

“Investors have been snapping up whole apartment blocks and kicking out the locals, many of whom are elderly,” says resident Vicenç Forner.

Others blame the tourist market for the influx of international shops that are replacing local businesses, already under pressure from the expiration of Barcelona’s commercial rent controls.

So are tourist caps the right solution?

A 2004 study published by Tulane University sociologist Kevin Fox Gotham in *Urban Studies* indicates it may be wrong to blame tourists alone. The transformation of a city into a place that caters to tourists over residents is also the result of targeted investments by developers, often supported by city governments.

Cities seeking more economic development partner with these investors to become more attractive to tourists and upper-income residents by building hotels, entertainment venues and upscale housing. Suddenly, traditionally working- and middle-class neighborhoods are inaccessible to residents of modest means.

Gotham’s study uses New Orleans’s French Quarter as a case study. In the 1980s, for instance, the construction of upscale hotels in the French Quarter provided investors with an incentive to renovate properties on the district’s Canal Street and transform Bourbon Street bars into upscale music venues. The resultant expansion of tourist activity in the area would lead to a 50 percent increase in rents on the street between the mid-1990s and 2002, with some properties more than doubling their rental price.

Spurred on by an expanding tourism industry dependent on “an image of nostalgia,” Gotham writes, investors bought and renovated properties to reflect a notion of the French Quarter as a neighborhood of “red-brick town houses, cast-iron galleries over public sidewalks and enchanting backyard gardens.” By the early 2000s, this process left “few unrehabilitated residential houses for sale,” in a neighborhood where “the asking price for single-family homes is far beyond the means of low-income-housing tenants.”

Moreover, writes Gotham, the demographic changes caused by skyrocketing rents and increasing tourism coincided “with a dramatic restructuring of the commercial base of the neighborhood.” Between 1950 and 1999, he reports, resident-oriented businesses like “barbers, department stores, shoe shops, small groceries and laundry services” decreased by 15 percent, while tourist businesses like T-shirt shops increased by 32 percent.

“Gentrification and tourism,” concludes Gotham, “are largely driven by mega-sized financial firms and entertainment corporations who have formed new institutional connections with traditional city boosters (chambers of commerce, city governments, service industries) to market cities and their neighborhoods.”

Miriam Greenberg tells a similar story in *Branding New York: How a City in Crisis Was Sold to the World*. Concerned that the city’s reputation had been all but annihilated by high rates of crime and poverty, the New York State Department of Commerce launched the “I Love New York” campaign in the late 1970s as part of an effort to make the city attractive to tourists and moneyed outsiders.

This new emphasis on “out of towners,” writes Greenberg, sought to transform New York’s image as a “product in the mind of targeted consumers while pursuing the interests of business, real estate, bond holders, tourists, the new middle class and elites over those of low and moderate-income New Yorkers and the working class.” While “poverty rose, the middle class shrank and the city became a prohibitively expensive place to live”—benefits were “measured in the rising value of New York city bonds and real estate, the growth of the corporate headquarters complex, the service sector and the rebound of the tax base.”

The mentality behind such programs is perhaps best encapsulated by former Mayor Michael Bloomberg’s assertion that New York is “a luxury product.”

This phenomenon, says Jeremiah Moss, creator of the blog Vanishing New York, hurts the city's inhabitants. "As New York becomes more gentrified, it becomes more sanitized and suburban and attracts more tourists, [and] we have fewer services for people who live here... places to wash clothes, to get shoes fixed. We get places that appeal to someone on vacation."

While Moss does not know how a tourist cap could be practically implemented in New York City, he supports a cap on hotels, which take up space in lots or buildings that might otherwise serve or house New Yorkers.

A precedent for limiting tourism in U.S. cities is difficult to find. Christopher Ketcham, a journalist and New York City native now residing in Moab, Utah, is not surprised by this. "Limiting tourism goes against the nature of capitalism, which is all about increasing growth and consumption," he says.

As far off as tourist caps may be in America, however, policies that place limits on the construction of hotels and other tourist facilities can serve the same role, reducing both the numbers of tourists and the dominance of businesses that cater to short-term visitors and wealthy outsiders rather than actual residents.

Ketcham grew up in Brooklyn in the 1980s and 1990s and has seen the decline of his old stomping ground. "More people buying more stuff from more countries across the globe has resulted in a neighborhood in which the resident feels like a stranger," he says. "Tourism at its heart is a contemptible sector of the economy, because ultimately, it's about the commoditization of place, culture and history."

#### MARTIN DE BOURMONT

Martin de Bourmont is a Summer 2015 editorial intern at In These Times. He graduated from Dickinson College with a bachelor's in political science and previously worked as an editorial intern for La Croix in France.

--

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:17 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: STR Study: Airbnb Analyst: July 20, 2015: In Austin, measures to regulate STRs fall flat -

**From:** Carol Gniady [mailto:carolgniady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 2:51 PM  
**To:** CPCinfo  
**Subject:** STR Study: Airbnb Analyst: July 20, 2015: In Austin, measures to regulate STRs fall flat -

Airbnb Analyst: July 20, 2015: In Austin, measures to regulate STRs fall flat -

<http://the-airbnb-analyst.com/austin-texas-new-str-ordinance-if-failing-due-to-lack-of-enforcement/>

"In the past 2 ½ years Austin Code Enforcement has logged over 350 complaints on STR related activities but has issued exactly 1 fine. They have suspended 2 licenses in the same time with one of those licenses being reinstated the same day."

Austin, Texas New STR Ordinance is Failing Due to Lack of Enforcement  
Posted on July 20, 2015 by srunger72  
Steve Unger, Editor, airbnb Analyst BLOG

July 20, 2015

Austin, Texas was one of the first cities in the U.S. to pro-actively attempt to regulate urban short term rentals. Austin developed a comprehensive policy; however, local activists report that lack of effective enforcement has kept the new ordinance from being effective.

The number of LICENSED short-term rentals (STRs) in Austin has risen from 370 in 2011 to 1,154 in 2015 – representing a 300% increase. Yet there are normally only 2 code enforcement officers assigned to police these 1,154 STRs. And, the number of UNLICENSED STRs remains much greater. A recent search on airbnb showed 5,192 different properties for rent within the city limits.

The new ordinance defines 3 different types of Short Term Rentals;

Type 1 (owner occupied or owner's principal residence and occupied by owner for >50% of the year). There are 681 Type 1's registered in Austin,

Type 2 (Non-owner occupied and not owner's principal unit. Can rent for >50% of the year but are limited to 3% of the residences within a census tract). There are 366 Type 2 registered STRs.

Type 3 (non-owner occupied in a multi-family use property – condo or apartment). There are 106 Type 3 registered STRs.

Because there is no effective enforcement by The City on what type of license the owner actually qualified for, Type 1 licensed are granted to properties being used as a Type 2. Also, the City is not permitted to inspect STR properties to identify violators of over-occupancy.

In the past 2 ½ years Austin Code Enforcement has logged over 350 complaints on STR related activities but has issued exactly 1 fine. They have suspended 2 licenses in the same time with one of those licenses being reinstated the same day.

As a result of lack of enforcement local activists are extremely frustrated. One even created a video to illustrate the problem.

(link to video included in online article)

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**Nicholas J. Kindel**

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:21 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rentals

**From:** susan guidry [<mailto:susan@lakesidecamera.com>]  
**Sent:** Monday, November 30, 2015 2:53 PM  
**To:** CPCinfo  
**Subject:** Short Term Rentals

*Dear City Planning Commission members and staff,*

*As you consider the possibilities for regulatory framework on short-term rentals, I ask simply that you put our neighborhoods first.*

*STRs are overwhelmingly concentrated in our city's most historic and vulnerable neighborhoods. We have myriad laws that specially regulate these fragile and significant areas. These laws must continue to protect the residents and stewards of our neighborhoods.*

*Please remember that those who are here for a weekend have different reasons to be here than we do. Neighbors make a neighborhood, and their investments go far beyond a short-term stay. As long as we maintain protection of our neighborhoods as the top priority, we can be sure that regulations will be in the best interests of our city. This will ensure that our residents will thrive, and the visitors will follow.*

*There were some STR's across the street from me. There were bachlor parties there and the noise was terrible.....the parting went on all night with loud music on the balcony.*

*Sincere thanks for your diligence on this overwhelming issue,*

*Susan Guidry*

*525 Gov. Nicholls St.*

## Nicholas J. Kindel

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:21 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: STR Study: Airbnb Analyst: Nov. 10, 2015: 3 year multiple city STR study conclusions, recommendations

**From:** Carol Gniady [mailto:carolgniady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 2:56 PM  
**To:** CPCinfo  
**Subject:** STR Study: Airbnb Analyst: Nov. 10, 2015: 3 year multiple city STR study conclusions, recommendations

Recommendations from Airbnb Analyst, writer has been studying STRs for past three years in cities including San Francisco, Austin, and Portland. Sound advice on limiting to owner/manager occupied, one per owner, etc. See below, link and text provided for your convenience.

<http://the-airbnb-analyst.com/the-easiest-way-to-regulate-airbnb/>

The Easiest Way to Regulate airbnb  
Posted on November 10, 2015 by srunger72  
Editor's Note

For the past 3 years I have been tracking the growth of airbnb and the attempts by various cities to appropriately regulate it. My thinking has evolved over time. The recent political activist tactics used by airbnb to defeat Proposition F in San Francisco caused me to re-think my assumptions.

I recommend approach below because I have watched Austin, TX, Portland, OR, and San Francisco (among other cities) adopt reasonable but more complex regulations only to have them fail due to reluctance of airbnb hosts to become licensed, lack of any meaningful support from airbnb, and the difficulty of enforcement.

So here is my current thinking on how to most effectively control airbnb.

Adopt an ordinance to legalize host-resident short-term rentals at a low cost for hosts offering 1 or 2 "bedrooms in a home" that is their primary residence. Be clear the host must reside in the house and/or unit during the guest's stay – hosting and supervising the guest and the property.

Rationale: Host-resident short-term rentals are really mini-B&Bs and do not create horror stories, irritate neighbors or deplete housing stock. They do help hosts pay their mortgage or rent and stay in their homes. These rentals frequently offer a true bargain to travelers. Permitting these will satisfy the needs of many airbnb hosts and keep the initiative from being characterized as "anti-airbnb".

If a host owns a 2- or 3-flat building, the guest must reside in the same unit that the host resides. Otherwise, you will be converting month-to-month rental units into short-term rentals. This also applies to accessory dwelling units (ADUs) that could otherwise be rented month-to-month.

Limit the number of listings a host can have to one per listing service.

Rationale: Since the property listed must be the host's primary residence and a person can only have one primary residence, this is really a given. However, it make clear that those who list multiple properties are out of compliance.

Require the host's permit number to appear in all online listings.

Rationale: This seemingly innocuous requirement is critical because it provides a simple way to determine legal and illegal short-term rentals. Any short-term rental listing without a permit number is by definition illegal.

Fine airbnb (or any other listing service) \$100 to \$500 per day for any listing that does not display a permit number. And then take the listing service to court to collect.

Rationale: While a \$100 per day fine might seem small, it would essentially make the listing unprofitable for airbnb who normally receives about 12% of the value of the listing. While it is possible to also fine airbnb hosts, this can be difficult to enforce and will increase airbnb host-resistance. Fining the listing service and taking them to court to collect is probably the simplest and most cost-effective approach.

Refer to all host-absent short-term rentals as "illegal vacation rentals" or "illegal hotels"

Rationale: For many years host-absent vacation rentals have been heavily regulated in resort areas to maintain the residential nature of resort towns. The concept of "urban vacation rentals" is what's new. It is airbnb host-absent rentals that generate airbnb horror stories, irritate neighbors and deplete long-term rental housing stock. airbnb host-absent rentals do not keep people in their homes or help support the "middle class". They exist because if the location is right the property owner can make more money renting short-term than month-to-month.

To some degree this is a "divide and conquer" strategy. Divide the airbnb host-resident "private room" rental hosts (who are permitted) from the airbnb host-absent "entire place" rental hosts (who are prohibited). Also, by directing fines primarily to the listing service rather than the hosts, local citizens cannot complain they are being treated unfairly.

Will this approach work in all cases? Only time will tell. But is may work better than the first round of regulatory initiatives.

--

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**Nicholas J. Kindel**

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:21 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short term rentals

-----Original Message-----

From: Robin [<mailto:robinroberts14@gmail.com>]  
Sent: Monday, November 30, 2015 2:57 PM  
To: CPCinfo  
Subject: Short term rentals

Dear City Council Planning Commission and Staff:

We have lived in the French Quarter for 11 years. In the past two years, illegal short term rentals have made our home unpleasant and a different place.

We have had large groups of young people treating an adjacent condo like an out of control frat house.

The French Quarter is a beautiful neighborhood and to keep it residential, we must enforce laws against gouging absentee landlords who don't care at all about quality of life issues.

Please enforce current laws and strengthen them.

Robin Roberts  
1015 Governor Nicholls St.  
Unit 1  
Registered voter

Sent from my iPhone

**Nicholas J. Kindel**

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:21 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW:

**From:** Donna Wakeman [<mailto:donna.wakeman@gmail.com>]  
**Sent:** Monday, November 30, 2015 2:58 PM  
**To:** CPCinfo  
**Subject:**

*Dear City Planning Commission members and staff,*

*While I am simply copying the VCPOA form letter below, I feel strongly that all the points made apply as aptly in the Faubourg Marigny as they do in the Quarter.*

*As you consider the possibilities for regulatory framework on short-term rentals, I ask simply that you put our neighborhoods first.*

*STRs are overwhelmingly concentrated in our city's most historic and vulnerable neighborhoods. We have myriad laws that specially regulate these fragile and significant areas. These laws must continue to protect the residents and stewards of our neighborhoods.*

*Please remember that those who are here for a weekend have different reasons to be here than we do. Neighbors make a neighborhood, and their investments go far beyond a short-term stay. As long as we maintain protection of our neighborhoods as the top priority, we can be sure that regulations will be in the best interests of our city. This will ensure that our residents will thrive, and the visitors will follow.*

*Respectfully,*

*Donna D Wakeman*

*2815 N Rampart St*

--  
Donna Wakeman

*"It is no easy matter to get to heaven by way of New Orleans." – Rev. J. Chandler Gregg 1866*

## Nicholas J. Kindel

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:21 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Illegal Short-Term Rentals

**From:** Debbie Ramil [<mailto:debramil@gmail.com>]  
**Sent:** Monday, November 30, 2015 2:58 PM  
**To:** CPCinfo  
**Subject:** Illegal Short-Term Rentals

Dear City Planning Commission:

I'm writing to urge you to establish legislation that will curb the spread and level of activity of illegal short-term rentals in our city. In addition to significant zoning and taxation concerns for these "homes" operating as businesses, I am most concerned and appalled by the significant removal of permanent housing units from our neighborhood markets resulting directly from non-owner-occupied short-term rentals. These former housing options are now simply operating as hotels. Rental rates and housing prices have skyrocketed in neighborhoods where these short-term options are concentrated, clearly driving long-time residents who can't afford these new prices out of their communities. Yes, gentrification happens, and it happens everywhere, but the proliferation of these short-term rentals in our city **at such an escalated rate** will ruin our neighborhoods by removing nearly all neighbors from them. We are not New York. Our unique, but relatively tiny city will not survive the short-term rental onslaught.

Thank you for your time and for considering my request.

Kind regards,

Deborah Ramil  
1418 Terpsichore St., Apt. 4  
New Orleans, LA 70130

**Nicholas J. Kindel**

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:21 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: I am sharing 'Document1.docx' with you from This device  
**Attachments:** Document1.docx

**From:** Cate Nelson [<mailto:scater62@gmail.com>]  
**Sent:** Monday, November 30, 2015 2:59 PM  
**To:** CPCinfo  
**Cc:** Venette Winslow  
**Subject:** I am sharing 'Document1.docx' with you from This device

Please read the following letter about short term rentals .

