

MOTION

NO. M-23-247

CITY HALL: May 25, 2023

BY: ^{LH} COUNCILMEMBER HARRIS

SECONDED BY: COUNCILMEMBER GIARRUSSO

WHEREAS, The New Orleans City Council passed Motion M-23-120 at its regular meeting on March 23, 2023; and

WHEREAS, Motion M-23-120 directed the City Planning Commission to conduct a study to recommend updates to Commercial Short Term Rental (CSTR) regulations; and

WHEREAS, CSTR regulations directly affect all other transient lodging uses, such as hotel/motel, timeshare, hostel, and bed and breakfast; and

WHEREAS, Due to the lack of use standards for the hotel/motel use, and general ambiguity regarding regulations for all transient lodging uses, it is most appropriate for the City Planning Commission to study CSTRs as a part of a holistic examination of all transient lodging uses; and

WHEREAS, The City Planning Commission has already indicated engaging outside resources to complete the CSTR study, thus including all transient lodging uses in such a study will not increase the burden on staff; **NOW THEREFORE**

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to pursue a new study regarding the impacts and recommended updated regulations for Commercial Short Term Rentals (CSTR) as well as all transient lodging uses, including but not limited to hotel/motel, timeshare, hostel, and bed and breakfast; and

BE IT FURTHER MOVED, That this Transient Lodging Study will replace the CSTR study already being conducted pursuant to Motion No. M-23-120, though any public input and research related thereto may be incorporated into the Transient Lodging Study as may be appropriate; and

BE IT FURTHER MOVED, That the Transient Study shall address the following areas, some of which were outlined in Motion No. M-23-120:

- For CSTRs only:
 - Limitation on number of CSTR units per building
 - A ban on whole home or whole building CSTRs
- For all transient lodging uses, including CSTRs:
 - Limitation on the number of rooms and guests, by unit
 - Other density limitations, which may vary by zoning district, zoning district classification, future land use designation, or other such land use designation
 - Number of permits allowed per owner and/or operator
 - Requirement that each permit holder is a natural person, not a juridical person
 - Strengthened requirements, including density limitations and other standards, for transient lodging uses that 1) abut residential or mixed-use zoning districts, and/or 2) are located in a building that also houses long term residents, so as to mitigate quality of life impacts
 - A requirement for transient lodging uses to be located on the same lot, parcel, or building as other commercial uses
 - Possible use of transient lodging allowances to incentivize the development and/or preservation of affordable and/or workforce housing

- In buildings with units used for both long term and short term housing, requiring separate entrances to access short term dwelling units
- Requiring other standards for entry, including keypads
- Requiring on-site operators
- Requiring a 24/7 staffed front-desk in a publicly accessible space
- Overall impact of CSTRs and other transient lodging uses on the availability of long term housing – affordable, workplace, and market-rate – and possible measures to mitigate such impacts, including but not limited to an overall cap on person or persons who may participate in the CSTR and other transient lodging markets, and increasing the price of transient lodging use permits, e.g., CSTR owner and/or operator permits
- Establishing and/or modifying use standards for transient lodging uses as may be necessary, including for hotel/motel
- Closing loopholes that allow buildings operating as hotels, other transient lodging uses, or long term residences to allocate 100 percent of units to CSTR use

BE IT FURTHER MOVED, That because this request shall not constitute a text or map amendment request, no Project Neighborhood Participation Program shall be required.

BE IT FURTHER MOVED, That the City Planning Commission is hereby directed to conduct and complete the Transient Lodging Study within 180 days of the passage of this motion and conduct the public hearing within 90 days of the passage of this motion but may request a reasonable extension of this timeline in writing to the New Orleans City Council, through the author of this motion.

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

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

YEAS: Giarrusso, Green, Harris, King, Morrell - 5

NAYS: 0

ABSENT: Moreno, Thomas - 2

AND THE MOTION WAS ADOPTED.

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