

CITY PLANNING COMMISSION
CITY OF NEW ORLEANS

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MAYOR

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EXECUTIVE DIRECTOR

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City Planning Commission Staff Report

Executive Summary

Zoning Docket 095-22

Applicant: City Council Motion M-22-467

Request: This is a request for a text amendment to Article 19 of the Comprehensive Zoning Ordinance (CZO) to establish a new interim zoning district (IZD) to be named the *Residential Short Term Rental Interim Zoning District*. The intent of the IZD is to establish a temporary prohibition of Residential Short Term Rental (STR) uses citywide and to prevent any issuance of new Residential Short Term Rental permits or licenses. The three prohibited use categories include: Residential Short Term Rental, Small; Residential Short Term Rental, Large; and Residential Short Term Rental, Partial Unit.

Location: The proposed text amendment would affect properties citywide.

Summary of Proposal:

Zoning Docket 095-22 is a request to establish a new interim zoning district (IZD) to be named the *Short Term Rental Interim Zoning District*. The IZD would apply citywide affecting properties in various zoning districts. The text amendment proposes to add a signage requirement for three types of Short Term Rental classifications: Commercial STR, Residential STR, Large, and Residential STR, Small.

The purpose of interim zoning districts is to impose temporary probations pending a review of those regulations. In this case, issuance of Commercial Short Term Rentals, and Residential Short Term Rentals, Small, Large and Partial Unit would be prohibited while CPC studies and suggests modifications to the short term rental regulations. The staff believes the proposed Interim Zoning District achieves this intent. The staff does recommend some modifications to the proposed IZD text to include appeal application submittal requirements. The staff finds that subject to these modifications, the request meets the approval standards of **Article 4, Section 4.2.E Approval Standards** for text amendments and supports the request.

Master Plan: The proposal is consistent with the Master Plan.

Recommendation: The staff recommends **MODIFIED APPROVAL** of Zoning Docket 095-22

Reasons for Recommendation:

1. The request would temporarily prohibit issuance of Residential Short Term Rental permits while the City Planning Commission studies and recommends modifications to the existing short term rental regulations.
2. The request is consistent with the intent of Interim Zoning District regulations and meets the text amendment approval standards in **Article 4, Section 4.2.E** of the CZO.

PRELIMINARY STAFF REPORT

Zoning Docket: 095/22

To: City Planning Commission

From: Robert Rivers, Executive Director
Paul Cramer, Planning Administrator

Prepared by: Laura Bryan

Date: December 6, 2022

I. GENERAL INFORMATION

Applicant: City Council Motion No. M-22-467

Request: This is a request for a text amendment to Article 19 of the Comprehensive Zoning Ordinance (CZO) to establish a new interim zoning district (IZD) to be named the *Residential Short Term Rental Interim Zoning District*. The intent of the IZD is to establish a temporary prohibition of Residential Short Term Rental (STR) uses citywide and to prevent any issuance of new Residential Short Term Rental permits or licenses. The three prohibited use categories include: Residential Short Term Rental, Small; Residential Short Term Rental, Large; and Residential Short Term Rental, Partial Unit.

Location: This is a citywide prohibition and includes all zoning districts.

Description: The City Council Motion M-22-467 is a request to establish a new IZD to be named the *Residential Short Term Rental Interim Zoning District* to prohibit the issuance of three types of Residential Short Term Rental permits: Residential Short Term Rental, Small; Residential Short Term Rental, Large; and Residential Short Term Rental, Partial Unit.

The IZD is in response to a ruling by the United States Court of Appeals for the Fifth Circuit which renders the City's requirement for homestead exemption for Residential Short Term Rental permits unconstitutional¹. The IZD is a temporary means to prevent the City from issuing new Residential Short Term Rental permits to applicants that fail to comply with the homestead exemption requirements, until analysis can be conducted and appropriate revisions made.

¹ United States Court of Appeals for the Fifth Circuit. Hignell-Stark v. City of New Orleans. No 21-30643. [21-30643-CV0.pdf \(uscourts.gov\)](https://www.uscourts.gov/30643-CV0.pdf)

The Motion supersedes M-22-382 which was intended to similarly create a *Residential Short Term Rental Interim Zoning District*, but with an expiration date of six months.

Why is City Planning Commission action required?

The establishment of an interim zoning district constitutes an amendment of the text of the Comprehensive Zoning Ordinance. The City Planning Commission is required to make a recommendation on all amendments to the text of the Comprehensive Zoning Ordinance prior to City Council action, in accordance with **Article 4, Section 4.2.D.3 Action by City Planning Commission** of the Comprehensive Zoning Ordinance. In making their recommendation and decision, the City Planning Commission and the City Council are to consider the standards in **Article 4, Section 4.2.E (Table 4-1: Standards for Zoning Amendments)** which are addressed in this report.

II. ANALYSIS

A. What is the reason for the proposed Interim Zoning District? What purpose would the Interim Zoning District serve?

The proposed IZD is intended to impose temporary prohibitions on residential short term rental classifications: Residential Short Term Rental Small, Residential Short Term Rental Large, and Residential Short Term Rental Partial-Unit.

The current use standards for the “Short Term Rental, Residential” use in **Article 20, Section 20.3.LLL.3** of the CZO requires an applicant for a Residential Short Term Rental permit to also have a homestead exemption on the same property. A ruling on August 22, 2022, by the United States Court of Appeals for the Fifth Circuit, renders the requirement for homestead exemption for a Residential Short Term Rental permit “unconstitutional under the dormant Commerce Clause” and claims the requirement “discriminates against interstate commerce”².

The homestead exemption standard is included in the CZO because it addresses the nuisances associated with STRs, helps preserve affordable housing by reducing demand, and preserves neighborhood character. Because the ruling renders the homestead exemption requirement ineffective, City Council has chosen to enact this IZD to temporarily prevent the issuance of new Residential Short Term Rental permits. This would be temporarily imposed while City Planning Commission reviews the existing short term rental regulations to determine if amendments to existing laws are warranted or necessary, and if regulations should be modified to reduce any unintended secondary effects of short term rentals relative to the residential fabric of the City.

2 United States Court of Appeals for the Fifth Circuit. Hignell-Stark v. City of New Orleans. No 21-30643. [21-30643-CV0.pdf \(uscourts.gov\)](#) (pg. 10, 12).

B. What is the zoning of the site and the surrounding areas? What is the existing land use and how are the surrounding areas used?

The *Residential Short Term Rental Interim Zoning District* applies citywide.

C. What is the existing language of the Comprehensive Zoning Ordinance?

References to the three short term rental categories (Residential Small, Residential Large and Commercial) are found in **Articles 9, 10, 11, 12, 13, 14, 15, 16, 17, 20 and 26**. The text from each section is pasted below for reference.

In Article 26, Section 26.6 Definitions

Short Term Rental. *Short Term Rental. The use and enjoyment by guests of a Dwelling Unit, or any portion thereof, for a period of less than thirty (30) consecutive days, in exchange for money, commodities, fruits, services, or other performances. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in the CZO separately from Short-Term Rentals are not considered to be Short-Term Rentals. A short term rental is further defined as follows:*

- A. ***Short Term Rental, Residential.*** *A short term rental where the owner has their permanent primary residential dwelling unit onsite and is present during the guest's stay. Proof of ownership shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. Only one type of residential short term rental is allowed per lot, with the exception that than an owner may obtain one Partial-Unit and one Small Residential Short Term Rental Permits on the same lot.*
 - ***Partial-Unit Residential Short Term Rental.*** *Rental of a portion of an owner-occupied dwelling unit with a principal use as a permanent dwelling unit with no more than five (5) guest bedrooms and ten (10) total guests, for overnight paid occupancy as an accessory use.*
 - ***Small Residential Short Term Rental.*** *An owner-occupied lot with no more than four (4) dwelling units where one (1) unit is the owner's permanent residential dwelling unit and where only one (1) dwelling unit per lot is rented with no more than five (5) guest bedrooms and ten (10) total guests for overnight paid occupancy as an accessory use.*
 - ***Large Residential Short Term Rental.*** *An owner-occupied residential structure that provides rental of up to three (3) dwelling units for paid occupancy, with no more than six (6) guest bedrooms total.*
- B. ***Short Term Rental, Commercial.*** *An establishment providing rental of one (1) or more dwelling units for overnight paid occupancy. Each dwelling unit is limited to five (5) guest bedrooms and no more than ten (10) occupants.*