Shared from Word for Android

City Planning Commission

1300 Perdido St.

NO LA 70112

Dear Sirs/Madams,

As a long time resident of New Orleans, and a 17 year resident of Treme, the recent proliferation of short term rental spaces has given me great pause . The street was once a lovely neighborhood which fostered a sense of community and neighborly cooperation. Now we find ourselves surrounded by hotels-by-any-other-name. Taxis barrel down the street at all hours, large vans and busses arrive disgorging and on loading numerous passengers. Trash is left outside on sidewalks improperly. Shouting, screaming and occasionally fist fights have become a weekend spectacle. Needless to say, the property owners are NOT present. My understanding is that any sort of accommodation of less than thirty days in our neighborhood requires an owner on premise. There is also a limitation on the number of such accommodations per block . Currently three of the four buildings across the street are being used as short term establishments . Two more grace the block further down . These buildings are empty through the work week, and over stuffed on the weekends. Parking, quiet, and neighborly feeling all suffer. Before any start arguing that a rise in property values is good for the neighborhood and the city, remember that those maintaining these establishments are not paying taxes, permit fees or wages. We are being forced to live amongst hotels , and as property owners, we are disappointed that the city has seen fit to neither sufficiently regulate, nor enforce existing regulations, to the detriment of all. Please reverse this tawdry trend on commerce, and help restore our neighborhoods .

Thank you,

Sincerely,

C. Nelson

1250 Kerlerec

NO LA

## Nicholas J. Kindel

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:22 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: STR Public Comment submission

-----Original Message-----

From: Patricia Meadowcroft [<mailto:patmeadowcroft@aol.com>]  
Sent: Monday, November 30, 2015 3:09 PM  
To: CPCinfo  
Subject: STR Public Comment submission

Dear City Planning Commissioners and staff,

Vieux Carre Property Owners, Residents and Associates (VCPORA) believe that unregulated illegal short term rentals have a profound negative impact on our neighborhoods, particularly in the French Quarter, which has the highest density of illegal STRs, for the following reasons:

- contribute to increases in housing prices
- displace residents
- harm businesses that depend on regular daily local customers
- compete in an uneven playing field with regulated like businesses (hotels and B&Bs)
- do not pay commercial taxes, utility rates, carry commercial insurance, and do not follow safety regulations as other legal short term businesses

There is no question that you have a difficult task ahead of you in sifting through thousands of letters and studies. This is a tremendous opportunity for you as city planning professionals to get this right and protect our historic neighborhoods. We ask that you address our concerns by providing proposed rules and legislation to address taxes, utility rates, insurance and safety regulation requirements for STRs that are in alignment with other like businesses. Furthermore we request that the illegal STR locations and owners be disclosed in order for enforcement to take place. Finally we ask that you address the density of STRs in our neighborhood to ensure residents are not pushed out of the neighborhood they love.

Our thanks for taking on this monumental task to recommend rules and regulations that will stop the short term rentals from destroying our historic fragile neighborhoods.

With all my best regards,

Patricia Meadowcroft  
VCPORA president

"Always do right. This will gratify some people and astonish the rest."  
- Mark Twain

**Nicholas J. Kindel**

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:22 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Concerning short term rentals

**From:** Jacob Germain [mailto:thejakeman16@gmail.com]  
**Sent:** Monday, November 30, 2015 3:14 PM  
**To:** CPCinfo  
**Subject:** Concerning short term rentals

You're gonna get shafted. This is a company that hates the concept of taxes or costly civic responsibility. Just take a look at what it's done in san francisco, where it's actual headquarters are located. They dodged taxes for years and when they finally lost their case they took out a bunch of ads suggesting how incredibly grateful citizens should be for them doing their simple civic duty as a legal entity in the U.S. and paying taxes.

<http://www.theverge.com/2015/10/22/9591596/airbnb-san-francisco-ad-campaign-proposition-f>

Seriously, they will roll you. If you're intent on this, play them harder than they play you.

Thanks,

Jacob Germain  
Concerned Citizen

**Nicholas J. Kindel**

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:22 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: short term rentals

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**From:** Carol W Gelderman [<mailto:cgelderm@uno.edu>]  
**Sent:** Monday, November 30, 2015 3:15 PM  
**To:** CPCinfo  
**Subject:** short term rentals

Please no short term rentals in historic districts like the French Quarter and the Garden District. Carol Gelderman, 1527 4th street, 70130

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---

**Nicholas J. Kindel**

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**From:** Felice Lavergne <felice@urbanconservancy.org>  
**Sent:** Monday, November 30, 2015 3:15 PM  
**To:** Nicholas J. Kindel  
**Subject:** Urban Conservancy-Report, Comments, and Questions from the STR forum  
**Attachments:** Survey report-Urban Conservancy STR forum .docx; Questions and Comments from the Urban Conservancy's forum.docx; compiled data STR forum -Urban Conservancy .xlsx; survey-short term rental forum .docx

Hi Nick,

I'm attaching documents relating to the Urban Conservancy's forum, *Short Term Rentals: What Works for New Orleans*

**For the public record**

Survey Report  
Comments and questions collected at the forum

**Supplementary info**

Survey data  
A blank example of our forum survey

Feel free to contact me with any questions.

Best,  
Felice

--  
Felice Lavergne  
Project Assistant  
Urban Conservancy  
[felice@urbanconservancy.org](mailto:felice@urbanconservancy.org)  
[318-792-9376](tel:318-792-9376)

On November 17<sup>th</sup> the Urban Conservancy held a short term rental forum on UNO's campus.

There were over 55 people in attendance, 47 of whom turned in surveys. There were nineteen neighborhoods represented.

In this report, all percentages come from the audience of the 47 people who turned in surveys.

### 1. The top five in neighborhood representation:

Neighborhood	Attendees
Mid city	9
Bywater	5
Tremé	5
Uptown	4
Lakeview	3

2. Homeowners made up 53% of the audience, with 25% owning **more than one** property.

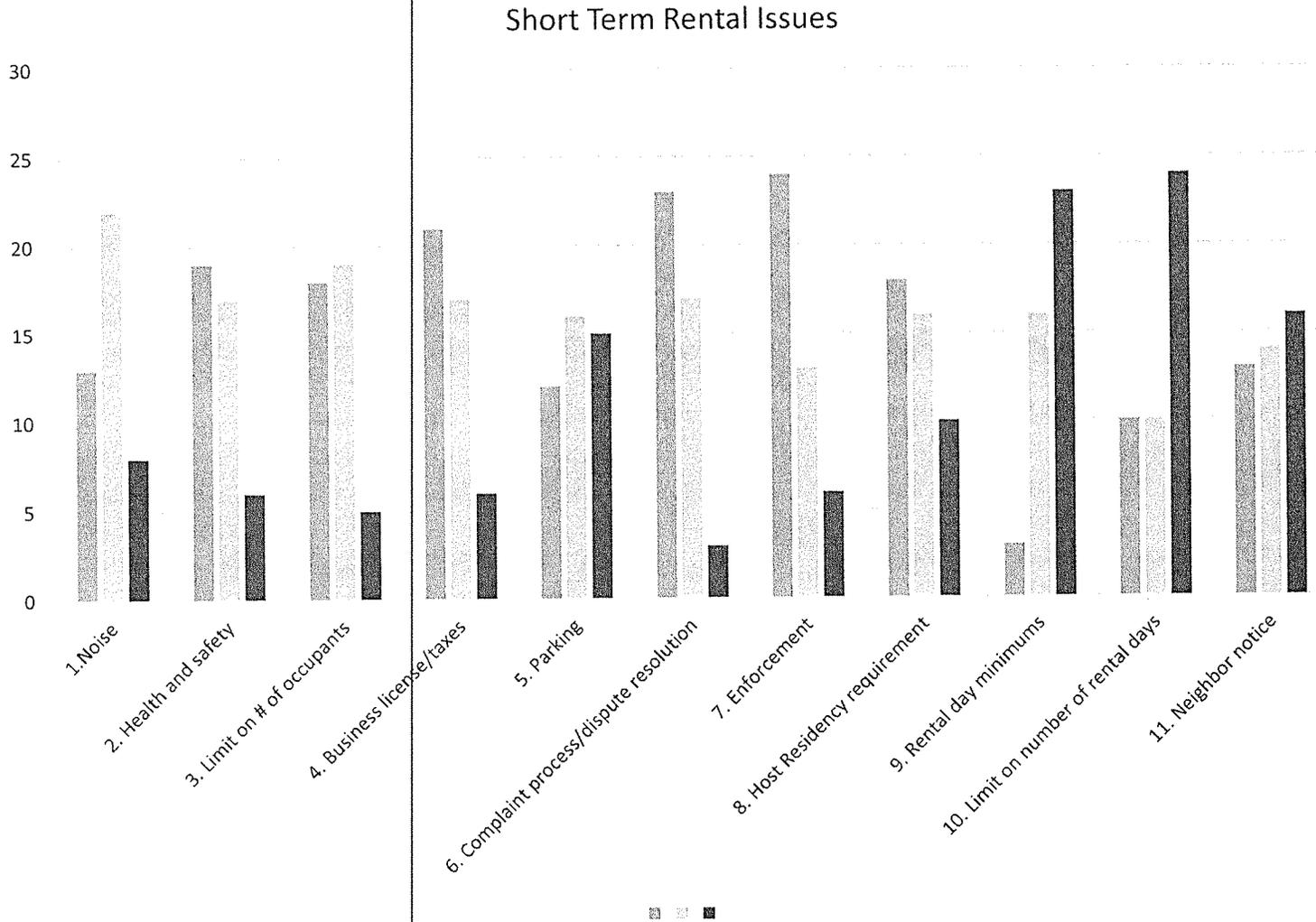
3. The majority (72%) of the audience was under 45 years old, with 47% falling within the 25-34 age range.

### Short Term Rental Users

- 74% of the audience has stayed in a short term rental
- 46% of the audience are currently short term rental hosts or have hosted in the past
- 70% of the audience has considered hosting a short term rental

Audience members were asked to consider a list of eleven common issues surrounding short term rental regulation and rate their importance in New Orleans. The results are in the bar graph below.

- **Extremely Important:** Health and safety, Business license and taxes, Complaint process and dispute resolution, Enforcement, and Host residency requirement
- **Important:** Noise, Limit on number of occupants, Parking
- **Not Important:** Rental day minimums, Limit on number of rental days, Neighbor notice



## Extremely Important or Important combined

1. Noise: 80%
2. Health and safety (fire safety, building inspection): 86%
3. Limit on number of occupants: 86%
4. Business license and taxes: 86%
5. Parking: 65%
- 6. Complaint process and dispute resolution: 91%**
7. Enforcement: 84%
8. Host residency requirement: 77%
9. Neighbor notice: 63%

## Not Important

10. Rental day minimums: 53%
11. Limit on number of rental days: 53%

When the Extremely Important and Important categories are combined, Complaint process and dispute resolution at 91% seems to be the most important issue to the audience.

The only two issues that the majority selected as not important were Rental day minimums and Limit on number of rental days. This may imply that the audience does not find regulating the exact number of days per short term rental stay is as important as the other listed issues.

Questions and Comments from the Urban Conservancy's forum, *Short Term Rentals: What Works for New Orleans*

**In response to: Are there any other short term rental issues you think New Orleans Should Consider?**

1. Ways to leverage STR to ameliorate housing affordability issues. Ways to make benefits of STR rentals accessible to low income communities in one way or another, indirectly or directly.
2. Section 8! Encourage owners to create Section 8 rentals by offering breaks on short term rental taxes. (Own a 4plex? Use 3 for airbnb and 1 for section8)
3. Host background checks
4. Affect of STR on housing affordability and availability.
5. Several people are concerned about how many properties are owned by companies versus local ownership. Maybe there should be more regulations on this.
6. Must be owner occupied! Stops noise and basically all listed above.
7. Any hotel/occupancy tax collected should stay in the city. It should not go to the state. Landlords should pay state tax on income only.
8. Simplifying/eliminating conditional use for STRs.
9. Short term rentals should be limited to owner-occupied units.
10. Equitable access to housing. There are huge barriers to becoming a B+B (much harder than it used to be) it would be great if short term rentals were a less cumbersome process.
11. Affordable housing crisis in NOLA- what are the potential effects to low income first time homebuyers? Are people being priced out of neighborhoods where housing stock is already so low?
12. Want homestead exemption requirement.
13. The Nashville ordinance is a GREAT model. Works great, and generates a ton of tax revenue. Would be happy to get in touch to discuss. [paul.alan.robertson@gmail.com](mailto:paul.alan.robertson@gmail.com)
14. Potential distinctions in regulations based on the neighborhood. Such as tiered fees for any permits based on median income in the neighborhood.
15. How much does Airbnb raise rent in certain areas? I've heard San Francisco has problems where typical apartments have gone up \$500 a month due to Airbnb. Will airbnb have the same affect on New Orleans? Does their liability insurance only cover hosts if they are permitted and following the law?
16. 1. Cap on the number of days per year you can STR. 2. Must be primary residence (homeowner exemption?) 3. Everybody licensed by city and taxed, by and certain number of day per year where you can do whatever. 4. By number of day per year without getting licensed as a business, max 14 days! See film production exemption for 14 day or less for possible model.
17. 1. The impact short term rentals will have on the availability of affordable housing within the metropolitan area. 2. How can it be regulated. For instance, how can the city + state ensure that rentals are registered/have an occupational license and are accurately reporting B+B occupancy tax, etc. 3. Should consider the cultural impact on

- the city. For example, how does it impact historic neighborhoods. 4. The city should consider capping long term + short term rentals to ensure near by housing is affordable.
5. Consider increased taxes on short term rentals.
18. Density of rentals. Tourism issues (residential v visitors). Neighborhood services (economic impact)
19. Concentration/ Density maximums of STRs/neighborhood

**The following are questions submitted to during the forum, addressed to the panelists.**

1. Explain the permitting validation database concept in a little more detail (Jeff). How did Durango overcome the permitting use in practice compared to very low #s in Portland and San Fran? I.e how are they ensuring hosts are getting permits?
2. How do street segment caps work? How do they change from a single family block to a block with multi family units?
3. What service does, or will, the government provide to homeowners who are short term rental hosts? Don't homeowners already pay property taxes? Isn't this just another tax without benefits to anyone but the government?
4. Q for Airbnb rep: How can we trust any of your talking points about airbnb impacts on communities/the New Orleans housing market without public access to your data? How can one keep up with the supplemental income narrative when single users can list multiple properties on airbnb? Ex- Alex/AL/ Alexander rents out 22+ properties in the CBD alone.
5. New Orleans' housing affordability problems are long standing. To what extent do STRs exacerbate the problem and to what extent can we reasonably expect STR regulation to address a problem that outdates airbnb?
6. Q: Given the higher cash flow of short term rentals as compared to long term rentals what prevents short term rentals from becoming the highest and best use of residential property? Wont short term rentals displace long term rentals?
7. 1. Nola has a 13% vacancy rate: highest of all metro areas in U.S.  
2. 13,000 people are on waiting list for section 8 housing voucher (waiting list closed since 2009) Jeff's idea rules. Blighted house-> multi unit renovation -> New Use: 50% section 8 50%STR
8. You gave the compliance rate for Portland but not SF, Philadelphia, + Jersey City. Can you give these stats? Why has no one community tried to have any land use regulations?
9. How can city ensure rentals are regulated?
10. What is the regulation for duplexes?
11. What evidence do you have that the economic opportunity "benefits" you attribute to short term rentals would disappear without short term rentals? These tourists would come and spend money regardless of aribnb. They do not come to New Orleans b/c there is suddenly aribnb. STR are simply taking money from lawfully run B+B/hotels. We have too many hotel rooms as it is right now.
12. The survey presented tonight omitted zoning concerns which do not permit short term rentals and are illegal in most of New Orleans residential zoning districts. Given Airbnb's

recent community compact, it seems they are unwilling to hand over data on those who operate illegally today which seems suspect. Q: Why does airbnb allow rentals to occur where they are already illegal?

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:22 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Air BnB

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**From:** lydia mathews [<mailto:lkm4jm@hotmail.com>]  
**Sent:** Monday, November 30, 2015 3:16 PM  
**To:** CPCinfo  
**Subject:** Air BnB

Hello, I am writing this letter because I am against.... I don't like what it's doing to the housing and rental Market in the New Orleans area. The way it's changing the neighborhoods and making housing unaffordable and tightening the market. We don't want transients on our block replacing long term families. We are also concerned about how it will affect the tourism industry here and what it will mean for the city coffers.

Thank you.

