to enforce? Will financing be available for enforcement?

**HISTORICAL DISTRICTS** such as the French Quarter are part of the draw of New Orleans. The protection of historic neighborhoods differs from the protection of a single artifact. When seen together French Quarter buildings represent the typical scene of the city in a historical period. An excerpt from a research paper by the China Academy of Urban Planning applies to the historical districts of New Orleans. "The continuity in function and cultural succession should be protected. Historical urban areas are home to a large number of residences, and these areas are the living form of cultural relics. Aside from the buildings themselves, the culture attached to them should be protected as well. In other words, their functions should not be undermined, and the living environment should be improved." New Orleans' historical areas are being diluted and the living environment is disintegrating. The very things

that entice tourists to our area are disappearing. We're becoming "Any City" with gumbo. Property investors and speculators are interested in turning a profit not the protection of our historical areas. Again, an individual who does not respect and abide by present law has no incentive to abide by the laws that protect our historical areas. In the French Quarter, we see many examples of work done by hosts of short-term rentals without VCC permit. Laws legislating short-term rentals must safeguard historical districts.

Finally, I respectfully request you give the same consideration to the needs of New Orleans's residents as to those of visitors and property speculators. What you recommend will affect the value of our property and our cost of living as insurance companies will certainly adjust rates for the additional liabilities that accompany a large number of short-term rentals. The livability and viability of our neighborhoods is at stake. We, the residents, deserve nothing less than the best efforts from all of us.

Respectfully,

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