Article 9, Section 9.2 Uses

Table 9-1: Permitted and Conditional Uses						
USE	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3	USE STANDARDS
RESIDENTIAL USES						
Short Term Rental, Large			C	C	C	Section 20.3.LLL
Short Term Rental, Small			P	P	P	Section 20.3.LLL

Article 10, Section 10.2.A Permitted and Conditional Uses

Table 10-1: Permitted and Conditional Uses											
USE	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU	USE STANDARDS
RESIDENTIAL USE											
Short Term Rental, Large			P					P	P	P	Section 20.3.LLL
Short Term Rental, Small			P					P	P	P	Section 20.3.LLL
COMMERCIAL USE											
Short Term Rental, Commercial			P					C	P	P	Section 20.3.LLL

Article 11, Section 11.2 Uses

Table 11-1: Permitted and Conditional Uses						
USE	DISTRICTS					USE STANDARDS
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2	
RESIDENTIAL USE						
Short Term Rental, Large				P	P	Section 20.3.LLL
Short Term Rental, Small	P	P	P	P	P	Section 20.3.LLL

Article 12, Section 12.2.A Permitted and Conditional Uses

Table 12-1: Permitted and Conditional Uses				
USE	DISTRICTS			USE STANDARDS
	HU-B1A	HU-B1	HU-MU	
RESIDENTIAL USE				
Short Term Rental, Large	P	P	P	Section 20.3.LLL
Short Term Rental, Small	P	P	P	Section 20.3.LLL
COMMERCIAL USE				
Short Term Rental, Commercial			P	Section 20.3.LLL

Article 13, Section 13.2 Uses (Table 1)

Table 13-1: Permitted and Conditional Uses					
USE	DISTRICTS				USE STANDARDS
	S-RS	S-RD	S-RM1	S-RM2	
RESIDENTIAL USE					

Short Term Rental, Small	P	P	P	P	Section 20.3.LLL
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Article 13, Section 13.2 Uses (Table 2)

Table 13-1: Permitted and Conditional Uses								
USE	DISTRICTS							USE STANDARDS
	S-LRS1	S-LRS2	S-LRS3	S-LRD1	S-LRD2	S-LRM1	S-LRM2	
RESIDENTIAL USE								
Short Term Rental, Small	P				C	C	C	Section 20.3.LLL

Article 14, Section 14.2.A Permitted and Conditional Uses

Table 14-1: Permitted and Conditional Uses									
USE	DISTRICTS								USE STANDARDS
	S-B15	S-B26	S-LB15	S-LB25	S-LC	S-MU	S-LP	S-LM	
RESIDENTIAL USE									
Short Term Rental, Large			P	P	P				Section 20.3.LLL
Short Term Rental, Small			P	P	P	P			Section 20.3.LLL
COMMERCIAL USE									
Short Term Rental, Commercial		P		P	P			P	Section 20.3.LLL

Article 15, Section 15.2.A Permitted and Conditional Uses

Table 15-1: Permitted and Conditional Uses											
USE1	DISTRICTS									USE STANDARDS	
	C-1	C-2	C-3	MU-1	MU-2	EC3	MC	MS	LS		
RESIDENTIAL USE											
Short Term Rental, Large				P	P						Section 20.3.LLL
Short Term Rental, Small				P	P	P					Section 20.3.LLL
COMMERCIAL USE											
Short Term Rental, Commercial	P	P	P	P	P	P	P	P	P		Section 20.3.LLL

Article 16, Section 16.2 Uses

Table 16-1: Permitted and Conditional Uses					
USE1	DISTRICTS				USE STANDARDS
	LI	HI	MI	BIP	
COMMERCIAL USE					
Short Term Rental, Commercial	P	C	C ⁶	P	Section 20.3.LLL

Article 17, Section 17.3.A Permitted and Conditional Uses

Table 17-1: Permitted and Conditional Uses	
USE1	DISTRICTS

	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7	USE STANDARDS
RESIDENTIAL USE								
Short Term Rental, Large	P	P	P		P	P		Section 20.3.LLL
Short Term Rental, Small	P	P	P		P	P		Section 20.3.LLL
COMMERCIAL USE								
Short Term Rental, Commercial	P	P	P	P	C	P	P	Section 20.3.LLL

Article 20: Use Standards, Sections 20.3.LLL.3 – 20.3.LLL.6

20.3.LLL.1 Short Term Rentals General Standards

- a. *In addition to the use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.*
- b. *All short term rentals shall require a permit. The permit shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the permit number, the contact information for the owner or operator, the permit type (Partial Unit Residential, Small Residential, Large Residential, or Commercial) and the bedroom and occupancy limit.*
- c. *Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.*
- d. *Only one party of guests shall be permitted per short term rental unit.*
- e. *Both Commercial and Residential short term rentals shall be considered dwelling units for density purposes and subject to the minimum lot area per dwelling unit requirement of the applicable zoning district.*
- f. *A short term rental permit shall be secured prior to operation; and short term rental operators shall comply with all applicable permit requirements provided in the Code of the City of New Orleans.*
- h. *Only legally permitted guest bedrooms shall be used for the purposes of calculating the maximum number of guests. The rental of kitchens, dining rooms, living rooms, offices, and other common spaces may be used as a part of the short term rental but shall not be rented as guest bedrooms. Studio apartments and dwelling units shall be considered to have one (1) guest bedroom and allowed a maximum of two (2) guests.*
- i. *Notwithstanding anything else herein to the contrary, no Short Term Rental or Bed and Breakfast shall be permitted within the boundaries of the Garden District, which for purposes of this subsection shall be defined as follows: the center line of St. Charles Avenue, downriver side of Jackson Avenue, center line of Magazine Street, and downriver side of Louisiana Avenue. This provision shall not be waived.*

20.3.LLL.3 Short Term Rental, Residential Standards (All Types)

- a. *A short term rental permit shall be secured prior to operation; and short term rental operators shall comply with all applicable permit requirements provided in the Code of the City of New Orleans.*

- b. *The short term rental shall appear outwardly to be a residential dwelling.*
- c. *Use of the short term rental for commercial or social events shall be prohibited.*
- d. *The short term rental shall not adversely affect the residential character of the neighborhood.*
- e. *The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.*
- f. *No signs are allowed for a Residential Short Term Rental.*
- g. *The permit shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the permit number, the contact information for the owner, the permit type (Partial, Small, or Large Residential) and the bedroom and occupancy limit.*
- h. *Proof of owner occupancy shall be established by submission of proof of a homestead exemption submitted to the Department of Safety and Permits. The owner-occupant's ownership interest must be at least fifty percent (50%).*

20.3.LLL.4 Short Term Rental, Partial-Unit Residential Standards

- a. *Only a portion of the dwelling may be rented, which shall be limited to five (5) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or ten (10) guests total. There shall be at least one bedroom for the fulltime owner-occupant.*
- b. *No Partial-Unit Residential Short-Term Rentals shall be permitted in the area bounded by the Mississippi River, Iberville Street, N. Rampart Street, and Esplanade Avenue, unless specifically authorized herein. This provision shall not be waived.*

20.3.LLL.5 Short Term Rental, Small Residential Standards

- a. *If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.*
- b. *Up to five (5) guest bedrooms may be rented to guests, and occupancy shall be limited to two (2) guests per guest bedroom with a maximum ten (10) guests.*

20.3.LLL.6 Short Term Rental, Large Residential Standards

- a. *If more than one (1) principal building exists on a lot, or two (2) or more contiguous lots have been historically acquired together and the second building was originally constructed and has been used for habitable space, as defined by the Building Code, at least five (5) years prior to the establishment of the short term rental, it may be included in the operation of the short term rental.*
- b. *Large Residential Short Term Rentals are limited to a maximum of three (3) dwelling units containing no more than six (6) total guest bedrooms. Occupancy shall be limited to two (2) guests per bedroom with a maximum twelve (12) guests.*

- c. *In residential districts and HU-BIA Neighborhood Business District, HU-BI Neighborhood Business District, HU-MU Neighborhood Mixed-Use District, S-LM Lake Area Marina District, MU-1 Medium Intensity, Mixed-Use District, and MU-2 High Intensity Mixed-Use District, only one (1) principal bed and breakfast or large residential short term rental is permitted per block-face.*

D. What is the proposed language for the Interim Zoning District in the City Council Motion?

The motion calls for a new Interim Zoning District, the *Residential Short Term Rental Interim Zoning District* and specifies an amendment to **Article 19 – Temporary Prohibitions**. The submitted motion does not delineate the full content of the text changes that would be necessary to create this IZD based on **Article 19, Section 19.3.C**. As such, the staff drafted the proposed language to maintain consistency with **Article 19** to create **Section 19.4.A.1.m – Residential Short Term Rental Interim Zoning District**. Proposed insertions are shown below with new language shown in **underlined, bold text**.