**Nicholas J. Kindel**

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:22 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: S T Rental

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**From:** annbreaux [mailto:annbreaux@yahoo.com]  
**Sent:** Monday, November 30, 2015 3:16 PM  
**To:** CPCinfo  
**Subject:** S T Rental

Please listen to those of us who love this city...in particular, the French Quarter, enough to live here. We make a lot of sacrifices to live here and try to retain the historic quality. This "short term rental" is taking away the character of the French Quarter! And put some of us in danger!

STR is taking place in my building. Most weekends that condo has from 4 to 8 people. Who are they?? Where do they live???? Are they for partying all night? They have access to my courtyard where my only enteranc is located. Do each of them have a copy to my gate forever?

Please give consideration to those of us who care enough to be residents, neighbors, and active citizens. Thank you.

Happy Connecting. Sent from my Sprint Samsung Galaxy S@ 5

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:22 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short-Term Rentals

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**From:** King, Wendy E [<mailto:wking@tulane.edu>]  
**Sent:** Monday, November 30, 2015 3:19 PM  
**To:** CPCinfo  
**Subject:** Short-Term Rentals

Dear CPC Staff,

Please consider the long-term negative impacts of short-term rentals on our neighborhoods, especially in historic neighborhoods such as the French Quarter.

While many visitors come to walk our city's streets, visit our local businesses, and eat in our restaurants, those who stay in these short-term rentals pay rent to STR owners who are not taxed or subject to regulations required of hotels and B&Bs. In that sense, our city's administration derives no financial gain from these establishments, and the STRs' owners rent out properties that may not fully meet fire and safety codes required of hotels and B&Bs.

As you consider the possibilities for regulatory framework on short-term rentals, I ask simply that you put our neighborhoods first.

STRs are overwhelmingly concentrated in our city's most historic and vulnerable neighborhoods. We have myriad laws that specially regulate these fragile and significant areas. These laws must continue to protect the residents and stewards of our neighborhoods.

Please remember that those who are here for a weekend have different reasons to be here than we do. Neighbors make a neighborhood, and their investments go far beyond a short-term stay. As long as we maintain protection of our neighborhoods as the top priority, we can be sure that regulations will be in the best interests of our city. This will ensure that our residents will thrive, and the visitors will follow.

Sincere thanks for your diligence on this overwhelming issue,

Sincerely,  
Wendy King  
2100 St. Charles Ave., #9J  
New Orleans LA 70130-7637

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:23 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short term rentals  
**Attachments:** City Planning Commission ltr.docx

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**From:** Cynthia Scott [mailto:cynthiascott2000@bellsouth.net]  
**Sent:** Monday, November 30, 2015 3:26 PM  
**To:** CPCinfo  
**Subject:** Short term rentals

Dear City Planning Commission,

We have a terrible crime problem in our city, and it won't get better any time soon. In a recent email from the police, two of their recommendations stand out:

1. If you are going out of town let a trusted neighbor and/or the police know and ask them to watch your home.
2. Make your home appear to be "lived in" by having a neighbor or friend collect your newspapers and mail.

In New Orleans neighborhoods where every other structure is taken up by short term rentals, these traditional crime-fighting solutions are no longer possible. There's no more porch-sitting, walking the dog, knowing who lives near you, and all the other niceties that create a neighborhood and keep us safe.

There's a reason that airbnb is spending big money in cities preparing to vote on legalizing their practice, in order to influence the vote. It's no longer a "sharing economy" – it's Big Business. I don't mean the small homeowner who rents a room or part of a house where they live onsite. I object to the absentee owners and even renters who rent out multiple units, not caring to whom, and who then live or travel in luxury on the proceeds, paying little to no taxes and contributing nothing to civic responsibility. It goes without saying that their inflated profits have pushed rents and home prices through the roof in New Orleans. Good tenants have been evicted because there's more money to be made from short term rentals.

Please consider these issues with an eye to protecting the people who actually live here, who pay taxes and rent to other New Orleanians and who rebuilt from destruction. There's only so much degradation of our neighborhoods we can take before we all turn our properties into hotels and leave for good.

Yours sincerely,

Cynthia Scott  
2853 Ponce de Leon Street  
New Orleans, LA 70119  
504.301.1102

Dear City Planning Commission,

We have a terrible crime problem in our city, and it won't get better any time soon. In a recent email from the police, two of their recommendations stand out:

1. If you are going out of town let a trusted neighbor and/or the police know and ask them to watch your home.
2. Make your home appear to be "lived in" by having a neighbor or friend collect your newspapers and mail.

In New Orleans neighborhoods where every other structure is taken up by short term rentals, these traditional crime-fighting solutions are no longer possible. There's no more porch-sitting, walking the dog, knowing who lives near you, and all the other niceties that create a neighborhood and keep us safe.

There's a reason that airbnb is spending big money in cities preparing to vote on legalizing their practice, in order to influence the vote. It's no longer a "sharing economy" – it's Big Business. I don't mean the small homeowner who rents a room or part of a house where they live onsite. I object to the absentee owners and even renters who rent out multiple units, not caring to whom, and who then live or travel in luxury on the proceeds, paying little to no taxes and contributing nothing to civic responsibility. It goes without saying that their inflated profits have pushed rents and home prices through the roof in New Orleans. Good tenants have been evicted because there's more money to be made from short term rentals.

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Yours sincerely,

Cynthia Scott  
2853 Ponce de Leon Street  
New Orleans, LA 70119  
504.301.1102

**Nicholas J. Kindel**

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:23 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term rentals throughout our City

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**From:** Cybil Curtis [<mailto:curtis@greatchefs.com>]  
**Sent:** Monday, November 30, 2015 3:29 PM  
**To:** CPCinfo  
**Subject:** Short Term rentals throughout our City

Dear City Planning Commission members and staff,

I am writing to you as a native New Orleanian and a long-time, full-time resident and home owner in the French Quarter. As you consider the possibilities for regulatory framework on short-term rentals, I ask simply that you put our neighborhoods first.

STRs are overwhelmingly concentrated in our city's most historic and vulnerable neighborhoods. We have myriad laws that specially regulate these fragile and significant areas. These laws must continue to protect the residents and stewards of our neighborhoods.

Please remember that those who are here for a weekend have different reasons to be here than we do. Neighbors make a neighborhood, and their investments go far beyond a short-term stay. As long as we maintain protection of our neighborhoods as the top priority, we can be sure that regulations will be in the best interests of our city. This will ensure that our residents will thrive, and the visitors will follow.

Sincere thanks for your diligence on this overwhelming issue. Please consider our New Orleans neighborhoods and our New Orleans citizens first! Thank you.

Kind regards,

Cybil Curtis  
Mitchell Burd  
831 St. Louis Street  
New Orleans, LA 70112  
504.586.9066

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:23 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rental points

**From:** Brian Gorshe [mailto:bgorshe@gmail.com]

**Sent:** Monday, November 30, 2015 3:29 PM

**To:** CPCinfo

**Subject:** Short Term Rental points

Points to consider for short-term rentals:

- Condominiums: **Exclude condos that do not allow short term rentals in their bylaws.** We sold our condo at 631 St Peter St, unit 4 in 2013. It was in a 4-unit residential and 1-unit t-shirt shop building. We had constant problems with the unit below us, unit 3 (listed on HomeAway), in which the owners resided in NY and only showed up once a year for approx 10 days to use their unit. We also operated an air-bnb briefly before only renting long-term tenants after learning it was against condo rules as well as NOLA law. Our condo association did not have enough reserve funds to enforce the rule that prohibits short-term rentals. I'd assume that they still do not have any more than a few thousand dollars in reserve, which is earmarked for maintenance issues that arise. Small condos such as these have no recourse except to be able to file a complaint with the city.

- Currently, we operate a legal, registered B&B in the Marigny; we pay hotel tax, mayoralty permit, personal property tax for the business, fully insured including liability insurance. Guests that stayed with us several months ago, from Chicago, have good friends that own three homes that are short-term rentals in the Marigny Triangle. They opted to stay with us because all three homes owned by their friend were rented for the week they had a wedding to attend to in NOLA. The fact that these short terms rentals are owned by Chicago residents is bothersome, as they are not present to ensure the renters are being "good neighbors." Like the rule for B&B owners, air-bnbs should reside in the home or next to the home, like "double shotguns" are situated. Owners must homestead. They should also pay taxes and have liability insurance. Possibly limit the air-bnbs to "1 per block-face" just are regular B&Bs are.

Please enforce the rules created and heavily fine those who operate illegally.

I'm sure an enforcement team will generate enough income as they will continually find illegal operators all over the city.

Do not grandfather in current illegal air bnb operators, as they are already breaking the city law.

Create a system that allows residents to report illegal air bnbs. Have a way for residents to look online to see if an air-bnb is legal.

Thank-you for considering my input.

Brian Gorshe  
2125 N Rampart Street

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:23 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Pando.com: April 20, 2015: Unicorn v. Leviathan: The battle between Airbnb and San Francisco rages on

**From:** Carol Gniady [mailto:carolgniady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 3:30 PM  
**To:** CPCinfo  
**Subject:** Pando.com: April 20, 2015: Unicorn v. Leviathan: The battle between Airbnb and San Francisco rages on

Once again, another article on STRs in San Francisco, exposing the need for transparency by sharing data to enable regulation and enforcement... this article also points out the extreme, well-funded measures platforms like Airbnb are taking to make sure legislation that favors their current practices are passed, spending millions of dollars to protect their business model. Full text of article and link, follow.

"Airbnb is basically saying: 'Trust us. The City only needs to be involved if a complaint is filed.' But unless data is shared with the City, how will we ever know if there is a violation, so that we can file a complaint? At some point you have to make a choice about whether there should be enforcement. **And if there is no data, there is no enforcement, it's that simple.**"

Pando.com, April 20, 2015 - to see embedded visuals and get links to accompanying text please go to the online article, link is below.

<https://pando.com/2015/04/20/unicorn-v-leviathan-the-battle-between-airbnb-and-san-francisco-rages-on/>

Unicorn v. Leviathan: The battle between Airbnb and San Francisco rages on

By Dan Raile  
, written on April 20, 2015

FROM THENEWS DESK

"Brian Chesky's audacity is fabulous..his obsession with detail and practicality doesn't confine or compromise his dreaming but rather makes what could so easily be noble but abstract ideas functional and real." - Jonathan Ive, Time 100

Last week, as Time Magazine's '100 Most Influential People of 2015' issue was slotted onto magazine racks across the nation's groceries and airports, I got to see the some of that global influence in action. The place was San Francisco City Hall, and the influencer in question was Airbnb co-founder and CEO Brian Chesky.

At issue was a law passed last fall in San Francisco, seeking to regulate Airbnb's operations in its home town -- a law that has been in effect since February, was years in the making and even then was amended heavily before passage. Airbnb was initially supportive of the legislation. As recently as February, it paid \$25 million in back taxes without objections. But in the past two months the City has decided the law is a mess, and its relationship with Airbnb has soured.

In theory, the law creates a legal designation for short term rentals, establishing a registration process which hosts must initiate, and provides some protections to those hosts as well as establishing a process for handling complaints of abuse.

In fact, the new registration process is pure Kafka on the Pacific shore. Airbnb hosts must file paperwork with the Tax Collector and submit applications for registration with both the Planning and Building Inspection departments, all in person, during business hours. Alternately, hosts can opt, as most have, to do nothing at all.

Of the 4,000 to 5,000 Airbnb units available in San Francisco, only 455 have been applied for registration, and only 170 have been approved, according to the most recent numbers from the Planning Department. The remainder continue to operate outside of government oversight and definition.

Every party to last year's bill -- erstwhile supporters and sustaining detractors alike -- now agree it is a boondoggle requiring swift remediation. Of course, their opinions as to why this is and what is to be done vary widely. As do their reasons for dissent.

Three proposed packages of amendments have been introduced at the Board of Supervisors. One of them, authored by Supervisors Jane Kim and Board President London Breed, is fairly straightforward. It would set explicit and onerous penalties on anyone using the Ellis Act to evict tenants from their homes and subsequently listing the unit on Airbnb (or VRBO or Craigslist, for what it's worth). That one is a safe bet for passage.

The other two are more contentious. They have been presented by political adversaries and, for its part, Airbnb has been openly critical of both. One was introduced by Mayor Ed Lee and Supervisor Mark Farrell (the "moderates"), the other by Supervisors David Campos, John Avalos and Eric Mar (the "progressives").

The strongest threat to the law, however, comes from Airbnb itself. Make no mistake: despite its warmfuzzy, and vaguely yonic, branding, Airbnb can and will throw its weight around the political arena with the best of Silicon Valley's stable of thoroughbred unicorns.

In recent weeks the company has sent a number of letters to its San Francisco hosts describing its efforts to overwhelm the backwards nature of San Francisco government, with a call to action for the Airbnb community to join in the struggle.

In one letter, Airbnb assures hosts that there's nothing the government can do to stop apartment sharing in the Bay Area:

"We want to be clear: it's still fair to share in San Francisco. And we are going to make sure it stays that way."

Kindergarten "fair to share" ethics with mafioso determination.

The letters tell of Airbnb's determined efforts to ensure that "sharing is fair", in the process lumping both moderates and progressives together as overreaching "bureaucrats". One was published by Business Insider here, another obtained by Pando is embedded below.

The company has also set up websites to facilitate its hosts intervention on its part and told its side of the story breathlessly on its blog.

A tale of two amendment packages

The amendments proposed by the Mayor and Mark Farrell have two main points. They would create a blanket limit of 120 rented days per year, per Airbnb unit. Airbnb does not like this. Under current law, 'hosted' rentals - where permanent residents let out a room on Airbnb for less than 28 days at a time -- are unlimited. Rentals with absent hosts are capped at 90 days per year. The Planning Department has said it lacks the ability to differentiate between hosted and un-hosted rentals.

The Mayor's amendments would also create a new governmental entity: The Office of Short Term Residential Rental Registration and Enforcement, staffed jointly by the Planning Department, the Department of Building Inspections, and the Office of the Treasurer and Tax Collector.

"What we have proposed is basically a one-stop shop for both registration and complaints," Sup. Farrell told me by phone. "Currently, a working family that wants to register a spare bedroom for short-term rentals has to go to City Hall and get a business license, then go to the Planning Department to get a license there. We've heard lots of horror stories of people getting the runaround. It's basically a screwing by the system on both sides."

There are a number of other changes as well. Neighbors of Airbnb rentals would become 'Interested Parties' who can register formal complaints. Criteria for bringing civil actions against tenants, homeowners or platforms offering short-term rentals would be finessed. The Planning Department would be required to provide information about pending and resolved complaints on its website.

Airbnb, however, would not be forced to provide any information to the City. (Except for the Tax Collector, everybody has to provide at least some information to the Tax Collector.) In fact, the Lee/Farrell amendments remove the law's provision that hosts must provide information to the Planning Department about the number of days their unit has been rented.

Farrell --who voted in favor of the legislation last fall -- doesn't blame the law or its authors for the shortcomings.

"The law is focused at an emerging trend in the tech community, and it's a new area for residents and for the government," he said on Thursday by phone. "It was a great starting point, but we knew we would have to revisit it. A number of flaws have become apparent already, which is why we have proposed amendments to strengthen and streamline it."

This forgiving language towards the inept regulations is echoed by Assemblymember Chiu's office, which shared the following prepared statement with me:

"We're the first California city to regulate and tax this new industry, so it's no surprise to see challenges as the law gets going, or to see both recycled and new ideas on how to tweak it. Clearly more resources are needed to get more hosts registered more quickly and to better enforce the law, and those resources should be available with so much new tax money coming in."

Airbnb remains unmoved. When I reached out to the company to discuss the proposed amendments, they sent me a copy of an April 14 letter from Regional Head of Public Policy David Owen, addressed to the SF Board of Supervisors. In it, Owen deals with Farrell's amendments like the seasoned political pro he is -- he was Chief of Staff to Board of Supervisors presidents Matt Gonzalez (2003-2005) and Aaron Peskin (2005-2009). He writes:

"This kind of proposal would adversely impact San Franciscans like Kevin and Esther, who share their guest room and use the money they earn to pay medical bills associated with Kevin's Parkinson's disease."

Remember, that's the company's response to the moderates.

\* \* \* \*

Enter the progressives.

On Thursday I sat with Chiu's vanquished Assembly seat opponent, Supervisor David Campos, to discuss the Airbnb law (or, more technically, 'the Short Term Rental Legislation' because apparently VRBO and Craigslist are suddenly a problem too.) Campos has felt the full brunt of Airbnb's stature. Last fall, as he led opposition to the original Airbnb bill in City Hall, he was the target of a \$550,000 negative ad campaign underwritten by Airbnb investors Ron Conway and (Time's 100 2015 influencer) Reid Hoffman. [Disclosure: Ron Conway is a Pando investor]

Campos' primary gripe with the current law and the Mayor's proposed amendments is that, for all the finely-tuned regulatory provisions, there is little hope of enforcement.

"Airbnb is basically saying: 'Trust us. The City only needs to be involved if a complaint is filed.' But unless data is shared with the City, how will we ever know if there is a violation, so that we can file a complaint? At some point you have to make a choice about whether there should be enforcement. And if there is no data, there is no enforcement, it's that simple."

Campos' proposed amendments would require 'Hosting Platforms' to provide the City with this information, would restrict listings only to registered units, and would limit the number of days per year that any unit can be Airbnb'd to 90. As regards the provenance of information, this proposal is the most closely aligned to the suggestions of the Tax Collector and of the Planning Department. Yet as leader of the Board's minority progressive faction, Campos is under little illusion when it comes to the fate of his proposals.

"It's not going to be resolved in this building. Airbnb has too much political power. This issue will be decided at the ballot box," he said.

\* \* \* \*

David Chiu and company took nearly three years to draft legislation -- with Airbnb's input -- that in the end was tremendously unfit to regulate the company. The crux of the unfitness is that the law stops short of compelling the company to provide the City with the information it would need to monitor and enforce the very rules it establishes. A year later, the Mayor and his fellow free-market moderates are proposing new rules, and a new office to oversee them, but remain mute on the subject of this data. And still Airbnb has said, in a letter to its hosts, that the Mayor's amendments "raise significant concerns."

As for Campos' proposal, Airbnb says in that same letter: "Supervisor Campos introduced a Trojan Horse proposal that would effectively ban home sharing."

They got the metaphor right, at least. Someone is building a hollow horse full of marauders, but at whose gate will it be left, and who will suffer the consequences?

Airbnb currently has at least two website-based campaigns dedicated to enlisting its hosts to fight regulatory efforts in the region by writing to their elected representatives. (Here's one for San Francisco and one aimed at a bill in the California State Senate which would force Airbnb to disclose the same information to city and county governments.)

The "Get the Facts" section of [sf.fairtoshare.org](http://sf.fairtoshare.org) says: "We want to work with everyone who cares about San Francisco's future to ensure that these connections continue and that our community of hosts can continue to share their homes and afford to live in this vibrant city." Everyone, that is, except the Planning Department and the Office of the Treasurer and Tax Collector.

So why doesn't Airbnb want to share information about its operations with the relevant authorities? Because it is a champion of consumer privacy? Could it be that the company, which rocketed to a \$10 billion valuation before ever asking permission, is a little worried about the consequences for its shareholders should it begin to acquiesce? Leases, for example, are legally binding contracts, and how many lease holders in San Francisco who rent a room or an entire unit on Airbnb have actually gone to the trouble of asking their landlords for permission to do so? And since it is currently so simple, due to years of constructive lobbying, to avoid the regulations entirely by listing unregistered units, why not just press on, and wait for the government to come around?

Fortunately there are some pieces of the current law that will remain in effect no matter what happens in the coming months. For instance, thanks to the contributions of Ted Gullicksen, tenants caught out Airbnb'ing by their landlords cannot be immediately evicted, as was legally defensible before. Instead, they get a warning, and subsequent violations carry a schedule of penalties.

The rest of law is up for grabs.

The Senate Bill will be heard in committee on Tuesday in Sacramento, and on Thursday in San Francisco the Planning Commission will assay the three amendment packages. Airbnb, representing \$475 million of Silicon Valley's smartest money, is sure to stay on the offensive. The company and its investors have proven time and again that they can strike a deal in the halls of government.

It's a long shot, but if the derided bureaucrats can play dopes on the ropes long enough to absorb all the best punches, they just might be able to pull off a late knockout: a voter initiative is in the works and is expected to be on the ballot this fall.

\* \* \* \*

All the City's Short Term Rentals regulation is led by the Planning Department, and it's the objections from Planning that have triggered the current raft of amendments.

Planning Department Communications Manager Gina Simi told me by email that:

"At this time we receive no data from hosting platforms. For the current legislation, we would need addresses for all listings, number of days rented and details on the rental unit, both hosted and non-hosted. Under the three proposed versions, the need for such specific data is reduced, but the number of days a unit is rented would still be beneficial. If platforms were required to only list registered users, we would only need host's registration number and number of days to verify compliance."

In the eerie quiet of the Office of the Treasurer and Tax Collector on the day after tax day, under its high, peeling ceilings, I sat down with Policy and Legislative Manager Amanda Fried. She provided a lone voice of surety among the confusion.

"Our law is rock solid and we have all the tools we need to collect tax," Fried said.

The Transient Occupancy Tax, commonly called the Hotel Tax, is a 14% tax toll on all accommodations provided for fewer than 28 days. In 2012, the Office of the Treasurer and Tax Collector issued a clarification that Airbnb and its ilk fell under the terms of the TOT. In his recent letter to the Board of Supervisors, Airbnb's David Owen writes:

"In October Airbnb also began collecting and remitting the same taxes as hotels on behalf of our hosts and guests in San Francisco. We were under no obligations to take this action and the overwhelming majority of other short term rental platforms still refuse to follow our lead."

It is technically true that Airbnb was under no obligation to pay the TOT -- but somebody certainly was, and if not Airbnb that responsibility falls on the shoulders of its hosts. Even now that Airbnb is paying a hefty tax bill, the Treasurer and Tax Collector cannot verify whether the company is paying its full liability.

In the case of the Hilton or the Fairmont, hotel guests pay the tax as part of their bill, and the hotel then transfers it to the City on guests' behalf. With Airbnb, the Tax Collector has taken the firm position that this tax liability is shared between hosts and the platform. It doesn't matter who pays it, as long as it gets paid. In order to get right with the tax man, Airbnb hosts are required to obtain certificate of authority. When filing a business registration, hosts tick a special box for 'Short Term Rental', which activates their TOT liability and requires them to provide a monthly online filing, even if they haven't rented their unit that month. Failure to do so incurs a penalty.

Every host who had undertaken this process was issued a letter this spring by the Tax Collector, notifying the host of its joint liability. In the case of double payment, the host would be liable for a refund.

Airbnb sent a letter to these same hosts, in which it writes:

"We have been working with the City to resolve this matter without compromising your privacy. But even as we're trying to solve this problem, the Tax Collector is sending threatening letters to regular San Franciscans and trying to make the Airbnb community pay the same tax twice."

The allusion to host privacy is the key component of the tiff. Last September, the Office of the Treasurer and Tax Collector created a new TOT category called "Qualified Website Company," designed specifically for businesses like Airbnb. Such a company is allowed to assume the TOT tax burden of its hosts in full. Hosts can then rest assured that they are off the hook.

"There are zero qualified website companies in San Francisco," Amanda Fried said.

In order to obtain this qualification, Airbnb would have to provide the Tax Collector with its hosts' addresses, along with timely information as to the duration of stays and the prices that units were rented at.

Doing so, Airbnb could alleviate the tax worries of its hosts in one fell swoop, and bring an end to those "threatening letters." Airbnb knows this, and yet hasn't done so. It does not tell its hosts about its refusal to become a Qualified Website Company. Instead, it obfuscates. In that same letter, "the Airbnb team" writes:

The City of San Francisco wants to know who you are, where you live, who stayed in your house and when they were there. This demand for your personal information is wrong and we're concerned that it sets a bad precedent for how the city treats other internet platforms.

Let's be clear: information that is provided on behalf of a tax payer to the Office of the Treasurer and Tax Collector is treated with the utmost confidentiality, by law, and is shared with no other governmental department. Every taxpaying business in the city understands and depends on this. Airbnb prefers to play the part of privacy hero rather than comply.

\* \* \* \*

The dream of today's Silicon Valley often seems to be a government that steps aside and lets technology and business do as it will.

From its inception, Airbnb has been one of technology's great examples of the computer programming (and gender) pioneer Grace Hopper's canonical adage, "It is easier to ask forgiveness than it is to get permission." Airbnb has become a multibillion-dollar global socioeconomic reality precisely because it never asked whether

it could. Now that it is a multibillion dollar global socioeconomic reality, it shows no sign of asking forgiveness by getting right with the government.

It is all another prominent example of the latest Hegelian narrative of History, decreeing that "sharing" and "community" will overcome the dull resistance of ossified constructs like local government, as a matter of course.

Jessica Lessin took up the theme last week in the Information, in a piece titled "What Technologists Get Right in Criticizing Government", writing:

It would be tempting to dismiss these sometimes wacky attempts to "disrupt government" as idealistic banter from Burning Man-loving Libertarians—or tech companies aggravated about tangling with regulators. (Sorry, Google. Your time in the EU hotseat has come.) But technologists are targeting some deep and increasingly apparent flaws about government that shouldn't be quickly dismissed.

Further beyond the paywall (the Information does not want to be free), Lessin offers an account of her conversation with former Israeli president Shimon Peres and an "interesting remark" he made to her:

[T]he 91-year-old called government a "hangover" from an era when wealth was held in land and governments, backed by armies, were needed to protect it.

Today, he said, it is "science and technology" that are the most valuable assets, assets which defy geographic boundaries. In this world, companies, not governments, increasingly have the upper hand. Former San Francisco mayor, Lieutenant Governor and gubernatorial candidate Gavin Newsom spells out one possible version of the future in his 2013 book, *Citizenville*:

So what to do? We obviously don't have the money, the skilled programmers or the engineering mind-set within government to address our problems in the age of technology. Once again, we don't have to. We simply have to make it possible for people outside government to help us fix them. We have to think of government as a convener. A concierge, if you will – a customer-service organization.

In San Francisco, Airbnb is one of the city government's top-spending customers. And now it's demanding the service it paid for.

[illustration by Brad Jonas]

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:23 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rentals : Another perspective

-----Original Message-----

From: Ted Ferreira [mailto:[tedferr@aol.com](mailto:tedferr@aol.com)]  
Sent: Monday, November 30, 2015 3:33 PM  
To: CPCinfo  
Subject: Short Term Rentals : Another perspective

Dear CPC members :

We'd like to share a bit of a unique story : ours. We believe it's a good example of the simple truth that not ALL out-of-state property owners are just interested in a fast buck and don't care about the City of New Orleans, or our neighbors.

After spending 2 decades coming to NOLA on business & vacation and always staying in private home rentals for anniversaries, birthdays, Christmas holidays ... we fell in love with the City. But we have 3 school-age children and run a complex business out of state, so relocating until we are a little older isn't really an option, for us, unfortunately. We hoped and prayed to find a place of our own that we could afford to buy, and ultimately retire to ...

After more than 2 years of constant searching in the Marigny, Bywater, Treme and Lower Garden District with the help of a fantastic Keller Williams agent, we made offers on nearly a dozen properties that needed a lot of work, but lost them time & time again in the bidding process, mostly to speculators, and nearly all of them local contractors and/or real estate agents whom were buying up distressed properties to flip and resell ... NOT out of state buyers, you may be interested to understand, and not us.

We finally found a historic property that was in very poor shape due to excessive termite and water damage, in the center of the Bywater, and owned by a 65+ year old man that was in failing health, recently lost his life partner and about to lose it to the bank.

The one condition which allowed us to purchase and renovate the home was that we would allow him to stay in the house (it's a 2 unit multi-family), because he didn't want to leave the neighborhood. We agreed, and he is now our tenant at a very competitive rate, and our caretaker, and still living in the same house that he spent the last 20 years in.

My wife and I spent more than \$250,000 (almost all of our retirement money) restoring our home to a nearly new condition. We used a New Orleans-based bank, a New Orleans-based General Contractor, New Orleans-based subcontractors, suppliers, almost everything was bought and financed in the City. We complied with HDLC guidelines. We gave the house a second chance. We have purchased commercial rental liability insurance, smoke & CO2 detectors, first aid kits, fire extinguishers and we manage the property quite professionally.

But we could NOT have afforded to do any of this if we couldn't rent it out periodically to help pay off the mortgage. A single long-term tenant can't even come close to covering the balance of the loan payment and even our local bank wouldn't have approved it. We would have had to evict the previous Owner and increase the rent substantially on his unit just to cover the loan for the repairs. We know, we ran the numbers, with our bank.

Short Term Rentals allow us to promote the neighborhood, restore a century-old home to historic expectations, spend money in the City, drive business to a dozen or more local merchants and rent to our elderly tenant so he can stay in the neighborhood that he loves.

In less than a year, we've received more than a dozen amazing testimonials on the neighborhood, local businesses and on our future retirement home that almost always make us smile after we invested so much blood, sweat & tears (see 4 of these, below, please, written by real people who chose to stay with us instead of a chain hotel).

We are absolutely willing to pay our share of reasonable taxes/fees, etc, but please, please stop listening to stories that every short-term-rental is full of drunken frat boys. The rhetoric is tiring and could not be further from the truth in our situation (and is also untrue of each and every one of the dozen or so other local property owners we have spent time talking with in the past year).

Our visitors are almost all families, friends and couples in their 30s through 60's who have been (without exception) courteous, extremely respectful of our property and spend their money and their time in the neighborhood. Our neighbor across the street is a widow and 40 year resident of the Bywater and has confirmed this for us, repeatedly. She's very happy we kept our former Owner as a tenant, in fact, and refers to us as his "guardian angels".

PLEASE allow us to continue to manage our home as both an investment in our future and in the City of New Orleans, which is what we always wanted and hoped for.

Thank you for listening

Ted & Lara Ferreira  
Bywater, NOLA  
tedferr@aol.com

- TESTIMONIALS -

Beautifully decorated, fully-equipped home !!!

This home was everything and more than we hoped... a real gem. Comfortable and cozy and the courtyard was a treat to sit and relax in. We walked everywhere and even met some of the friendly neighbours. The local pubs were a fun place to visit as well. We loved our stay in this Bywater neighborhood and would definitely stay here again or recommend it to our friends.

Tracy F - October 2015

-----

Better than we imagined!

This adorably cool home provided the perfect setting for our first exploration of New Orleans. The neighborhood is exactly where I would want to live in the city. Everything we wanted to experience was within walking distance. And it was great to know we could explore further via the available bikes. The home itself is pristine, every detail thought of and every convenience provided - and an ever fabulous patio. Do stay here; you won't regret it.

Natalie H - June 2015

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This listing was everything we were looking for and more! It was tastefully decorated, had plenty of space, there were games for the kids, a beautiful and private courtyard and it was within walking distant to some fantastic restaurants! We followed their advice and had breakfast at Elizabeth's which was great! We will definitely consider staying here again when we head back to New Orleans and would absolutely recommend this to anyone looking for a place to stay there!

Kerry M - May 2015

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Ted and Lara are wonderful hosts! They responded promptly to all of our inquiries. Their home was everything we could have asked for and more. They paid attention to detail to make their home welcoming and comfortable. We felt very much at home and safe in the neighborhood. We took their advise regarding the local restaurants, spending more time exploring the local area than in the French Quarter. The home was perfect for my husband, our adult children and me. I would highly recommend this home to anyone who is visiting NOLA, who wants to stay close to the French Quarter without actually being there and still have the flavor of the Bywater District. Just a block away at the local park from where we were was a "Mirliton Festival" with music and food. How fun it was to be so close to such a local event. Thank you so much, Ted and Lara for opening up you home to our family. Would definitely stay there again!

Monica K - November 2015

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:24 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: STR Study: New York Times: August 6, 2015: The Uber-ization of Activism

**From:** Carol Gniady [mailto:carolgniady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 3:40 PM  
**To:** CPCinfo  
**Subject:** STR Study: New York Times: August 6, 2015: The Uber-ization of Activism

And for good measure, here's an article from the New York Times Op Ed page, August 6, 2015 on the practice of "Astroturfing," which looks like activism but has a hidden agenda... much like what's happening here in New Orleans with the ANP "movement."

"Airbnb provided funding for the "Fair to Share" campaign in the Bay Area, which lobbies to allow short-term housing rentals, and is currently hiring "community organizers" to amplify the voices of home-sharing supporters."