Article 19 – Temporary Prohibitions

19.4.A.1.m Residential Short Term Rental Interim Zoning District

A. Intent of the District

The intent of the Residential Short Term Rental Interim Zoning District is to temporarily prohibit the issuance of certain types of Short Term Rental permits or licenses while the City studies the impact and considers revisions to the existing Residential Short Term Rental regulations.

B. Boundaries

The Residential Short Term Rental Interim Zoning District applies citywide to all lots within all zoning districts.

C. Prohibited Uses

1. **Any issuance of a Residential Short Term Rental, Small permit or license**
2. **Any issuance of a Residential Short Term Rental, Large permit or license**
3. **Any issuance of a Residential Short Term Rental, Partial Unit permit or license**

D. Appeal Procedure

Appeals shall be submitted to the Executive Director of the City Planning commission, whose staff shall review and make recommendations relative to the appeal within sixty (60) days of receipt, utilizing the following standards and criteria:

1. Is the requested appeal compatible with the surrounding land uses and structures?
2. Does the requested appeal provide for an efficient use of land?
3. Will granting the requested appeal increase traffic and safety hazards?
4. Does the requested appeal provide for an efficient parking layout?
5. Will the requested appeal increase community environmental impacts?

The Council shall have sixty (60) days from receipt of recommendation to approve, deny, or modify the appeal recommendation by motion.

- E. **Does the action proposed in the City Council Motion adequately answer the problem that is being addressed; if not, is any modification necessary?**

The proposed IZD does address the problem it is seeking to rectify, however, the appeal criteria specified in the motion would lead to a qualitative review of the Residential Short Term Rental use for a particular property. The recommended appeal standards have been used in previous Short Term Rental IZDs to establish a framework for an unbiased decision. The staff recommends adding more information to define the appeal application process as follows:

D. Appeal Procedure

Determinations as to the applicability of the Interim Zoning District to any particular property shall be made by the Department of Safety and Permits. Appeals of the Interim Zoning District shall be submitted to the Executive Director of the City Planning Commission. Every appeal shall be made on the forms provided by the City and shall be accompanied by the payment of the appropriate filing fee and the data required in such form. The Executive Director of the City Planning Commission may request for the appellant or applicant such additional information and data as may be required to fully advise the Council, whether such information and data is called for by the official forms or not. CPC staff shall review and make recommendations relative to the appeal within sixty (60) days of receipt utilizing the following review standards:

1. Is the requested appeal compatible with the surrounding land uses and structures?
2. Does the requested appeal provide for an efficient use of land?
3. Will granting the requested appeal increase traffic and safety hazards?
4. Does the requested appeal provide for an efficient parking layout?
5. Will the requested appeal increase community environmental impacts?

The Council shall have sixty (60) days from receipt of recommendation to approve, deny, or modify the appeal recommendation by motion

- F. **Compliance with approval standards**

The City Planning Commission recommendation and the City Council decision on any

zoning text amendment are matters of legislative discretion. In making their recommendation and decision, the City Planning Commission and the City Council are required to consider the standards per **Article 4, Section 4.2.E (Table 4-1: Standards for Zoning Amendments)** of the CZO. In this section, the staff evaluates the application using those standards.

The proposed amendment is compatible with the Master Plan and Future Land Use Map.

This standard is met. The proposal would impact many zoning districts and therefore many properties across multiple districts within the Future Land Use Map (FLUM) of the Master Plan. The Home Rule Charter of the City of New Orleans requires all land use actions to be consistent with the Master Plan. A land use action is consistent with the Plan for the 21st Century, commonly known as the Master Plan, if it furthers, or at least does not interfere with, the goals, policies, and strategies that are contained in the land use chapter of the Master Plan.

The proposed *Residential Short Term Rental Interim Zoning District* does not add additional uses that would be incompatible with any of the underlying zoning districts' FLUM designation. It simply prohibits residential short-term rentals. Because the IZD does not add additional uses which could be incompatible the with Master Plan, the proposed IZD does not interfere with the goals or policies designated in the Land Use Element of the Plan.

The proposed amendment is compatible with the place designations of this Ordinance.

This standard is met. The proposed IZD would not alter any of the affected place designations.

The proposed amendment promotes the public health, safety and welfare of the City.

This standard is met. The purpose of this IZD is to prohibit Residential Short Term Rentals temporarily while the impact of the existing regulations are evaluated to ensure that the regulations promote health, safety, and welfare of the City.

The proposed amendment is compatible with the intent and general regulations of this Ordinance.

This standard is met. The proposed amendment is consistent with the purpose of Article 19, *Temporary Prohibitions*, in the Comprehensive Zoning Ordinance where Interim Zoning District regulations are located. Specifically, it states:

“These temporary prohibitions are intended to provide temporary zoning regulations within the boundaries of designated areas, notwithstanding existing zoning applicable to the area, pending a review of the appropriateness of applicable provisions of the zoning ordinance or development of new regulations by the City

Planning Commission, and are intended to prevent the establishment of uses that are incompatible with the temporary prohibition for the legal duration of the prohibition.”

The proposed IZD is consistent with the statement above and is therefore compatible with the intent and general regulations of this Ordinance.

The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.

The proposal addresses a change in policy. The IZD is the only land-use tool that the City Council can implement immediately; it is effectively a placeholder until new regulations can be implemented. The *Residential Short Term Rental Interim Zoning District* prohibits Residential Short Term Rental permits from being issued until it expires.

The proposed amendment benefits the citizens of the City as a whole.

This standard is met. The proposed IZD would enact a temporary prohibition of all Residential Short Term Rental permits from being granted across the City. The temporary prohibition is in response to a decision on a legal case by the United States Court of Appeals for the Fifth Circuit that renders the homestead exemption requirement illegal. The IZD prevents the granting of Residential Short Term Rental permits without homestead exemption. The proposed IZD benefits the citizens of the City as a whole.

The proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Master Plan.

This standard is met. The proposed IZD would enact a temporary prohibition of Residential Short Term Rental permits and is consistent with **Article 19, Section 19.1** of the Comprehensive Zoning Ordinance. **Article 19, Section 19.1** of the CZO is intended to provide temporary zoning regulations while the development of new regulations are reviewed, such as the case in this request.

The proposed amendment does not create a significant number of nonconformities.

This standard is met. The IZD does not permit any uses that could be nonconforming.

III. SUMMARY

The proposed *Residential Short Term Rental Interim Zoning District* is a request by City Council Motion No. M-22-467 to amend Article 19 of the Comprehensive Zoning Ordinance to establish a new Interim Zoning District (IZD), the intent of which is to prohibit three types of residential short-term rentals (Small, Large and Partial Unit) from being granted. The proposed IZD applies to all lots within all zoning districts across the city.

A recent decision from the United States Court of Appeals for the Fifth Circuit renders a

part of the city’s criteria for Residential STRs unconstitutional. This IZD would prevent new permits from being granted until City Planning Commission can study whether amendments to existing laws are warranted or necessary, and if regulations should be modified to reduce any unintended secondary effects of STRs relative to the residential fabric of the city.

The purpose of interim zoning districts is to impose temporary probations pending a review of those regulations. In this case, issuance of Residential Short Term Rental (Small, Large and Partial Unit) permits would be prohibited while CPC studies and suggests modifications to the short term rental regulations. The staff believes the proposed IZD achieves this intent. The staff recommends modifications to the proposed appeals process to clarify the applicability of the appeal criteria. The staff finds that the request meets the approval standards of **Article 4, Section 4.2.E Approval Standards** for text amendments and supports the request.