[http://www.nytimes.com/2015/08/07/opinion/the-uber-ization-of-activism.html?\\_r=0](http://www.nytimes.com/2015/08/07/opinion/the-uber-ization-of-activism.html?_r=0)

The Opinion Pages | OP-ED CONTRIBUTOR

The Uber-ization of Activism  
By EDWARD T. WALKER  
AUG. 6, 2015 28

Photo

Josh Mohrer, left, Uber's general manager in New York, at a rally outside City Hall in June. Credit Bebetto Matthews/Associated Press

The nasty battle between Uber and the administration of Mayor Bill de Blasio over New York City's proposed cap on livery vehicles has ended, at least for now, with the city and the ride-hailing giant agreeing to postpone a decision pending a "traffic study." There's no doubt who won, though. The mayor underestimated his opponent and was forced to retreat.

It wasn't just conventional pressure — ads, money, lobbying — that caught the mayor off guard. Uber mobilized its customers, leveraging the power of its app to prompt a populist social-media assault, all in support of a \$50 billion corporation. The company added a "de Blasio's Uber" feature so that every time New Yorkers logged on to order a car, they were reminded of the mayor's threat ("NO CARS — SEE WHY") and were sent directly to a petition opposing the new rules. Users were also offered free Uber rides to a June 30 rally at City Hall. Eventually, the mayor and the City Council received 17,000 emails in opposition. Just as Uber has offloaded most costs of operating a taxi onto its drivers, the company uses its customers to do much of its political heavy lifting.

Uber's earlier strategy to win entry into the Portland, Ore., market followed a similar pattern. When the city wasn't allowing the company to operate taxis, Uber exploited rules that allowed it to act as a delivery company, and distributed free ice cream around town. Using data on these deliveries, the firm shrewdly recruited recipients as pro-Uber citizen lobbyists, pressuring local officials to allow their cars to pick up passengers. It worked.

Many tech firms now recognize the organizing power of their user networks, and are weaponizing their apps to achieve political ends. Lyft embedded tools on its site to mobilize users in support of less restrictive regulations. Airbnb provided funding for the "Fair to Share" campaign in the Bay Area, which lobbies to allow short-term housing rentals, and is currently hiring "community organizers" to amplify the voices of home-sharing supporters. Amazon's "Readers United" was an effort to gain customer backing during its acrimonious dispute with the publisher Hachette. Emails from eBay prodded users to fight online sales-tax legislation.

So it's reasonable to ask whether there's still a bright line between being a business and being a campaign organization, or between consumer and activist. Tech companies' customers may think they are being served. But they are often the ones providing the service.

To be sure, in the clash with Mr. de Blasio, Uber also deployed traditional public relations tools: TV ads, robocalls, mass mailings, celebrity endorsements and political operatives like David Plouffe, the former Obama strategist who now sits on Uber's board and serves as a "strategic adviser." Recent estimates indicate that even without counting its army of municipal strategists, Uber now retains over a third more state lobbyists than Walmart.

But traditional methods will get you only so far in today's political-advocacy environment. Hence the new preference for what I call "grass-roots for hire," where companies and interest groups galvanize their own users as unpaid campaigners, all with the tap of an app.

These practices are redefining what it means to take part in politics. Social-media platforms were briefly perceived as democratizing tools, engendering transparency and empowerment in the digital age. But these new protest-on-demand movements blur the distinction between genuine citizen organizing and what often is called "astroturf": participation that looks grass roots but actually isn't, because it's been orchestrated to benefit a well-heeled patron.

This Uberization of activism allows corporate sponsors to call the tune: Consider how for-profit colleges leaned on vulnerable students for political pressure, how Comcast enlisted its philanthropic beneficiaries to support the Time Warner merger or the way that the beverage industry hired protesters to oppose soda taxes.

Technology may be neutral, but grass roots should mean bottom up, not top down. The #blacklivesmatter movement is a genuine grass-roots civil rights campaign, mobilized through social media. So is the environmentalist Bill McKibben's [350.org](http://350.org), with its blend of online organizing, social media strategy and in-person campaigning around climate change. But Uber's corporate populism is not. We should learn to recognize the difference.

Edward T. Walker is an associate professor of sociology at the University of California, Los Angeles, and the author of "Grassroots for Hire: Public Affairs Consultants in American Democracy."

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**Nicholas J. Kindel**

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:24 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: I oppose Short Term Rentals

**From:** Will Norris [<mailto:wmnorrisii@gmail.com>]  
**Sent:** Monday, November 30, 2015 3:45 PM  
**To:** CPCinfo  
**Subject:** I oppose Short Term Rentals

As a resident of the French Quarter and in support of neighbourhoods throughout the city plagued by short-term rentals I strongly oppose allowing or ignoring conversions of homes or apartments for short term rental. A few of my issues are:

-the hardship of residents who live in adjoining houses and apartments and must live and work next door to these short-term rentals (STR). Comings and goings of people in town for a few days may include late night early morning parties. Families with young children are often loud morning noon and night. Not the kids fault its the parents.

-My own experience of dangerous situations with (STR) people, usually drunk and always lost, pounding on my door or gate yelling for someone to let them in. Twice in the past 15 years drunk young men have attempted to scale the wall.

-The economic impact of local renters displaced.

-Loss of city and state revenue from commercial taxes, license fees. To the owners or investors its encouragement to expand their clandestine operations. FOR MANY IT'S A FREE PASS TO BREAK CITY, STATE AND FEDERAL BUSINESS OPERATIONS AND TAX LAW.

Please oppose the development of new or or widely grandfathered short-term rentals in the city of New Orleans.

William Norris  
III

1009 St. Philip Street  
New Orleans, Louisiana 70116

504-884-0788

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:24 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rental Regulation

**From:** Will Uter [mailto:varyingheights@gmail.com]  
**Sent:** Monday, November 30, 2015 3:46 PM  
**To:** CPCinfo  
**Subject:** Short Term Rental Regulation

Dear commissioners,

I'm writing to urge you to propose reasonable regulation which would allow ordinary New Orleanians to continue benefiting from the "sharing economy" while helping to boost the tourist industry. I would be happy to pay taxes or comply with reasonable regulation.

Like many Uptowners, my wife and I have a "shack in the back" of the house I bought in 1999. I had previously used it for friends and family, but since I began renting it on Airbnb earlier this year the experience has been overwhelmingly positive. My wife is in school studying to be a (much needed) social worker, and the extra money has allowed us to live on my income alone. I could try and explain what an amazing experience it has been getting to know people from all over the world and share New Orleans with them, or how we're bringing tourists to a part of the city with no hotels and few traditional BnBs to spend money in locally-owned businesses (I specifically recommend these), but the review from our last guest puts it into words far better than I ever could. The following was written by a young professional woman from London who stayed with us for two weeks. If you'll forgive the lengthiness, I think you'll find it enlightening:

"I've been dying to leave feedback for this beautiful people even before I got there. Extra mile does not cover their actions! I travelled alone and it was my first time to the US. Even before I came they made me feel completely welcome and removed any nervous feelings about going there alone. Not only were they extremely helpful with the many messages we exchanged, they also gave me tips, interesting information on the area and also Will's own local family tree! Place itself was exactly like I imagined. I loved my little piece of heaven. Had everything I needed to be extremely comfortable. Super close to beautiful Magazine Street and the countless of shops, restaurants, art galleries, bars (I could go on). Also really close to a Rouses where I went frequently. Other plus side is that it's far enough to relax when you need time out from the busy French Quarter but close enough to pretty much everything. A great balance! Only thing the AC may be loud for light sleepers so bring a set of ear buds if you come when it's hot. I sleep like the dead so no issues for me and loved the hot tub in the evenings after spending the day exploring. Perfect way to relax. I also adored all the little details in the place. Love went into decorating this place. As far from a soulless generic hotel bedroom as can be. Southern hospitality surrounded me. I have been welcomed and helped by so many wonderful people here, including Lauren and Will. They took the time to take me out and explore some of this beautiful city together. Was great to meet them and catch up face to face. They even offered to pick me up from the airport (amazing amazing people) before I had arrived! My time here was so wonderful that I've already decided to come back to NOLA and stay in their beautiful place again next year. I really miss it already and am having withdrawal symptoms as I type this. Countdown has began! ^^ Thank you so much guys for all you've done to make this experience so perfect for me. I truly cannot wait to be back! Big hug to you both from London. :)"

The more visitors have such a wonderful experience in our city, the better. Please propose regulation that would permit me to continue helping visitors fall in love with New Orleans.

Thank you for your thoughtful consideration,  
Will Uter

## Nicholas J. Kindel

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:24 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: B and B's

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**From:** dean reynolds [<mailto:elwarpo4@yahoo.com>]  
**Sent:** Monday, November 30, 2015 3:42 PM  
**To:** CPCinfo  
**Subject:** B and B's

short term rentals

I live in the Marigny surrounded by Air B and B clients and fewer and fewer neighbors. Why must the people who go through the trouble to be legal, i.e., licensed B&B owners, licensed cab drivers, etc., be punished with the illegal "businesses" being given special favors. We were all afraid of New Orleans becoming another Disney Land - its happened. No more air B+B.

As the Planning Commission please start planning for our city 's growth and stop allowing outsiders to make their fortunes while destroying neighborhoods.

Dean and Bill Reynolds

**Nicholas J. Kindel**

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:25 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: STR Study: 2015: The Airbnb Analyst: The good, The Bad... and the Ugly.

**From:** Carol Gniady [mailto:carolgnyady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 3:49 PM  
**To:** CPCinfo  
**Subject:** STR Study: 2015: The Airbnb Analyst: The good, The Bad... and the Ugly.

Yes, this item is 25 pages however it is very well researched and provides very good rationale for its recommendations in the conclusion. Copyright 2015, Steve Unger, [www.TheAirbnbAnalyst.com](http://www.TheAirbnbAnalyst.com)

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airbnb ...  
The Good  
The Bad  
... and The Ugly  
What's a City to Do?  
A Guide for City Planners  
and Concerned Neighbors  
by Steve Unger  
The airbnb Analyst  
(July 2015)  
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Will the Real airbnb Please Stand Up?  
 Are You Confused?

From humble beginnings great things grow

airbnb started in 2008 in San Francisco when 3 friends decided to rent out airbeds in their apartment to help pay the rent (hence air-bed & breakfast). Flash forward 7 years and airbnb has become BIG BUSINESS operating in 190 countries and 34,000 cities.

Airbnb now houses millions of guests a year and by some standards is as large (or larger) than hotel chains like Marriot and Hyatt. So it is little wonder if you are confused about airbnb. Depending on your perspective airbnb is ...

- A “humble home-sharing service” or a \$24 Billion corporation
- Helping people stay in their homes or helping turn homes into vacation rentals
- A new “Sharing Economy” or just old fashioned profiteering
- A new age “angel” or a “devil” in disguise

Actually all of the above are true in different ways. This is why cities around the world, both large and small, are struggling to respond and adapt to the new possibilities enabled by airbnb’s web-based technology and community. However, despite its assertion to the contrary, airbnb is doing little to help cities in the process.

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About the Author  
 How I Became an Innkeeper

Some people dream of running a bed & breakfast. I was not one of them

In 2001 I had been working in Silicon Valley in software marketing for 18 years. My latest job, though stressful, was challenging and satisfying. Then in June of 2001 I was returning from a vacation and was notified of an emergency teleconference on the day I was flying home. I landed at the Oakland airport and called in. 3 minutes later I was out of a job. While our late-stage startup had paying customers, we had to cut our cash burn in half to get a fourth round of funding. So, half the company, myself included, was let go with one day’s notice and two week’s severance. Previously in the Silicon Valley, if you were laid off you could generate 2 or 3 new job offers in 2 or 3 months. But this was mid-2001 and the Tech Bust was in full swing. It was taking people a year or more to find a new job if you were lucky. In the end my husband and I decided to move to Portland, Oregon and “re-invent” ourselves as innkeepers. Today we tell our guests that we were “high tech refugees” who come to Portland in search of honest labor during the Tech Bust of ’01. Basically we bought a job.

Flash forward 7 years

We had steadily been growing our Bed & Breakfast business ( [www.lionrose.com](http://www.lionrose.com) ) and then came the Recession of 2008. Our business stopped growing for two years. But then as the economy improved I noticed that our business remained flat. I wondered why. I

had heard something about airbnb but hadn't paid much attention. Then in 2011 I went online to airbnb and to my surprise found 500 airbnb listings for Portland (today there are over 1,500). All of these listings were illegal. At that time to become a legal bed & breakfast you had to go through a Conditional Use Review that cost \$4,000 to allow for limited commercial use of a residential property. You also had to collect and remit 12.5% Lodging Tax, and have annual fire and health department inspections. At the time airbnb and its hosts in Portland simply ignored these requirements and the city officials hadn't noticed.

#### How I Became a Community Activist

In Portland any citizen can request 3 minutes in front of City Council on Wednesday mornings. On January 27, 2011, I delivered my first presentation to City Council on Short-term Rentals in Portland. At that time there were about 300 short-term rentals of which airbnb had 107 listings. I pointed out that at 40% occupancy The City was losing \$500,000 a year in lodging taxes and license fees. Also I pointed out there were no health or safety inspections. I also told them that it was unreasonable to ask someone to spend \$4,000 in order to be allowed to rent out a room or 2 in their home. I urged City Council to develop a new way to license these mini-B&Bs and give them a low cost "path to citizenship". Sadly, despite some verbal support, my plea was ignored.

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#### That started a 3 year process

I waited 2 ½ years and then presented again to City Council in May 2013. By this time there were over 1,000 airbnb listings and The City was losing \$1,000,000 a year in lodging tax. Many people began to work to create a new short-term rental ordinance so that airbnb hosts could be legal at a reasonable cost.

The City finally passed a new ordinance designed to accommodate airbnb hosts in July 2014. It took effect in September 2014. Nine months later less than 10% of airbnb hosts who had asked for a reasonable low cost licensing procure had actually signed up.

By the end of the process I had assembled a great deal of information and realized that cities around the world were dealing with the same situation as Portland – how to appropriately regulate airbnb rentals. So I created a BLOG – The airbnb Analyst ([www.airbnbanalyst.com](http://www.airbnbanalyst.com)).

BTW ... I am also a member of the airbnb Community (as both Guest and Host) Lest you take me for an airbnb hater, I am actually a member of the airbnb Community both as a Guest and a Host. We stay in airbnb "Private Room" rentals when visiting our kids and grandkids in the southern suburbs of Salt Lake City. Why? Because a private room with a private bath in a large suburban home costs less on airbnb than a room the least expensive budget hotel in the area. We have also listed two rooms at our B&B on airbnb and occasionally receive inquiries.

The Growth of airbnb Listings in Portland, Oregon

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airbnb Rentals in Portland, Oregon in 2015

From [www.airdna.co](http://www.airdna.co)

(you can see the same data for other cities for free)

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## About airbnb

What is airbnb?

Just the facts

For those of you who are new to airbnb, here are some key points:

1. airbnb is a web-site that allows a “host” to advertise their property to potential “guests” for short-term rental (generally less than 30-days)
2. Each Guest and Host registers as an airbnb “community member” and creates a “profile” which usually contains a picture and background information
3. Guests review the online listings at the airbnb website and can request or make a reservation with a Host
4. Guests can read reviews from other Guests who have previously stayed with the Host
5. The Host can read reviews about the Guests written by Hosts with whom the Guest previously stayed
6. Hosts and guests can converse via e-mail until the Guest books a reservation that is accepted by the Host
7. airbnb collects the Guest’s money when the reservation is made and then pays Host after guest arrives
8. airbnb charges each Guest 6% to 12% of the cost of their reservation (depending on the length of their stay) and charges the Host 3%
9. After their stay a Guest has 10 days to write online reviews of their Host and the Host can also write online reviews of their Guest
10. airbnb provides Hosts with limited property damage and liability protection after the Host’s own insurance is taken into account

Types of Listings

Not all listings are created equal

The key to understanding the impact that airbnb is having on cities around the world is to recognize the difference between the three types of airbnb listings:

1. “Shared Room” (couch surfing). Although this is where airbnb started in 2008, the relative number of Shared Room listings is now so small that they are no longer relevant.

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2. Host-resident “Private Room” rentals are what I call the “Good” airbnb. The host is present during the guest’s stay to supervise the property and the guests). These are really mini-B&Bs.
3. Host-absent “Entire Place” rentals are what I call the “Bad” airbnb. This is when a property owner, landlord or tenant rent out an entire home or apartment. When offered on an ongoing basis these are really “vacation rentals”. Also “Entire Place” rentals charge more than “Private Room” rentals and therefore generate more revenue for airbnb. In later sections I will talk more about the differences between the “Private Room” rentals and the “Entire Place” rentals.

Types of Hosts

All hosts are not created equal

- Hosts with 1 Listing: Many airbnb hosts have a Single Listing. Hosts advertising “Private Room” rentals fall into this category. Also hosts who rent out their “Entire Place” while they are on vacation. Airbnb reports that the majority of their hosts have a single listing.

- Hosts with Multiple “Entire Place” Listings: There are also many hosts advertising Multiple Listings. If so, these hosts are really advertising “vacation rentals”. While there are fewer hosts advertising multiple listings these hosts represent a large number of bookings.
- Hosts who rent occasionally: airbnb says publicly that most of their hosts only rent out their rooms or their property occasionally but does not define what “occasionally” means and won’t release their data for outside verification. Other studies contradict airbnb’s assertion.
- Hosts who rent on an on-going basis: Some airbnb hosts rent out their property a high percentage of the time at least during their local travel season.

Host-Resident

Private Room

Rentals

Host-Absent

Entire Place

Rentals

Only Rent Occasionally Hosts with

1 Listing

(Mini-B&B)

Hosts with 1 Listing

when on Vacation

On-going Rental

Hosts with

Multiple Listings

(Vacation Rentals)

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airbnb is Big Business

From humble beginnings great things grow

Although it often portrays itself as a “humble home sharing service” (which it once was)

airbnb now is BIG BUSINESS:

- airbnb started in 2008 by 3 friends in San Francisco renting out airbeds in their apartment to help pay their rent (hence air bed & breakfast).
- airbnb is now a privately held internet corporation funded with hundreds of millions of dollars of venture capital.
- airbnb now has listings in 190 Countries and 34,000 Cities
- airbnb has hosted over 30 million Guests and now hosts 2 million Guests per month
- airbnb has a current valuation of over \$24 billion ... more than Marriot Hotels
- airbnb is projecting revenues of \$850 million in 2015

Airbnb is also BIG HYPE

Silicon Valley has no shame

Silicon Valley entrepreneurs and marketers are not known for being reserved or understated. Airbnb uses its hundreds of millions in venture capital to hype itself.

- airbnb presents itself as a “humble home sharing service” helping people stay in their homes although, as noted above, airbnb is now really a very big business.
- airbnb bills itself as a leader in the new “Sharing Economy”. The “sharing

economy” has all kinds of definitions, but generally describes having normal people share the resources they already have to earn extra money. Of course, airbnb (like any large corporations) makes a lot of money in the process.

- airbnb promotes itself by recruiting Grandma and Grandpa to testify at public hearings to tell heartwarming stories about how airbnb keeps them in their home and allows them to meet interesting people. While these stories are true, they only reflect one part of airbnb (the good part).

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So What’s the Problem?

Meet the neighbors

Problems usually start when the neighbors of an airbnb rental notice a constant stream of visitors coming and going. They have understandable concerns about traffic, noise, parking and safety problems in an otherwise peaceful residential neighborhood. And in the case of apartment and condominium buildings there is the added concern of security when keys and key codes are given out and where there is concern about damage to the common areas of the building.

Public policy Issues

From a Public Policy Perspective there are several issues

- Zoning: Traditionally cities regulated short-term rentals of less than 30 days (transient lodging) for a variety of reasons. Most zoning codes differentiate between “residential” and “commercial” properties and each type of property is subject to different regulations.

Starting in the 1980’s cities began to develop new regulations for bed & breakfasts and Vacation Rentals. These regulations recognized that these types of short-term rentals were different than traditional hotels but still needed to be appropriately regulated.

The recent trend toward home-based occupations have caused many cities to evaluate “limited commercial use of residential property”. They have put in place new regulations to allow for haircutters, massage therapists and yes even for airbnb hosts. The policy goal has usually been to preserve the residential nature of residential neighborhoods.

- Public Safety: Hotels and restaurants are regulated to ensure guest safety. This includes building codes and inspections. Some of these regulations are not appropriate for airbnb hosts, but some level of building and safety inspection is still required.

- Lodging Tax: In many cities there is a lodging or hotel tax paid by all licensed hotels and B&Bs. These may include city, country and state taxes.

- Impact on Available Housing: In particular host-absent “Entire Place” rentals can reduce stock of long-term rental housing when offered on an on-going basis.

Insurance is the “elephant in the room”

Most homeowners insurance does not cover damage caused by short-term renters and commercial insurance can be expensive. As a result many airbnb hosts are essentially uninsured. To its credit airbnb offers a self-funded property damage protection and secondary liability insurance that would kick in after the homeowners insurance.

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## The Good airbnb

### Airbnb host-resident “Private Room” rentals

Everything old is new again

Tradition bed & breakfasts appeared first in Europe and later appeared in the United States and Canada. Often these were small “home stay” B&Bs with 2 to 4 rooms. Others were larger B&B inns which operate like mini-hotels maintained primarily for the benefit of the guests.

Virtually all the good things that airbnb says about itself come in the form of “Private Room” rentals where the host resides onsite during the guests visit to supervise the guests and the property. This does not mean the host is present on-site 24 hours a day; however, the host at least returns home to sleep at night. Usually these are hosts who rent out 1 or 2 rooms.

### The benefits of airbnb host-resident Private Room rentals

#### Airbnb “Private Room” rentals:

- Help hosts stay in their homes by paying on average 80% of their housing and utility costs if rental activity is high (see chart on next page).
- Rarely irritates neighbors because a resident host is available to supervise the guest and the property and to receive and act on complaints from neighbors if problems arise.
- Do not generate “horror stories” because how likely is a guest to throw a big party or an orgy if they know the host will return at 11pm to go to bed.
- Are a great value for travelers because the average nightly rate is lower than budget hotels.

Airbnb “Private Room” hosts are often recruited by airbnb to testify at public hearings. These hosts tell the same heartwarming stories about their guests that traditional B&B innkeepers also tell.

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Amount of Rent Paid by listing one room in a two-bedroom home on Airbnb  
From the Huffington Post, June 10, 2015

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## The Bad airbnb

### Airbnb Host-Absent “Entire Place” Rentals

#### The rise of the urban “Vacation Rental”

Traditionally host-absent “Vacation Rentals” have been found in resort areas from Key West, Florida to Cannon Beach, Oregon. And traditionally these areas have implemented specific regulations to control the number and location of these vacation rentals. What is new is the concept of an “urban” vacation rental. And when an airbnb host offers an “Entire Place” for short-term rental on an ongoing basis they are really just in the “Vacation Rental” business and should be regulated accordingly.

Airbnb “Entire Place” rentals are often as expensive as mid-tier hotels and as a result both the Host and airbnb makes a lot more money off an “Entire Place” rental than a “Private Room” rental (see chart on the next page).

#### Why host-absent airbnb “Entire Place” rentals create problems

Since no host is present to supervise the property or the guests, airbnb “Entire Place”

rentals are the source of most airbnb “horror stories” – wild parties or orgies, property damage and irritation of neighbors. So far an airbnb rental has only resulted in property damage, but eventually there will be a fire or loss of life and airbnb will have a bigger problem.

airbnb “Entire Place” rentals in Apartment or Condo buildings mean that keys and security codes are given out to a parade of guests, posing a security risk to the whole building. Also, the close proximity of neighbors in a multi-unit building creates greater opportunity for irritated neighbors.

Also, when “Entire Place” rentals are offered on an on-going basis they are taking longterm housing units off the market. This is particularly bad in cities where available housing is scarce or already expensive or governed under “rent control”.

In general it is always more profitable to rent a property short-term than long-term. A rule of thumb in the Vacation Rental industry is that if you can rent a property 13 weeks a year as a Vacation Rental you can earn as much as renting all year as a month-to-month rental. This represents an economic incentive to convert long-term rental units to short-term rentals.

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Amount of Profit an airbnb Host Can Earn by Renting an Entire 2-bedroom Apartment  
From the Huffington Post, June 10, 2015

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The grey area

There are two forms of airbnb “Entire Place” rentals that fall into a grey area:

1. One is when the host normally lives in their property and rents it out when they go on vacation – whether for a weekend or a week or longer. While sounding innocuous, there have been instances when a weekend away has caused major damage to an airbnb host’s property. It is really a “no brainer” ... a guest is not likely to hold a big party or orgy or behave badly if they know the host will be home at night to sleep.

2. The other is when the host has a property with an “Accessory Dwelling Unit” (ADU) which might be a self-contained basement apartment with its own entrance or a cottage in the back of the property. Many cities implement provisions to allow for the rental of ADU’s although in some cases these may remove long-term rental units from the market. Typical restrictions include requiring the host to live in the primary residence during the guest’s stay, limiting the number of bed rooms that can be rented and limiting the number of guests that can occupy the rental.

“Entire Place” rentals are the invisible airbnb

Even though half the airbnb listings in a city may be for “Entire Place” rentals, airbnb insists that most hosts live in the property they rent. Given the large number of airbnb hosts, it is hard to understand how this could be possible. Since airbnb won’t release their host data except when sued, it is hard to verify their claim.

Also, when you go to a public hearing, you will rarely hear testimony from an airbnb “Entire Place” host and never if they have multiple listings. The folks who testify at public hearings in favor of airbnb are mostly air “Private Room” hosts.

## The Ugly Tokenism

airbnb “talks the talk” but does not “walk the walk”

In terms of working cooperatively with cities, there is much that airbnb could do to help cities manage short-term rentals.

The most obvious is that airbnb could provide authorized city agencies with basic host contact information to assist in registration and enforcement. However, airbnb adamantly refuses to do so (unless sued) claiming “user privacy”.

Yet there are other actions airbnb could take without releasing any user data. For example:

- For cities who issue airbnb hosts who register a permit number, and require that the permit number appear in online advertising, airbnb could refuse to display a listing that did not include a permit number.
- For cities who limit the number of nights for “Entire Place” rentals, airbnb could track and limit the number of nights.
- For cities who require a host to be present during a guest’s stay, airbnb could only display “Private Room” rentals.
- For cities who require that the property be the “primary residence” of a host, airbnb could limit hosts to a single listing. (After all, how many primary residence can one person have?)

airbnb is a technology company and any of the above are easy technology fixes. But, airbnb complains that it operates in so many cities that it is impossible to deal with their various rules. airbnb could implement technical options to give cities the ability to specify their own regulations. And other business platforms like payroll and tax filing companies deal with ever changing city, county, state and federal taxes all the time. This is not an insurmountable technical problem.

“Lies, Damned Lies and Statistics”

### Impact on housing

airbnb host-resident “Private Room” rentals do not deplete housing stock unless you consider long-term roommate rentals a form of affordable housing. However, airbnb host-absent “Entire Place” rentals, if offered on an ongoing basis, do take long-term rental units off the market. However airbnb rentals typically affect some neighborhoods greatly and others hardly at all.

- airbnb likes to combine lower priced “Private Room” rentals with higher priced “Entire Place” rentals. Only “Entire Place” rentals should be considered when evaluating impact on housing.
- airbnb likes to talk about “averages” for a city. Yet the truth is that in many cities some neighborhoods are greatly affected while other neighborhoods are not affected at all. Therefore housing impact analysis needs to be by neighborhood or zip code.

So to understand the true impact of airbnb on a city’s housing stock you need to look at the number of “Entire Place” rentals by neighborhood or zip code.

And finally, in Cities like San Francisco and New York City which combine a hyperinflated

real-estate market, with a housing shortage and rent control airbnb “Entire Place” rentals can prove to be particularly toxic.

The Sharing Economy?

Who is sharing what with whom?

airbnb bills itself as a leader in a new “Sharing Economy”. The “sharing economy” has many definitions. “Open Source” computer code is a great example of true sharing where no money is exchanged. But for airbnb the “Sharing Economy” generally describes having normal people use the resources they already have (like houses or cars) to earn extra money. While the “Sharing Economy” sounds altruistic, it is really a for profit business for airbnb. In addition to the service charges paid by hosts and guests, airbnb makes money in other ways.

Earning Interest on the Guest’s money

airbnb collects the payment from the guest when the guest makes the reservation and only pays the host after the guest arrives. As a result, airbnb earns interest on the guest’s money in the days, weeks and months in between. This is a great business strategy and a traditional form of profiteering, but hardly revolutionary. For example, this form of profit generation is a key part of the payroll and tax filing industry.

Hidden service charge on international travel

Little known to most airbnb guests that when booking a trip abroad, airbnb charges a 3% service charge if international reservation is made in U.S. dollars rather than the local currency. airbnb suggests that this service charge (also known as a “Foreign Transaction Fee” or FTF) is less than that charged by banks. However, the large U.S. banks don’t charge more than 3%, American Express charges 2.7%, and many banks increasingly offer credit cards with Foreign Transaction Fees at 1% and in some cases at no charge.

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Lobbying on Half the Story

Typically only airbnb “Private Room” hosts testify

airbnb heavily lobbies city and state politicians. airbnb also recruits and coaches its host to testify at public hearings (sometimes holding lunch meetings for hosts prior to a Public Hearing). Unfortunately in these cases, airbnb only talks primarily about the benefits of host-resident “Private Room” rentals which is only one part of their business. You will almost never hear an airbnb host listing multiple properties testify at a public hearing.

Level Playing Field

Everyone Needs to Play By the Same Rules

In general existing Hotels and Bed & Breakfasts believe that competition is good provided all players operate with the same set of rules. They complain of an “uneven playing field” when airbnb, and the hosts airbnb enables, pick and choose which regulations they will follow and which taxes they will pay.

The current regulations governing short-term rentals were put in place prior to airbnb to ensure public health and safety and maintain the residential nature of residential neighborhoods. While these regulations may need to be updated and revised it is wise not to throw out the baby with the bathwater.

Impact on Hotel Industry

Budget hotels beware

airbnb proponents often suggest that Hotel Industry complaints about airbnb are just “sour grapes”. Actually, in many cities the Hotel Industry has been relatively docile. In

part this is because in the last 3 years hotel business overall is up nationwide. This has masked the true impact of airbnb. The hospitality industry is cyclical and when the next downturn comes the true impact of airbnb will become more obvious.

I do not believe that airbnb will challenge mid-tier hotels who thrive on the “road warrior” business traveler who wants a 24-hour front desk, 24-hour room service, secure parking or cabs at the curb. Predictability is important to business travelers who are really working.

However, business travelers attending conferences or conventions do not view themselves as “at work” and airbnb rentals can be attractive to them.

There are some business travelers who say they prefer to have a team use an airbnb “Entire Place” rental as a mini-office. Turning a residential property in an office generally goes beyond appropriate use of a residential property.

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The greatest market for airbnb comes in budget minded personal travelers. airbnb “Private Room” rentals with a private bath, can cost less than a nearby Budget Hotel. And an airbnb “Entire Place” rental can cost less if the traveler needs to rent 2 or 3 hotel rooms to accommodate their party. This is why I say that airbnb will have the greatest impact on Budget Hotels.

#### Data Sharing

Airbnb holds all the cards

Airbnb intentionally masks the host name and address until after a reservation has been made. Thus City Regulators have no way to identify the name or address of the host unless they place a reservation.

Although some cities require it, airbnb steadfastly refuses to share host contact information. In the case of New York City, a law suit brought by the State Attorney General forced airbnb to release some host data. Then when the New York Attorney General issued a report based on the data that airbnb was forced to release, airbnb then complained that the data was out of date. This would seem to be a problem of airbnb’s own making.

#### Enforcement

The devil is in the details

In a small town it may be possible to identify airbnb hosts based on the pictures in their listings. But in a large city this is impossible. Some cities have hired additional staff to police airbnb hosts and get them to become licensed and pay lodging tax. In many cities enforcement is “complaint-driven” meaning that the law is enforced only when a neighbor files a complaint.

The problem with complaint-driven enforcement

Complaint-driven enforcement sounds like the easy way out, but the problem is that one host is shut down while another down the street is not. The host who is shut down feels that the law is not enforced equally or fairly.

Other approaches to enforcement

It is a good idea to build unambiguous enforcement mechanisms into revised ordinances.