IV. PRELIMINARY STAFF RECOMMENDATION³

The staff recommends **MODIFIED APPROVAL** of Zoning Docket 095/22 with the following zoning text changes. The proposed additions are show in **bold underlined** text.

Article 19 – Temporary Prohibitions

19.4.A.1.m Residential Short Term Rental Interim Zoning District

A. Intent of the District

The intent of the Residential Short Term Rental Interim Zoning District is to temporarily prohibit the issuance of certain types of Short Term Rental permits or licenses while the City Planning Commission studies the impact and considers revisions to the existing Residential Short Term Rental regulations.

B. Boundaries

The Residential Short Term Rental Interim Zoning District applies citywide to all lots within all zoning districts.

C. Prohibited Uses

No permit or license shall be issued for the following uses:

- 1. Residential Short Term Rental, Small**
- 2. Residential Short Term Rental, Large**
- 3. Residential Short Term Rental, Partial Unit**

³ Subject to modification by the City Planning Commission

D. Appeal Procedure

Determinations as to the applicability of the Interim Zoning District to any particular property shall be made by the Department of Safety and Permits. Appeals of the Interim Zoning District shall be submitted to the Executive Director of the City Planning Commission. Every appeal shall be made on the forms provided by the City and shall be accompanied by the payment of the appropriate filing fee and the data required in such form. The Executive Director of the City Planning Commission may request for the appellant or applicant such additional information and data as may be required to fully advise the Council, whether such information and data is called for by the official forms or not. CPC staff shall review and make recommendations relative to the appeal within sixty (60) days of receipt utilizing the following review standards:

- 1. Is the requested appeal compatible with the surrounding land uses and structures?**
- 2. Does the requested appeal provide for an efficient use of land?**
- 3. Will granting the requested appeal increase traffic and safety hazards?**
- 4. Does the requested appeal provide for an efficient parking layout?**
- 5. Will the requested appeal increase community environmental impacts?**

The Council shall have sixty (60) days from receipt of recommendation to approve, deny, or modify the appeal recommendation by motion.

V. REASONS FOR RECOMMENDATION

1. The request would temporarily prohibit issuance of Residential Short Term Rental permits while the City Planning Commission studies and recommends modifications to the existing short term rental regulations.
2. The request is consistent with the intent of Interim Zoning District regulations and meets the text amendment approval standards in **Article 4, Section 4.2.E** of the CZO.

MOTION

NO. M-22-467

CITY HALL: October 20, 2022

**BY: COUNCILMEMBERS MORRELL, MORENO, GIARRUSSO, HARRIS, KING,
GREEN AND THOMAS**

WHEREAS, the Council of the City of New Orleans has adopted Ordinance Calendar Nos. 32,685 and 32,691 to define, categorize, and regulate Short-Term Rentals (STR), which became effective December 1, 2019; and

WHEREAS, those ordinances were adopted pursuant to the City's police power to preserve the City's permanent housing stock, balance the economic opportunity created by STRs with the need to maintain a supply of long-term rental housing stock available at a range of prices, reduce any indirect negative effects on the availability of affordable housing that results from the dedication of long-term housing stock to STR use, create a level playing field for all parties engaged in the business of providing lodging, ensure the sufficient collection of tax revenue, mitigate the disruptive effects that unmonitored STRs can have on neighborhoods, and protect the livability and quality of life of the City's residential neighborhoods; and

WHEREAS, this Council enacted Motion No. M-22-382 directing the City Planning Commission ("CPC") to further study the impact of STRs, utilizing the City's existing regulations and STR data, to determine what amendments to existing laws are warranted or necessary, and how existing regulations should be modified to reduce any unintended secondary effects of STRs relative to the residential fabric of the City; and

WHEREAS, in light of this pending study and review, the Council adopted temporary zoning regulations that impose temporary prohibitions on certain STR classifications to protect the public health, safety, or welfare; and

WHEREAS, given the recent ruling by the United States Court of Appeals for the Fifth Circuit in *Hignell-Stark v. City of New Orleans*, Case No. 21-30643, the Council desires to continue its efforts to prevent nuisances, promote affordable housing, and protect neighborhoods' residential character, which were recognized as legitimate local purposes by the courts, while removing any distinctions regarding the ability to operate an STR based on a property's homestead exemption status;

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct a public hearing to amend and reordain Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. (as amended from time to time, the "Comprehensive Zoning Ordinance") to amend Article 19 to establish a new Interim Zoning District (IZD) to be named the *Residential Short Term Rental Interim Zoning District*, the intent of which is to prohibit certain uses, for all zoning districts as indicated in the official zoning maps of the City. The prohibited uses are:

- a. Residential Short-Term Rental, Small
- b. Residential Short-Term Rental, Large
- c. Residential Short-Term Rental, Partial Unit

BE IT FURTHER MOVED, That the Council hereby waives the requirement for a Neighborhood Participation Program required by Ordinance Cal. No. 33,747 for purposes of this Interim Zoning District; and

BE IT FURTHER MOVED, That M-22-382 is hereby superseded in its entirety; and

BE IT FURTHER MOVED, That the citywide prohibition on residential STRs imposed herein shall supersede any provision of law that may be construed to permit residential STRs,

including without limitation Sections 20.3.LLL.3 through 20.3.LLL.6 of the Comprehensive Zoning Ordinance; and

BE IT FURTHER MOVED, That this Council further directs the CPC, in conjunction with the City Attorney, to review the Comprehensive Zoning Ordinance and make recommendations regarding the removal of any language that makes distinctions regarding the ability to operate an STR based on a property's homestead exemption status and to make recommendations regarding potential zoning changes that would lawfully mitigate the deleterious effects of STRs in residential neighborhoods; and

BE IT FURTHER MOVED, That in accordance with Article 19, Section 19.3.C.4 of the Comprehensive Zoning Ordinance, all appropriate agencies of City Government shall not accept any new applications for permits or licenses or issue any permits or licenses that are in conflict with the intent and provisions of the proposed Interim Zoning District for any property during consideration of this matter. The Interim Zoning District is to be in effect for a period of one (1) year and is subject to extension as provided by Section 3-126 of the City Charter. Applications to appeal this IZD shall be submitted to the Executive Director of the City Planning Commission, whose staff shall review and make recommendations relative to the appeal within sixty (60) days of receipt, utilizing the following review standards:

1. Is the requested appeal compatible with the surrounding land uses and structures?
2. Does the requested appeal provide for an efficient use of land?
3. Will granting the requested appeal increase traffic and safety hazards?
4. Does the requested appeal provide for an efficient parking layout?
5. Will the requested appeal increase community environmental impacts?

The Council shall have sixty (60) days from receipt of recommendation to approve, deny, or modify the appeal recommendation by motion. Any approved or modified appeal shall include use standards related to the property for which the appeal is being submitted which are recommended by the City Planning Commission staff and set by the Council and shall be eligible for a Type A – Special Appeal Permit under City Code Sec. 26-613, *et. seq.*; and

BE IT FURTHER MOVED, That in the process of reviewing this request, CPC staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance, as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Giarrusso, Green, Harris, King, Moreno, Morrell, Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lara W. Johnson
CLERK OF COUNCIL

g:\clerk_of_council\docs\cecil\council\motions\2022\10-20-2022\m-467.docx

MOTION

NO. M-22-382

CITY HALL: August 29, 2022

**BY: COUNCILMEMBERS MORRELL, MORENO, GIARRUSSO, HARRIS, KING,
GREEN AND THOMAS**

WHEREAS, the Council of the City of New Orleans has adopted Ordinance Calendar Nos. 32, 685 and 32, 691 to define, categorize, and regulate Short Term Rentals (STR), which became effective December 1, 2019; and

WHEREAS, those ordinances were adopted pursuant to the city's police power to preserve the city's permanent housing stock, balance the economic opportunity created by short-term rentals with the need to maintain a supply of long-term rental housing stock available at a range of prices, reduce any indirect negative effects on the availability of affordable housing that results from the dedication of long term housing stock to short-term rental use, create a level playing field for all parties engaged in the business of providing lodging, ensure the sufficient collection of tax revenue, mitigate the disruptive effects that unmonitored short-term rentals can have on neighborhoods, and protect the livability and quality of life of the city's residential neighborhoods; and

WHEREAS, this Council will now direct the City Planning Commission (CPC) to further study the impact of STRs, utilizing the City's existing regulations and STR data, to determine if amendments to existing laws are warranted or necessary, and if existing regulations should be modified to reduce any unintended secondary effects of STRs relative to the residential fabric of the City; and

WHEREAS, in light of this pending study and review, the Council desires temporary zoning regulations that impose temporary prohibitions on certain STR classifications to protect the public health, safety, or welfare for a temporary period, while this study is underway; **NOW THEREFORE**

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to amend and reordain Ordinance No. 4264 M.C.S., amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to amend Article 19 to establish a new Interim Zoning District (IZD) to be named the *Residential Short Term Rental Interim Zoning District*, the intent of which is to prohibit certain uses, for all zoning districts as indicated in the official zoning maps of the City. The prohibited uses are:

- a. Residential Short Term Rental, Small
- b. Residential Short Term Rental, Large

BE IT FURTHER MOVED, That all existing and applied for permits that are deemed approvable for such uses existing before the effective time of the IZD may be renewed up and until February 1, 2023. However, any existing permit for a Residential Short Term Rental, Small or Residential Short Term Rental, Large shall expire on March 1, 2023, despite the expiration date on the permit.

BE IT FURTHER MOVED, That in accordance with Article 19, Section 19.3.C.4 of the Comprehensive Zoning Ordinance, all appropriate agencies of City Government shall not accept any new applications for permits or licenses or issue any permits or licenses that are in conflict with the intent and provisions of the proposed Interim Zoning District for any property during consideration of this matter. The Interim Zoning District is to be in effect for a period of six (6)

months and is subject to extension as provided by Section 3-126 of the City Charter. Applications to appeal this IZD shall be submitted to the Executive Director of the City Planning Commission, whose staff shall review and make recommendations relative to the appeal within sixty (60) days of receipt, utilizing the following review standards:

1. Is the requested appeal compatible with the surrounding land uses and structures?
2. Does the requested appeal provide for an efficient use of land?
3. Will granting the requested appeal increase traffic and safety hazards?
4. Does the requested appeal provide for an efficient parking layout?
5. Will the requested appeal increase community environmental impacts?

The Council shall have sixty (60) days from receipt of recommendation to approve, deny, or modify the appeal recommendation by motion.

BE IT FURTHER MOVED, That in the process of reviewing this request, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance, as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.

CPC 10/25/22

ZD 083/22

Attendee sign-in sheets from CPC Meeting on
October 25, 2022
Opposed to ZD083-22, which was superseded
by ZD095-22

NAME	ADDRESS	NO. / CITY / STATE	EMAIL
Voncie Johnson	P.O. Box 531464	NOLA 70117	Voncie.Johnson@aol.com
KARA TRISCH Craig Ritz	2471 N. Rampart	70117	craig.ritz@yahoo.com
Lisa Orwig	923 St. Roch	70117	bohemianlily@aol.com bohemianlily13@comcast.net
Lyn Strickland	1224 Hillary St	70118	lyn96@hotmail.com
Bron Hebert	711 Alvar St.	70117	BronHebert@gmail.com
Bob Nordhues	711 Alvar St.	70117	3571guy@gmail.com
REBECCA JOSTES	PAGE SPACE		REBECCA.JOSTES@gmail.com
MARC LEWIS	PO Box 770628	NOLA 70177	NOLAHWAYNE@yahoo.com
Katrina Turillo	2040 Peniston	NOLA 70115	Kturillo@gmail.com
Brian Deshotel	2410 Constance St.	70130	bdeshotel394@gmail.com
Neil Ponthier	2433-35 St Roch Ave		nponthier@gmail.com
Jacob Martindick	2433-35 St Roch		JacobMartindick@gmail.com
LARA CESTER	128 S. Cortez St.	70119	canalcarrollton@gmail.com
BRADY LESTER		70119	
Harriet Landriau	6316 Patton St.	NOLA 70118	harriet.landriau@gmail.com
Richard White	5340 Marigny St	70122	Rickster6957@yahoo.com
Stephen Schoen	817 N. Villere Str.		sschoen33@peboe.com
Christine Rivers	2529 Marengo St		mrreginaldrivers24@gmail.com
SUSAN LAFAYE	305 LOWERLINE		SUSANLAFAYE@GMAIL.COM
Matt Allemand	4222 Vincennes		mjallemand@outlook.com
Dre Kuban	4810 Constance St		akuban@simple1.net
Dana MacCord			dana.maccord@gmail.com
Rev. Jonathan Sellers	2619 MURKROW		jsellers0632@gmail.com
Kit Musgrave	2488 Royal		kit@kemangement.com
ganesh Arjuna	" "		gayyungar@yahoo.com
RAHMAN			RAHMAN1951@BNNL.COM

Khalil Bou-Mikael	914 Kertrec St	khalil.boumikael@gmail.com
Dan Burton	1522 Governor Nichols St.	daniellereburton@gmail.com
LWONA LEONARD	726 Josephine	lwona.leonard@gmail.com
Vanessa Maya	4000	maya_vanessa@hotmail.com
Andrew Pratus		andrewpratus@gmail.com
Javier Acosta		Javier.Acosta01@gmail.com
Sarah Ockley		Sarahockley@gmail.com
Katy Hildebrand		KathrynHilde@gmail.com
Frances Guevara		guevara0611@gmail.com
Cody Hammock		teacher_man99@hotmail.com
Leo Schilling		gleoschilling@gmail.com
Aillary Bosarge		hbosarge@gmail.com
Alexis Klein		alexis.m.klein@gmail.com
MARK LAMORIEU		MLAMORIEU@AOL.COM
Stephens Schoen		sschoes33@yahoo.com
Sanford Hinderlie		hinder@loyola.edu
Helma Kaldewey		hkaldewe@loyola.edu
Gianna Chachere		gchachere@yahoo.com
Eve Kazik	5323 Memphis	kazikeve@gmail.com
Jarrett Cohen		president@hfta.org
Jarrett Cohen		emailjarrett@yahoo.com
DENNIS STUMP		DGS1129@hotmail.com
Faith Williams		faith@nolahome.com
Angela Drury		andrury@gmail.com
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MARK HAMILTON		shwarz@mindspark.com
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Kent Osborn		OsbornKent@gmail.com

*

Sandra Wilson SW@qmail.com

Morgan Cleaver FINABOARD@HOTMAIL.COM

504.237.7805

Cody Hammock

TEACHER_MAN99@

HOTMAIL.COM

PATRICK Kelly

~~504460215~~

pkelly70131@gmail

Heather Safronova

479-461-5567

heather safronova@

outlook.com

Laura B. Bryan

From: Shelley Landrieu <shelleylandrieu@gmail.com>
Sent: Friday, December 2, 2022 12:38 PM
To: CPCINFO; Helena N. Moreno; Andrew V. Tuozzolo; JP Morrell; Keith D. Lampkin; Joseph I. Giarrusso; Claire F. Byun; Lesli Harris; Elizabeth D Holman; Freddie King; Winston C Fiore; Eugene J Green; Monique N Green; Oliver M Thomas; Dominique M Lang
Subject: City Council Motion M-22-467
Attachments: ZD 095-22 STR Letter to CPC 12-2022.pdf

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Please find attached a letter regarding the issue of Short Term Rentals, City Council Motion M-22-467. We respectfully ask for your consideration of our position.



December 1, 2022

Via Email

Mr. Robert D. Rivers, *Executive Director*
New Orleans City Planning Commission
1300 Perdido Street, 7th Floor
New Orleans, LA 70112

RE: ZD 095/22
City Council Motion M-22-467

Dear Mr. Rivers,

Please accept this letter on behalf of the Garden District Association (the “GDA”) Board and its members urging the City Planning Commission to uphold and maintain the current prohibition of Short Term Rentals (STRs) in our neighborhood as currently provided by law in Section 20.3.LLL.1.i of the CZO. The prohibition of STRs in the Garden District neighborhood was and should still be based on the fact that it is a destination neighborhood frequented by a substantial number of visitors similar to the French Quarter. The City Council long ago recognized the importance of preserving the Garden District by placing a prohibition on any new bed and breakfast operations. This was similar to the long-standing restrictions on any new hotels in the heart of the French Quarter.