- For example issuing a permit number and requiring that the permit number appear in online advertising means that any ad without a permit number is out of compliance. No inspections are required and nothing is vague about this requirement.

• Another approach is to limit airbnb rentals to host-resident private room rentals and treat all “Entire Place” separately rentals as “Vacation Rentals”. airbnb will fight you on this, but it is a way to make enforcement easier and less ambiguous.

Other approaches attempt to contain the number or extent of short-term rentals overall.

- Limit the total number of short-term rentals in your city
- Limit or specify the neighborhoods in which short-term rentals are permitted
- Set a maximum number of times per year any property can be rented
- Set a maximum number of nights per year any property can be rented
- Limit the number of bedrooms a host can rent
- Limit the number of guests that can occupy a property
- Limit the number of properties that a host can rent

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:25 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Twisting words to make "sharing" apps seem selfless

**From:** Carol Gniady [mailto:carolgniady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 3:52 PM  
**To:** CPCinfo  
**Subject:** Twisting words to make "sharing" apps seem selfless

Another perspective to consider regarding the "sharing economy" and STRs.

New York Times: <http://www.nytimes.com/2015/08/09/technology/twisting-words-to-make-sharing-apps-seem-selfless.html?emc=eta1&r=0>

Twisting Words to Make 'Sharing' Apps Seem Selfless  
By NATASHA SINGERAUG. 8, 2015

I have trouble with the sharing economy. Ditto the peer economy, the people economy and the collaborative economy.

To be clear, I'm not objecting to the services themselves. Ride-hailing apps like Lyft and Uber, odd-jobs marketplaces like TaskRabbit, vacation rental sites like Airbnb, and grocery-shopping apps like Instacart have clearly made travel, lodging, home renovation and dining more efficient for millions of people.

What I find problematic is the terminology itself and how it frames technology-enabled transactions as if they were altruistic or community endeavors.

Let's begin with "sharing," a concept that implies something selfless — like giving a part of your liver to a relative who needs a transplant. Now, at least in industry parlance, the word has also come to denote just about any online venture that connects consumers seeking goods and services with people willing to provide them. That would include apps that charge a fee to stay in strangers' spare bedrooms or use their cars — ventures formerly known as "renting."

Lyft and Uber, for instance, have both described their services as "ride-sharing" whether the ride involves one or multiple passengers. Lyft also promotes itself as "your friend with a car." Uber calls its drivers "partners" and "entrepreneurs." Of Airbnb's lodging rentals, its site says, "trust is what makes it work." The names of some service-on-demand apps even carry share-and-share-alike connotations; take Favor, a food delivery start-up where consumers can order "favors" like takeout meals.

Of course, marketing by its very nature involves concocting the most appealing expressions to attract consumers. But start-ups that enable consumers to summon drivers, lunch deliveries or domestic help at the tap of an app have added incentives to portray themselves in feel-good terms.

Government regulators, legislators and courts in the United States have started scrutinizing the app-mediated service sector with the idea of determining whether longstanding consumer protection and labor rules apply to these new delivery models.

One of the central questions is whether people who perform services for on-demand apps should be classified as employees — who are entitled to workers' benefits and safeguards — or as independent contractors who are on the hook for insurance, expenses and other costs. Judges' and regulators' decisions on this issue will depend in large part on whether the workers themselves generally control their own work or “are generally subject to the business's instructions about when, where and how to work,” according to a federal test for classifying independent contractors.

Against the backdrop of possible regulation, egalitarian-sounding words like “sharing” and “partner” distance start-ups, linguistically at least, from the traditionally regulated industries they seek to displace.

“Framing it as ‘sharing’ or ‘peers’ is a way of trying to keep the focus on the people who provide the services — and off the platforms, which may be very rigid and deterministic as to when, where and how the services are delivered,” says Erin McKean, a lexicographer who is the founder of Wordnik, an online dictionary.

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Altruistic words may also lend an aura of incontestability to app-enabled transactions. After all, who wants to challenge services that invoke generous concepts like sharing?

In a forthcoming study on the technology-mediated work experiences of Uber drivers, however, two researchers argue that terms like “sharing” can put a gloss on business practices that may work against the interests of the supposed sharers — that is, the drivers themselves.

Uber and Lyft, for instance, each set the prices passengers pay. But, the study notes, the Uber app is devised to require drivers to accept a ride request before knowing a passenger's destination and being able to determine if that fare would be financially worthwhile. The study also points out that Uber asks drivers to return passengers' iPhones and other lost items — a service that earns good will for the company — without automatically compensating drivers for their effort. Some drivers have also noted that the companies encourage them to provide bottled water, mobile phone chargers and other services to passengers at their own expense.

These practices seem inconsistent with the idea of workers as partners who have a say in the business or autonomous, self-directed entrepreneurs, the authors write.

“I think that the biggest problem with the sharing-economy language is that it co-opts you into your own disempowerment,” says Alex Rosenblat, a researcher at Data & Society, a research center in Manhattan, and a co-author of the study.

(Disclosure: I am starting a part-time fellowship this fall at Data & Society.)

Kristin Carvell, a spokeswoman for Uber, said the app was intended to provide “transport without discrimination” wherever and whenever consumers choose. That is why, she said, drivers learn a passenger's destination only after accepting a ride request. She added that providing water or phone chargers was an optional customer service for drivers and that drivers could return forgotten items directly to a passenger or to Uber.

The industry rhetoric could be dismissed as mere semantics if the stakes were not so high for investors (a recent financing round valued Uber at about \$51 billion), workers and government authorities involved with industry oversight. As with other hot-button issues — do you say “illegal aliens” or “undocumented immigrants”? — word choice here can offer clues to a person’s stance.

In May, for instance, Representative Darrell Issa, Republican of California, announced that he and a Democratic colleague, Eric Swalwell of California, had formed a bipartisan Sharing Economy Caucus to focus “on these pioneering industries and ensure Congress is taking all of the necessary steps to facilitate, rather than hinder, the next great idea.”

A month later, the Federal Trade Commission held a workshop titled “The ‘Sharing’ Economy.” Marina Lao, who directs the commission’s office of policy planning, told me the quotation marks around “sharing” were meant to indicate that the agency was simply citing a popularly understood term and “not supporting any particular business model.”

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And last month, Senator Al Franken, a Minnesota Democrat, and Senator Bob Casey, a Pennsylvania Democrat, wrote a letter to the Labor Department about the industry without once invoking “sharing.” The legislators asked labor regulators to examine whether business in “the new on-demand economy” had the potential to misclassify workers as independent contractors and the possible ramifications of such a problem. They also called it the “gig economy.”

News organizations, too, are grappling with what to call these services.

Last year, The Associated Press Stylebook, the ultimate American language manual for many reporters, added an entry for Uber. It described the company, along with Lyft, as “ride-hailing” or “ride-booking” services that allow people to use smartphone apps to book and pay for a car service. The entry cautioned: “Do not use ride-sharing.”

The A.P. manual does not yet have an entry for “sharing economy.”

In a telephone interview, David Minthorn, co-editor of the A.P. Stylebook, told me that “sharing” tends to imply an informal agreement among people, like carpooling. So it seems inaccurate, even euphemistic, he said, to use “sharing” in the context of commercial enterprise.

“We prefer a more forthright description,” he said.

--  
Carol Gniady  
Executive Director  
French Quarter Citizens, Inc.  
632 North Rampart Street  
New Orleans, Louisiana 70112  
Office: 504-588-2929  
Cell: 504-948-1859

Email: [carolgniady@frenchquartercitizens.org](mailto:carolgniady@frenchquartercitizens.org)  
[www.frenchquartercitizens.org](http://www.frenchquartercitizens.org)

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## Nicholas J. Kindel

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:25 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: short term rentals

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**From:** Anne Robichaux [<mailto:mladybelle@hotmail.com>]  
**Sent:** Monday, November 30, 2015 3:52 PM  
**To:** CPCinfo  
**Cc:** [info@vcpora.org](mailto:info@vcpora.org)  
**Subject:** short term rentals

Hello,

As a full-time French Quarter resident and homeowner I am writing to ask you to consider reworking the current short term rentals legislation that is unenforceable as written. I have seen building after building be sold and run as a defacto hotel with no one but a stream of weekenders coming and going. This is eroding the neighborhood of the French Quarter, which is why people visit the French Quarter. If people only wanted to see a facsimile they would go to Vegas or Disney. What makes the French Quarter an interesting, engaging place is that it is a real neighborhood. But between more and more units being made into unlicensed hotels and the cost of property and rents going up in response, there are fewer and fewer residents in the French Quarter. While it may not be possible to totally eliminate short term rentals, regulations need to be put into place to ensure that the spirit of the French Quarter is preserved -- it is as important as the physical architecture. And let's face it, people come to the French Quarter to go to Bourbon Street and get crazy. For 10 years my husband and I owned a condo and we finally sold it and bought our house because of the disrespect short term renters staying in another unit had for the property and for us. And what I can't believe the city hasn't acted on -- the huge amount of money the city is missing out on in permitting fees and taxes. The city is always saying it doesn't have enough money but never seems to want to enforce easy revenue streams -- and this would be an easy revenue stream.

Anne Robichaux  
1028 St. Philip St.

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:25 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short term rentals

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**From:** Louis Altazan [<mailto:laltazan@cox.net>]  
**Sent:** Monday, November 30, 2015 3:51 PM  
**To:** CPCinfo  
**Subject:** Short term rentals

I am strongly opposed to short-term rentals in our community. I have neighbors who regularly rent their unit, bringing strangers into my condo. Beyond that, the city must provide services for these visitors and is not collecting revenue to do so. This can only result in a lack of services or an increase in my property tax to fund them.

If people wish to operate a hotel, they should have to meet the same standards as legitimate hotels, buy a license and remit taxes. Illegal short-term rentals serve only to make things more difficult for legitimate residents of our city.

Thanks,

Louis and Elaine Altazan

534 Chartres Street

Unit 6

New Orleans, LA 70130

**Nicholas J. Kindel**

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:25 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short-Term Rentals -- Killing New Orleans neighborhoods

**From:** Harriet Swift [<mailto:harrietswiftnola@gmail.com>]  
**Sent:** Monday, November 30, 2015 3:55 PM  
**To:** CPCinfo  
**Subject:** Short-Term Rentals -- Killing New Orleans neighborhoods

Dear City Planning Commission and Staff,

I realize today you are pondering the many-sided issue of short-term rentals. As a homeowner and 20-year New Orleans resident, I implore you: **Please make our neighborhoods your First and Only priority.**

These unregulated, untaxed rentals are a short-term boon for homeowners striving to pay their mortgages and for travellers on limited budgets. But the long-term impact of short-term guestrooms is terrible for everyone else. Our city desperately needs to extend its tax base and to efficiently collect taxes yet these off-the-books bed & breakfast rentals are raking in the bucks without any benefit to the city. Further, they are massively unfair to the small bed & breakfast establishments that carefully follow the many regulations that control their existence (and who also pay their taxes). This is a city that runs on tourism. To punish the legal hotels and guesthouses is absurd -- why should they follow laws governing guest safety and pay taxes when their competitors **DO NOT?**

An intangible in this mix is the harm done to neighborhoods as they become mere staging grounds for tourists rather than homes and communities. It doesn't take much for a vibrant, healthy neighborhood to unravel as we have seen in the past (white flight, red-lining by banks, loss of employment, and so on). By allowing this bootleg hotel market to flourish, you are putting homeowners and other property owners in a dreadful dilemma. How can a landlord justify making a small profit from long-term renters when the attractive double shotgun in Bywater could be churning up thousands of dollars a week? The future of our neighborhoods & the strength of the city rests on your decisions. Please decide for us, the citizens who live in neighborhoods we love.

*Sincerely,*

Harriet Swift

918 Poland Avenue

New Orleans 70117

504.945.6842

.....

**Harriet Swift  
Historian & Preservation Consultant  
504.945.6842  
918 Poland Avenue  
New Orleans, Louisiana 70117**

**Nicholas J. Kindel**

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:25 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: short-term rental study

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**From:** Carolyn Dunn Goodwin [<mailto:carolyndg2004@yahoo.com>]  
**Sent:** Monday, November 30, 2015 4:02 PM  
**To:** CPCinfo  
**Subject:** short-term rental study

A Happy Holiday Season To All,

Yesterday, we paused to celebrate all for which we are thankful. At the top of my list right behind family was the opportunity to live in this magical neighborhood, the French Quarter. But this place, so steeped in history, is changing at a rapid pace. We all know that we can't stop change and change can be good; however not all change is progress. We are relative newcomers to this area. We moved to the French Quarter six years ago in search of a neighborhood and we it. Now we see it slipping away. The blocks surrounding us were the homes of teachers, chefs, store managers, and a number of long-time New Orleans residents who retired to the Quarter. Few are left. Many of the homes are now owned by businesses or out-of-state investors and are being used as weekend short-term rentals.

This illegal business practice has spread faster than the famous fires that ignited the French Quarter and has the potential to do as much damage. Right now, the City Planning Commission is conducting a study on the regulation of short-term rentals and will soon make a recommendation to the City Council. I believe the French Quarter deserves special consideration as it has received in the past. Presently rentals under 60 days are illegal in the French Quarter. There are the obvious

reasons, displacement of permanent residents, bad operators, parking. All of this is accelerated by the fact that we live cheek to jowl. Our courtyards connect and many share walls. Not so obvious is the effect these short-term rentals have on the very essence of the Quarter. Residents care more about their homes and recognize they are simply stewards safeguarding them for future generations. Without residents there is no “local culture” to enjoy. A recent article on a similar historical area said, “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, 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.” I agree.

Please take a few moments to let the commission know how you feel about this issue. The deadline for comments, November 30, 5pm, is looming. It’s important that the voices of French Quarter residents are heard. This is your opportunity- email the City Planning Commission at [CPCinfo@nola.gov](mailto:CPCinfo@nola.gov).

Thank You All,  
Carolyn Goodwin  
713 Burgundy St.

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:25 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short-Term Rentals

**From:** Jacob Young [<mailto:jacobduaneyoung@gmail.com>]  
**Sent:** Monday, November 30, 2015 4:06 PM  
**To:** CPCinfo  
**Subject:** Short-Term Rentals

Dear City Planning Commission members and staff,

It is my understanding that you are currently considering the proper regulatory framework with regard to short-term rentals. As you are aware, this issue is of significant importance to the neighborhoods of New Orleans, including - and perhaps most significantly - those neighborhoods which possess and rely upon historic characteristics.

It is my hope that you will strongly consider regulations which protect local neighborhoods. While the community does benefit from tourism and certainly appreciates its visitors, short-term rentals left to operate unabated have had disastrous effects on neighborhoods around the country. This would be a major blow to New Orleans in every facet. Should our neighborhoods lose the unique and historic qualities we have fought so long to protect, even tourism itself would suffer - the very phenomenon driving the short-term rental industry itself.

It is both prudent and reasonable to propose certain regulations which simply ensure that the short-term rental industry does not operate to the detriment of the community.

Thank you,

Jacob Young

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:26 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: STR Study: Tax example in Tuscon

**From:** Carol Gniady [mailto:carolgniady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 4:11 PM  
**To:** CPCinfo  
**Subject:** STR Study: Tax example in Tuscon

Taxation example in Tucson.

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~~Arizona Daily Star: August 22, 2015:~~

[http://tucson.com/news/local/govt-and-politics/article\\_b3efb530-237f-5533-8cce-03a7dec4eb63.html](http://tucson.com/news/local/govt-and-politics/article_b3efb530-237f-5533-8cce-03a7dec4eb63.html)

Changes put bite on short-term landlords  
photos by Ron Medvescek / Arizona Daily Star

Marion Hook, owner of the Adobe Rose Inn, sees a need for equal regulation when it comes to short-term rentals.

August 22, 2015 7:23 pm • By Patrick McNamara29

Hundreds of Tucson-area homeowners were surprised to learn this year that their properties had been

The city of Tucson also is concerned with vacation and short-term rentals, which have become popular with travelers who want an experience different from hotel stays. It has formed a task force to investigate the unregulated industry, in which renters and homeowners find each other on websites like Airbnb and HomeAway.

Potentially, changes could affect even people who occasionally rent rooms or guesthouses. They also could require short-term landlords to collect sales and bed taxes from visitors.