The recent ruling by the United States Court of Appeals for the Fifth Circuit does not affect the current neighborhood specific prohibitions applicable to the Garden District and areas of the French Quarter because there is no distinction between in state or out of state ownership. The prohibition applies equally to all.

Thank you for the opportunity to provide our input. We urge the CPC to uphold the current prohibition of STRs in our neighborhood and other destination neighborhoods like the French Quarter. We would support the CPC expanding the neighborhood prohibitions beyond the Garden District and French Quarter and we would certainly support those neighborhoods that request such a prohibition.

Very truly yours,

Allain Hardin

Allain Hardin
President

c: New Orleans City Council
GDA Board of Directors

Laura B. Bryan

From: CPCINFO
Sent: Wednesday, December 7, 2022 1:19 PM
To: Laura B. Bryan
Subject: Fw: Zoning Docket 095/22 Public Comment

From: Corinna Chaney <corrinnna@gmail.com>
Sent: Wednesday, December 7, 2022 1:11 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Fwd: Zoning Docket 095/22 Public Comment

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We were given the incorrect email for public comment. Resubmitted below.

Regards,
Corinna Chaney

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

From: Corinna Chaney <corrinnna@gmail.com>
Date: Mon, Dec 5, 2022, 4:41 PM
Subject: Zoning Docket 095/22 Public Comment
To: <cpc@nola.gov>

My husband and I are aging service industry workers. I'm a tour guide and he's a waiter. We have poured our life savings into our 4-plex, rescuing it from blight and neglect. We live in one of the four units. We rent two units long term and rent one as an STR. That single STR is the difference between being able to pay our bills or having to move away from New Orleans.

Please don't throw the baby out with the bathwater. Residential STRs can and should be Conditional. There are many criteria that could be used instead of a homestead exemption. They could be regulated like Bed and Breakfasts, with an owner or operator required to be on the premises at all times, permits granted on a case by case basis, only a certain number per block or block face, obtaining approval from neighbors, etc. There are ways to allow residents to supplement their income so they can continue to afford their homes.

Covid, Ida, taxes, insurance, Entergy, SWBNO, and the higher cost of everything across the board, have raised everyone's expenses at an incredible pace. At the same time our service industry jobs bring in less income. Our property taxes tripled in 2020 and go up again next year. Our Homeowner's Insurance premium increased over \$4000 this year (!) and last year it went up \$900. We now pay more for taxes and insurance than we do for our mortgage. The costs are quickly becoming insurmountable. We are scrambling, holding down multiple jobs trying to keep our heads above water and put food on the table. If we lose our STR we will be functioning at a deficit. We will be forced to sell our home.

We live on the premises year-round and do not own/operate any other short-term rentals. Our neighbors on both sides and across the street are fully supportive of our STR. Many even turn to us to temporarily house friends and family. We 100% agree that there are way too many STRs, mostly illegal. Currently, those illegal STRs operate with impunity. There are several illegal STRs in just a 1 block radius from us. Lawful Operators like us are being painted with the same damning brush. Shutting down illegal whole home rentals alone would likely solve the citywide STR problem.

The City has claimed in the past that the STR legislation was designed to allow people like us (service industry, working class, house-poor) the ability to stay in our homes by offsetting the ever increasing property taxes and sky high insurance. Instead they are proposing doing away with residential STRs entirely and only allowing the commercial ones. Commercial STRs aren't beneficial to the struggling citizens. They bring more money to the City but those developers often aren't residents and they're certainly not struggling. Commercial STRs (many formerly residential homes, incorrectly zoned because of nearby commercial zoning) get pushed right through. Little guys like us, who the legislation was supposedly designed to help, are now in danger of losing the income that allows them to keep their [homes.It](#) shouldn't be a crime for residents to be able to share in the tourism economy. Instead, it seems like the 'stretched thin local', with no lawyer or money, is over-regulated and discouraged at every turn while out-of-town interests are welcomed with open arms.

We have been operating a law abiding STR for 8 years. We are devastated that the City is trying to take away the ability to make a living for us, and hundreds of others like us, who actually follow the laws. I don't see how we'll be able to stay in this city if that supplemental income stream is no longer legal. It seems like this City just beats you down at every turn. Please vote against eliminating Residential STRs.

Regards,
Corinna Chaney
1720 Washington Ave Apt 4
New Orleans LA, 70113

Laura B. Bryan

From: Rebecca Jostes <rebecca@hendrixgroupnola.com>
Sent: Wednesday, December 7, 2022 12:14 PM
To: Laura B. Bryan; Paul Cramer; Stephen K. Kroll
Subject: Fwd: Comment for Residential STR prohibition

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please enter for public comment

Comments for Motion No. M-22-467 ; ZD095-22

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

From: Jamal Pratt <mallj2004@me.com>
Date: Mon, Dec 5, 2022 at 3:26 PM
Subject: Comment for Residential STR prohibition
To: <cpc@nola.gov>

To whom it may concern,

I am a minority small business owner in New Orleans operating a short term rental in a home that I occupy here in my hometown. The movement to remove the option for homeowners to exercise a right to rent their home or a portion of their home in whatever way suits them is unconstitutional and a direct attack on those who are members of the community here in New Orleans. It appears to be reactionary and spitefully done due to the overturning of the original unconstitutional restrictions put in place by the city of New Orleans during the development of the requirements of homestead exemption.

There has been no such requirement placed on larger commercial developments or other large apartment complexes that are created by out of state developers. As the city encourages tourism, this is a discouragement to hosting as many guests as possible to the city of New Orleans with the option to stay in historic areas instead of hotels that help to line the pockets of corrupt politicians. It continues to be business as usual when it comes to the operation of the city of New Orleans. Bans on short term rentals will continue to encourage the wealth divide in this city and many residents will pursue residence in other cities that respect autonomy and entrepreneurship for all residents.

Sent from my iPhone

Laura B. Bryan

From: Rebecca Jostes <rebecca@hendrixgroupnola.com>
Sent: Wednesday, December 7, 2022 12:17 PM
To: Laura B. Bryan; Stephen K. Kroll; CPCINFO; Paul Cramer
Subject: Fwd: Short-term rentals

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please enter for public comment for Motion No. M-22-467 ; ZD095-22 and confirm receipt

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

From: Jennifer Miller <millerjennifer@comcast.net>
Date: Mon, Dec 5, 2022 at 4:09 PM
Subject: Short-term rentals
To: <cpc@nola.gov>
Cc: Rebecca Jostes <rebecca@hendrixgroupnola.com>

To Whom It May Concern:

I just learned today that you will be discussing short-term rentals at you next city planning meeting. I would like to share my experience.

First, I bought a dilapidated four flex four years ago. The building had sat on the market for, I believe, close to a year. I purchased the building with the intent of doing short-term rentals. I've invest a ton of money and time into this building (and despite living here the whole time had to dismantle my LLC so I could get a short term permit) so I have considerably improved the property while untaking the entire financial risk/burden. Most people who are against short-term rentals seem to ignore that important point. By improving the property, I've improved the neighborhood.

And I am sensitive to the issue of affording housing. I also need to have the freedom to run a business so I could afford to renovate the building in the first place. I'm not sure what specifically is the discussion about short-term rentals, but I don't imagine you are going to take away people's permits!

I've always offered some "affordable" housing while also wanting the option to do short-term rentals. I provide both and, as mentioned, have done my part to improve the city by bringing an historical property back to life.

Jennifer Miller
Rent by the River

Laura B. Bryan

From: Rebecca Jostes <rebecca@hendrixgroupnola.com>
Sent: Wednesday, December 7, 2022 12:19 PM
To: Laura B. Bryan; Paul Cramer; Stephen K. Kroll; CPCINFO
Subject: Fwd: Prohibiting Residential STRs on Dec. 13th Agenda/ Dec. 5 Deadline for email public comment

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please enter for public comment for Motion No. M-22-467 ; ZD095-22 and confirm receipt

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From: Lissa Lyncker <lalyncke@gmail.com>
Date: Mon, Dec 5, 2022 at 3:24 PM
Subject: Re: ZD095-22
To: Rebecca Jostes <rebecca@hendrixgroupnola.com>, Gail Cavett <gailacavett@aol.com>

Can we get organized and meet? We have to start calling the city council office rep

I am a single mother and my STR unit provides a supplemental income to help raise my kids and to maintain my home. I prescreen all of the guests rather than allow auto booking to maintain awareness and control. I am always respectful of my neighbors and considered my neighbors and neighborhood when I created my airbnb house rules and nuisance plans. I have not had an issue in the 4.5 years I have rented. I have based my financial future on this to be able to pay my taxes and insurance and support my kids. How can they discriminate against the voters in this city for residents and leave us in a lurch like this. This is unfair to the residents who have invested in this program. I could potentially lose my home...this only benefits businesses. this is not fair to tax paying residents who have voted you into office.

We have not had an opportunity to meet with the city planning commission...this will not remedy the housing shortage. They are discriminating voting residences of this city...and favor the businesses.

Laura B. Bryan

From: Rebecca Jostes <rebecca@hendrixgroupnola.com>
Sent: Wednesday, December 7, 2022 12:15 PM
To: Laura B. Bryan; Paul Cramer; Stephen K. Kroll
Subject: Fwd: Comments for Motion No. M-22-467 ; ZD095-22

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please enter for public comment for Motion No. M-22-467 ; ZD095-22 and confirm receipt

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From: Michael Whitehead <michaelwhitehead1@gmail.com>
Date: Mon, Dec 5, 2022 at 3:53 PM
Subject: Comments for Motion No. M-22-467 ; ZD095-22
To: <cpc@nola.gov>

Dear City Planning Commission:

I am writing to express my opposition to motion no. M-22-467, which establishes an interim zoning district to prohibit Residential Short Term Rentals.

I own a shotgun double in which my wife and daughters live on one side and we rent out a small one bedroom apartment as an STR on the other side.

The vast majority of my guests are traveling to visit family within a mile of my rental, and many are traveling with children. The logistics of staying in a downtown hotel and visiting family or carting children around downtown is much more difficult than renting a STR in a residential neighborhood.

The STR activity from my unit has been very low impact on the neighborhood, and serves the need of traveling families that want to enjoy the city and visit family away from the downtown area.

Again, I am in opposition to motion no. M-22-467

Michael Whitehead
6027 Patton Street
New Orleans, LA 70118

Laura B. Bryan

From: Rebecca Jostes <rebecca@hendrixgroupnola.com>
Sent: Wednesday, December 7, 2022 12:29 PM
To: Laura B. Bryan; Paul Cramer; Stephen K. Kroll; CPCINFO
Subject: Fwd: zoning docket number, ZD095-22

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please enter for public comment for Motion No. M-22-467 ; ZD095-22 and confirm receipt

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From: scott sp <scott.saltzman@gmail.com>
Date: Mon, Dec 5, 2022 at 4:11 PM
Subject: zoning docket number, ZD095-22
To: <cpc@nola.gov>

I am firmly against the attempt to eliminate all STR's from the city, even if only for one year.

I have a single STR unit in the home I own and reside in. I have been using this one bedroom unit as STR for about 4.5 years. I have observed the city's attention to STR's progress in the early days from anything goes to oh, maybe we need to assess this better to where we are now - STOP THE FACTORY- everyone is out of work till we figure this out. This modus operandi is inefficient, disruptive and unfair, especially to those of us who have spent significant time, resources and money to ensure visitors to our city have an excellent experience and go home to tell others THEY need to come visit our city too!

It is insane for the city council to wholesale trash an entire industry that BENEFITS the city both with direct (taxes and fees) and indirect (spending in our economy while they are here) infusions of money. If there is a problem with SOME STR operators, particularly those who do not live here, who do not promote the city, who remove the financial benefits to the city because they do not reside here and do not care about the nature and quality of their properties nor impact on their neighborhoods, then address THOSE operators. DO NOT cripple those of us who not only follow the letter of the law, but are actively trying to foster interesting and valuable experiences for those who visit while maintaining the neighborly quality of our surrounding.

Please keep residential STR permits available for our city's homeowners. It IS in everyone's best interest.



Scott Saltzman
scott.saltzman@gmail.com

Laura B. Bryan

From: Rebecca Jostes <rebecca@hendrixgroupnola.com>
Sent: Wednesday, December 7, 2022 12:29 PM
To: Laura B. Bryan; Paul Cramer; Stephen K. Kroll; CPCINFO
Subject: Fwd: zoning docket number, ZD095-22

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please enter for public comment for Motion No. M-22-467 ; ZD095-22 and confirm receipt

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

From: Thomas Lasher <tom@quynhtam.com>
Date: Mon, Dec 5, 2022 at 4:44 PM
Subject: zoning docket number, ZD095-22
To: <cpc@nola.gov>

Dear Planning Commission Members -

I'm writing to you as the owner of a permitted short term rental unit - it's a unit we have at our home at 1119-21 Terpsichore Street, and I want to urge you to vote "no" on the resolution to ban STR permits in residential areas.

To be clear - as an on-premises residential owner of an STR (unlike commercial STR owners), my family and I have a stake in the neighborhood we live in. And by definition, this point should be obvious: it matters to us how our guests behave because if they're disturbing our neighbors, it's clear they'd also be disturbing us (myself, my wife, and our two young children). In light of this, I find it troubling that if you were going to act to reduce the impact of STR's in the city, that instead of acting against commercial STR's, that you would act against those owned by local on-premises resident owners - because we are stakeholders in the quality of life in our neighborhoods and in our cases, the economic impact of residential STRs, actually stays in our City (unlike that which is generated by hotels and commercial STR operations).

I think this vote will say a lot about who you believe you are accountable to: is it to large out-of-state commercial property owners or is it to tax paying local residents trying to make ends meet by renting a small apartment at their home (as ours is) to out-of-town guests. More clearly, what kind of standing do we - as local residents - have in this city compared to the well connected few?

I hope you will be mindful of that when you cast your vote - which I hope will be a "no", on December 13.

Thank you,

Thomas Lasher
1119-21 Terpsichore Street

Laura B. Bryan

From: Rebecca Jostes <rebecca@hendrixgroupnola.com>
Sent: Wednesday, December 7, 2022 12:16 PM
To: Laura B. Bryan; Paul Cramer; Stephen K. Kroll; CPCINFO
Subject: Fwd: Limiting STR permits

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please enter for public comment for Motion No. M-22-467, ZD095-22 and confirm receipt

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

From: Valerie Lowe <valerie.nola@gmail.com>
Date: Mon, Dec 5, 2022, 4:29 PM
Subject: Limiting STR permits
To: <cpc@nola.gov>

Hello

For several years I hosted guests from around the world, acting as a welcoming diplomat for our city. Sadly commercial operators and unlawful str's have taken the air out of hosting. When I search competition in the city and find operators in the French Quarter and Garden District on Airbnb's website, I fume.

Most of the str issues can be managed through better permit enforcement. Illegal and bad actors need to be shut down. Commercial operators who offer an apartment building as a New Orleans home make it difficult for lawful, permitted homeowners to host.

RECOMMENDATIONS

Enforce existing permits for str's

Perform more required inspections and have str permits holders pay fees for the inspection. Limit commercial apartments even more from permits. Require out of state permit applications to be in person not by an agent. Require owner on site for inspection. Hire a service to call out illegal and unpermitted str listings found on websites. Raise permit fees if you have to pay for this. Ask Airbnb and others to provide a "certified local owner on site badge"

Good hosts who live here and want to protect our culture will help this happen. Absentee owners not from here won't. Make it inconvenient for absentee owners.

Thank you

Valerie A Lowe

4072 State Street Dr and 4814 Walmsley Avenue (Uptown Elegance on Airbnb) STR License: 21-RSTR-06290 Permit: 21-OSTR-03973

Laura B. Bryan

From: Sanford Hinderlie <hinder@loyno.edu>
Sent: Wednesday, December 7, 2022 2:14 PM
To: Laura B. Bryan
Subject: Fwd: Email Comment Concerning Docket ZD095-22
Attachments: PastedGraphic-2.pdf; PastedGraphic-2.pdf

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Original Email you requested that I sent on Dec 5 at 3:45 pm regarding Docket ZD095-22

Sanford E. Hinderlie
Conrad N. Hilton Chair
Music Industry Studies
Loyola University New Orleans
6363 St. Charles Ave. Box 82
New Orleans, LA 70118
hinder@loyno.edu
www.sanfordhinderlie.com

Knowledge is Power.
Information is Liberating.
Education is the most powerful weapon which you can use to change the world.
—Nelson Mandela

Begin forwarded message:

From: Sanford Hinderlie <hinder@loyno.edu>
Subject: Email Comment Concerning Docket ZD095-22
Date: December 5, 2022 at 3:45:07 PM CST
To: cpc@nola.gov

Email Comment Concerning Docket ZD095-22

Dear Planning Commission:

I am the Conrad N. Hilton Chair of Music Industry Studies at Loyola University New Orleans, having taught at Loyola for 41 years, and also a jazz pianist in New Orleans for this time. My wife has made documentaries on the jazz of New Orleans and has a Ph.D. in history from Tulane with published articles and books on jazz. She and I have lived in our house on Dumaine Street since 1999. In other words, we are a part of the fabric of this city.

Regarding Docket ZD095-22, we understand the predicament involved in the past STR regulation and its legal appeal in the courts. We have had an STR at our house since the beginning of the pandemic in March, 2020. Our property taxes have gone from \$1200 to \$4400, and our house insurance is now with Louisiana Citizens since our previous insurer went bankrupt, and the rates have skyrocketed. Energy costs are increasing. I have not had a raise at Loyola University for 10 years and I am retiring within a year at 71. In other words, we

depend on the extra income from our AirB&B to stay above water. Without the income we will be forced from our neighborhood. Our neighborhood has two STR's. We have never had any problems with any of our guests and with our long-term neighbors. Our STR license recently expired and we cannot renew if STRs are eliminated. Our livelihood depends upon the ability to have an STR available to us. It is imperative that you do NOT vote to rescind STRs but to allow us to continue with an AirB&B in our house, especially for "ma and pa" STRs like ours,

Sincerely,

Sanford E. Hinderlie
Conrad N. Hilton Chair
Music Industry Studies
Loyola University New Orleans
6363 St. Charles Ave. Box 82
New Orleans, LA 70118
hinder@loyno.edu
www.sanfordhinderlie.com

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Education is the most powerful weapon which you can use to change the world.
—Nelson Mandela

Laura B. Bryan

From: CPCINFO
Sent: Wednesday, December 7, 2022 2:05 PM
To: Laura B. Bryan
Subject: Fw: ZD095-22. STR discussion / CPC 12/13 meeting.

From: Steve Armbruster <steve@nola-law.com>
Sent: Wednesday, December 7, 2022 2:03 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Re: ZD095-22. STR discussion / CPC 12/13 meeting.

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I'm resending what I'm now told was sent to a wrong e-mail.
Please consider what my wife and I need to say.

From: Steve Armbruster
Sent: Monday, December 5, 2022 3:56 PM
To: cpc@nola.gov
Subject: STR regulations / CPC 12/13 meeting.

Dear Planners and All Other whom This May Concern:

Please don't force my wife and I to move. I'm serious. We depend on extra income from an STR to pay increased home insurance, property taxes, and myriad other now-inflated costs of living. Our place would not be suitable for long term rental, even though it's perfect for the needs of visitors who venture out to spend money at local restaurants. If we did not use it as an STR, it would sit vacant and unused. It would not be a long-term rental. And its use doesn't diminish the residential character of where we live. This is a quiet peaceful neighborhood. It has stayed that way for the many years we've had an STR because it is only big enough for a single person or a couple, and we live here. No noise. No large groups roaming the neighborhood. Just people paying a reasonable price to stay here: i.e. steady tax revenue for the City and much needed income for us. I'm sure the City can use the extra tax revenue our STR generates, just as we do.

Also, don't be fooled by my salutation. I retired three years ago. I don't work downtown. I decided to retire when I turned 70, figuring I could afford to do it because the extra income I'd get from an STR would help us. I think it would be unfair to allow owners of commercial building to rent multiple units on a short-term basis but forbid a private homeowner from doing something that would negatively impact nothing or nobody.

Yours truly,
Steve Armbruster

Stephen F. Armbruster
Hancock Whitney Building

701 Poydras St., Ste. 4100
New Orleans, LA 70139
(504) 525-4361 (Office)
(504) 525-4380 (fax)
Steve@nola-law.com

Laura B. Bryan

From: CPCINFO
Sent: Wednesday, December 7, 2022 2:01 PM
To: Laura B. Bryan
Subject: Fw: Docket # ZD095-22

From: Haley Ralston <hr@ralstonresearch.com>
Sent: Wednesday, December 7, 2022 1:34 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Docket # ZD095-22

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I was told my email went to the wrong email on Monday. Please see comment below regarding my short term rental.

Sent from my iPhone

Begin forwarded message:

From: Haley Ralston <hr@ralstonresearch.com>
Date: December 5, 2022 at 4:11:21 PM CST
To: cpc@nola.gov
Subject: STR

The use of the house for short term rental allows me to help my child pay for college. She would be required to take out huge student loans to attend college but we are able to help her so the student loans are 1/2 as much. In our location, we have parents of the local colleges like Tulane and Loyola stay and other families that want to visit New Orleans but not stay in the FQ area but close to it. If we are unable to short term rental our property we will be forced to sell out property along with all the other STR homes in the area.

We offer a valuable service to helps us and the guest that stay at our home. I have had a str for over 3 years and have had no issues. Please consider the effect you are having on ordinary folks trying to live and support their families. My permit does not expire until June 2023 and I have budgeted for the income str to support my family.

Thank you!

Sent from my iPhone

Laura B. Bryan

From: CPCINFO
Sent: Wednesday, December 7, 2022 2:02 PM
To: Laura B. Bryan
Subject: Fw: Residential STR's zoning docket number, ZD095-22

From: Katrina Turillo <kturillo@gmail.com>
Sent: Wednesday, December 7, 2022 1:40 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Fwd: Residential STR's zoning docket number, ZD095-22

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

From: Katrina Turillo <kturillo@gmail.com>
Date: Mon, Dec 5, 2022 at 3:17 PM
Subject: Residential STR's zoning docket number, ZD095-22
To: <cpc@nola.gov>

Dear Members of the City Planning Commission,

I am writing to ask you not to support the prohibition of all residential short term rentals. (ZD095-22)

My family purchased our house with the intent to operate a licensed short term rental based upon the laws that were created by the City of New Orleans. We have operated without complaints and received many wonderful reviews from our guests for years.

Short term rentals fill a niche for extended family and groups of all kinds that want to travel together. STR's offer a way for local homeowners to personally benefit from a thriving tourist economy while providing unique and individually personalized New Orleans hospitality to guests to our city in a true community setting.

New Orleans should put its resources towards the enforcement and removal of illegal and unpermitted short term rentals, not the restriction of all residential short term rentals.

Kind Regards,

Katrina Turillo
504.258.4090

Laura B. Bryan

From: CPCINFO
Sent: Wednesday, December 7, 2022 2:02 PM
To: Laura B. Bryan
Subject: Fw: ZD095-22 STR IZD

From: Lyn Strickland <lyn96@hotmail.com>
Sent: Wednesday, December 7, 2022 1:41 PM
To: CPCINFO <CPCINFO@nola.gov>
Subject: Fwd: ZD095-22 STR IZD

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

Sent from my iPhone

Begin forwarded message:

From: Lyn Strickland <lyn96@hotmail.com>
Date: December 5, 2022 at 4:18:19 PM CST
To: cpc@nola.gov
Cc: Ronnie Strickland <ronniestrack@gmail.com>
Subject: ZD095-22 STR IZD

Good afternoon. My name is Janette Strickland and my husband Ronald and I own and operate a STR in our home. We received our license one year ago and began renting in February of 2022. Our unit has brought lots of visitors to our city and thus they have spent lots of much needed money at our local restaurants, shops and other local venues. Our rental is current on our licenses and our guests have been respectful of our neighborhood. Our reviews are 4.97 out of 5 stars for over 35 stays.

The income from our STR allows us the means to live in New Orleans, Uptown specifically. Our insurances, water, electric, gas, grocery bills have increased drastically in the past year. It takes every penny we make to keep us going in this wonderful but expensive city. I ask you to please consider what this will do to your tax-paying, law-abiding citizens in your community. Many of us will have to sell our homes and move elsewhere. Please don't take that away from us.

Thank you,

Janette Lyn Strickland
1224 Hillary St
919-244-0140
lyn96@hotmail.com