County Assessor Bill Staples said state law defines transient lodging establishments as those that rent for less than 30 days at a time. Because vacation rentals and short-term rentals meet this criteria, the properties were reclassified as commercial. One way the County Assessor's Office determined which properties to reclassify was to search vacation-rental websites for local properties.

This year the assessor reclassified 235 residential properties to commercial. But that's likely a fraction of the number of residential properties rented short term in the region.

FEELS LIKE A MONEY GRAB

For some people who own vacation and short-term rentals, the move feels like a government money grab.

“What they did was slam us with twice the property tax,” said Chris McGuire. He and his wife, Shana McGuire, at one point owned two vacation rentals in Oro Valley but decided to sell them after the assessor notified them of the changes.

The reclassification changed their property tax payment ratio from 10 percent for residential to 18 percent for commercial.

“I’m trying to make a little bit of money and trying to make the mortgage,” Chris McGuire said. “It just wasn’t worthwhile.”

Shana McGuire said some vacation rental owners feel as if they’ve been singled out.

“If you only have one vacation rental, it’s not the government’s business what you do with it.”

## LEVELING THE FIELD

Marion Hook, who owns the Adobe Rose Inn, a bed-and-breakfast near the University of Arizona, said she doesn’t want the government to deter people from the vacation rental business — but she sees a need for equal regulation.

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“The only thing I would like to see is a level playing field,” Hook said. “None of us studying the issue of short-term rentals want it to stop.”

She’s one of the appointees to the city’s task force looking into the issue.

At stake for some is that hotels and bed-and-breakfasts are required to have licenses, pay taxes and meet health standards. Vacation rentals don’t need any of that.

Dan Gibson, director of communications at Visit Tucson, said short-term and vacation rental properties add another option for regional travelers that should be embraced.

“People do want different experiences,” Gibson said.

But like Hook, he said there are concerns about fairness if one group of businesses isn’t subject to the same rules as the other.

That’s how Tucson Mayor Jonathan Rothschild sees it, too.

“To me, if you’re advertising on one of these online platforms, that means you’re in business,” Rothschild said.

## HARD TO PINPOINT

It’s difficult to tell how widespread vacation rentals are throughout the region.

City of Tucson economic development specialist Andrew Squire said a review of websites offering vacation rental properties available at the height of tourist season in April found 744.

“It’s really hard to pinpoint the total number of units and how often they’re rented,” Squire said.

Tracking vacation rentals would become important for regional governments if the industry faces local regulation — particularly if local governments start treating short-term rentals like hotels or bed-and-breakfasts, which would subject them to transient occupancy and bed taxes.

Sales tax on hotel stays in Tucson, Pima County and Marana is 12 percent. In Oro Valley the tax is 14.5 percent.

Tucson also charges a \$2-per-night bed tax.

Last fiscal year the two taxes brought in more than \$13.3 million for the city. The county expects to collect more than \$6.6 million in hotel taxes this fiscal year.

## EMERGING TREND

Visit Tucson estimates that as many as 20 percent of visitors to the region in 2014 stayed in short-term or vacation rental properties.

Pima County business services coordinator Patrick Cavanaugh said any regulation of the short-term rental industry should be regional in scope but not onerous to property owners.

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“They’re an emerging part of Pima County’s tourism base, and tourism is important to our overall economy,” Cavanaugh said.

Squire said city officials have had some discussions with Airbnb officials about possible regulations that would be reasonable and enforceable.

“We don’t want to drive the industry out or underground,” the city’s Squire said.

Any final recommendation probably won’t come until late next year.

Contact reporter Patrick McNamara [pmcnamara@tucson.com](mailto:pmcnamara@tucson.com). On Twitter [@pm929](https://twitter.com/pm929).

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Carol Gniady  
Executive Director  
French Quarter Citizens, Inc.  
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New Orleans, Louisiana 70112  
Office: 504-588-2929  
Cell: 504-948-1859  
Email: [carolgniady@frenchquartercitizens.org](mailto:carolgniady@frenchquartercitizens.org)  
[www.frenchquartercitizens.org](http://www.frenchquartercitizens.org)

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:26 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rentals

-----Original Message-----

From: Stephen Thompson [<mailto:sthom888@hotmail.com>]  
Sent: Monday, November 30, 2015 4:18 PM  
To: CPCinfo  
Subject: Short Term Rentals

Sirs / Madams,

---

Short term rentals have allowed to invest money locally here in my neighborhood. Prior to short term rental I had no employees, but I now employ two people. Money from short-term rental allowed me to conduct much needed renovations on my property, and for which I hired local contractors. Almost of the young people complaining about the impact on rents seem to have plenty of money to go on vacations, the photos of which they post all over social media. They spent none of their vacation money here in New Orleans. I spent all of my income on my property. Please do not take the option of party kids who go on vacation as to what property owners like me who do not have money for vacations. Short term rentals are making it possible for homeowners to invest in their property. Short term rentals are good for New Orleans.

Sincerely,

Steve Thompson

Sent from my iPhone

## Nicholas J. Kindel

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:26 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rental Study Public Comment

**From:** Corinna Chaney [mailto:corrinnna@gmail.com]  
**Sent:** Monday, November 30, 2015 4:23 PM  
**To:** CPCinfo  
**Subject:** Short Term Rental Study Public Comment

In the past 3 years my husband and I have been to City Hall two times now in the attempt to obtain the proper permits and/or licenses to legitimize and legalize our rental business. The first time we were told that we could not have kitchens for guest use and it got no further than that. The second time we went through several departments, each offering hope and trying very hard to help us but unsure if they could. We ultimately ended up speaking with a gentleman in Zoning who informed us that we would have to convert our multi-family to a single family in order to qualify for a B&B license. He advised us not to do so because the new Master Zoning Plan would not allow us to convert back to a multi-family, which would be more valuable if we ever decide to sell our home. Disheartened we realized that the law would have to change or a new classification be created for us to be able to have a legitimate business. We are begging you to consider legislating and allowing short term rentals within the city. There is a great demand and it can be regulated, taxed and controlled just like any other businesses.

Here's our story:

In 2011 we bought a dilapidated but inhabited 4-plex in Central City. Forty years of deferred maintenance and careless long-term renters had all but destroyed the 150 year old house. We moved into one unit and dug in, beginning the long and costly process of bringing the house back to her former beauty. As the long term tenants moved out over the last few years, we renovated each vacated unit. Seeing the heartbreaking damage done by renters, we decided we did not want to give up that much control of our home if we could at all avoid it. It was truly awful the damage we found because tenants couldn't be bothered to take care of the place or let us know that things needed work. The long term tenants we had were not good neighbors; loud music, parties, litter and other undesirable behavior was common. The first unit vacated was going to be used as a guest house for family and friends so we never intended to put it back on the rental market. A friend suggested renting it out short term, since it would be vacant most of the time, so we gave it a shot. It went very well so when the second and, most recently, the third were vacated we renovated them and did the same. It's been 4 years since we bought the house and 3 years since we did our first short term rental for Mardi Gras. We now have all 3 of our units available for short or long term rental while we live in the 4th unit, keeping a very close eye on everything. We are able to identify and rectify any problems immediately.

We screen our guests but honestly we've had nothing but good people who were excited to stay in a comfortable, unique home. They are often families, couples, or people visiting for temporary work in the city. They are grateful for the space to stretch out and relax in comfort after a day exploring. We don't allow large groups even though we technically have the space to accommodate them. We limit the number of guests so as not to overburden the neighborhood as well as to protect our home. We are not greedy and are not in this just to make as much money as possible. We offer a wonderful home-stay experience and have a great respect for our neighbors as well. The renovations are ongoing and the improvements are constant. We spend most of our time, energy, and money making our guests as happy and comfortable as they can possibly be. We are very hands-on, have had nothing but rave reviews, and never any neighbor complaints.

Our improvements have sparked a momentum in the neighborhood and now others on the block have improved their properties as well. Our formerly run-down, vine-choked street is now quite pleasant. Add to all that the goodwill we earn from visitors as well as the money they pump into our neighborhood and you'll understand why I think we are an asset for the City of New Orleans. We personally can't afford to dine and shop daily at nearby establishments but our guests can and do, often patronizing the corner store and the neighborhood dive bar as well as many other "off the beaten path" locations. Our home, neighborhood, and hospitality have so impressed visitors that many have expressed a desire to move here after their stay with us. One couple, who got engaged at our home, bought a house right around the corner and moved in a year later.

In this little endeavor we are able to provide jobs for housekeepers, groundskeepers, maintenance workers, contractors, and handy men/women, many from our very neighborhood. The money earned from our rentals has allowed us to renovate this jewel of a home in a shorter time frame than would have been possible on our meager salaries. Both my husband and I have low

paying jobs in the hospitality sector. Instead of whining about the lack of decent wages to be found in New Orleans we decided to get creative, get to work, and build ourselves a future and a retirement plan. We invested our life savings in this endeavor. Without this we will have to start over yet again and I don't see how we will be able to stay here in the city we love and love to share.

The only negative in our success story is our inability to become a legitimate business. We made the decision to do as so many others in this city have done and fly under the radar but we live in fear. We long to be legal. We welcome regulation and legitimacy. We truly dislike operating what is effectively a small business without any of the benefits of owning a business. We maintain records and pay taxes on every dime earned. We feel it's time that we were able to take our place as a small local business that provides jobs and revenue for our city. We have invested everything and put all our energies into this house and it in turn has helped us pay bills and provided income for many others in our struggling neighborhood. If we were legitimate it could go even further towards helping our city.

It seems like those few that are screaming the loudest against STR's are the same busy-body, "citizens against everything" people we see over and over, complaining about everything imaginable in the city. I really have a hard time believing that our business adversely affects their quality of life. If they own a home, or any kind of shop or restaurant nearby then we are probably helping them instead. Those that talk about how this destroys the fabric of the neighborhood and they can't get to know their neighbors most likely don't know the long-term renters in their neighborhood either. Times have changed. People move in and out of neighborhoods quickly. The days of leaving your door open, sitting on the porch and chatting with your neighbors are sadly no more. The other argument I hear is not wanting commercial activity in a residential neighborhood. Our home is zoned as a multi-family property. It's already an income or investment property. We can legally rent our apartments for 30 nights as a corporate rental so that is definitely "commercial activity". I don't see much of a difference between a 5 day rental and a 30 day rental. I feel like some people just like to complain for the attention or the possibility to get on the news. I do realize that those ~~people are the squeaky wheel though, and will be able to affect our ability to earn a decent living. I know our nearest neighbor is~~ very happy to have us next door. She is involved in our neighborhood association and she was a Community Activist. She sees the value in having good neighbors who improve and maintain their property. I would think any homeowner would feel the same.

In closing I would like to share an excerpt from one of our recent reviews. This is typically the kind of feedback we get.

"Sometimes the world is magical. This was one of those times.

My girlfriend and I had never been to New Orleans, and wanted to visit for years. We had a break in March and decided to stop saying "one day" and go. We looked at every hotel, VRBO, etc, and found nothing good in the location we wanted and price range.

Then we found a listing with photos of the renovation in progress and explanations of what the owner said the property would be. The price was right, the location good and we had a good feeling, so we booked.

A few weeks later, the renovation complete, Corinna emailed the photos you see here.

Wow.

It was better than we expected. As you can see, Corinna and Michele lovingly restored this classic New Orleans home, keeping the appointments that complete the charm and updating with things a modern traveler would want. They did a spectacular job, and the home is comfortable and elegant and included lovely details not listed in the description. You can read of the amenities above, and I can vouch for their accuracy. But that isn't what makes this place magical.

What makes it magical is Corinna and Michele. They have put so much time and love into this home, and continued to put time and love into our stay from the moment we arrived. They were there to welcome us, tell us about the neighborhood, recommend some food (we got in at dinner time), and just generally make us feel at home. They made sure we were settled before leaving us to explore. The next day, Corinna texted to check in and see if we needed anything. Later in the week Corinna emailed a detailed list of the many parades and events happening that weekend (St Patrick's, by a stroke of luck). They did everything possible to ensure our stay was magical. And it was.

We fell in love with this city, and we will return. When we do, we will stay here.

And it will be magical."

Please contact me if you have any questions. We would like to lend our rational voices to the argument. We truly feel we are an asset to the city. If we are denied this opportunity and forced to go back to long term renters I think we will have to sell the house we have worked so hard on, poured our hearts into, and move to another state that is more favorable to short term rentals. We couldn't bear to watch all our hard work get destroyed again by negligent renters who care nothing for our property. We urge you to recommend regulation and legalization to the City Council. What we do counts.

Thank you,  
Corinna Chaney and Michele Maso  
504.233.8057

## Nicholas J. Kindel

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:27 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short-term Rentals

-----Original Message-----

From: Jeffery Morgan [<mailto:JefferyMorgan@aol.com>]  
Sent: Monday, November 30, 2015 4:22 PM  
To: CPCinfo  
Subject: Short-term Rentals

Dear Commissioners:

---

I write to urge you to strengthen the short-term rental prohibition in the city, especially with regard to the French Quarter. As a resident of the Quarter, I must deal with the nightmare of short term rentals on a daily basis. My neighbor is a flagrant violator of the prohibition. He is an absent landlord who lives out of state and regularly rents his condo to large rowdy groups. I have had to deal with bachelor and bachelorette parties next door playing music and making noise until all hours of the night. They leave mounds of trash on the sidewalk when they leave and there is no accountability. I have lived in my home for eight years, and I have never even seen the owner of the condo next door because he does not live there. He strictly owns the property as an investment, renting it to tourists for as much as \$300 a night. If the city would enforce the short-rental ban, I'm sure my neighbor would either sell the property or rent it to long-term residents, and I would have an actual neighbor. Please strengthen the ban.

Jeffery Morgan  
840 Saint Philip St.  
New Orleans, LA

Sent from my iPhone

## Nicholas J. Kindel

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:27 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: STR Study: City of Santa Fe

**From:** Carol Gniady [mailto:carolgniady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 4:25 PM  
**To:** CPCinfo  
**Subject:** STR Study: City of Santa Fe

Basically, 8 years later enforcement is still lacking despite efforts to regulate and tax short-term rentals in Santa Fe. The data must be provided, just like any other business, in order to track and tax activity.

---

From the City of Santa Fe website:

[http://www.santafenm.gov/code\\_enforcement](http://www.santafenm.gov/code_enforcement)

## code enforcement

The Code Enforcement Section of the Inspection & Enforcement Division responds to violations of the City's environmental regulations (Chapter 10 of the Municipal Code). Typical violations investigated by Code Enforcement staff are excessive weeds, trash and debris accumulation, junk vehicles, noise and lighting violations, and smoking ordinance violations. Code Enforcement staff also investigate illegal signage, zoning violations, businesses operating without required Business Registrations or Licenses, unapproved Home Occupation businesses, and unpermitted Short-Term Rentals.

To report a suspected code violation for investigation by a Code Enforcement Specialist contact:

**Georgia Urioste**, Zoning Inspections Supervisor - (505) 955-6980 - [gcurioste@santafenm.gov](mailto:gcurioste@santafenm.gov)

*Your report can be made anonymously.*

Two articles from the Santa Fe newspaper (The New Mexican). Note that the initial relaxing of rules was 7 years ago, in 2008. The city's main concern seems to be loss of tax revenue, but "neighborhood cohesion" does get a mention, too.

# Council approves short-term-rental rules

Split vote imposes fees, limits occupancy time

Posted: Wednesday, January 30, 2008 12:00 am

Tom Sharpe The New Mexican | [0 comments](#)

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- Posted on Jan 30, 2008

by *thomassharpe*

Tom Sharpe After a yearslong debate, Santa Fe has a new ordinance regulating short-term rentals in residential neighborhoods.

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But few were satisfied after the City Council voted 5-3 late Wednesday night following more than three hours of sometimes-heated discussion.

The new ordinance allows up to 350 short-term rentals in residential neighborhoods across the city, and owners must abide by restrictions and pay fees of up to \$1,000 a year.

Twenty-three people spoke at the public hearing. Slightly more than half opposed the ordinance, many with ties to the short-term-rental industry.

Tom Simons, a lawyer representing several property-management firms that do short-term rentals, said there was no evidence that renting houses for 30 days or less in residential areas was disturbing anyone. "What you people want is to have only owner occupants," he said.

Neighborhood activists, who complained of rowdy short-term renters, and bed-and-breakfast managers, who said they were losing business to short-term rentals, were among those supporting the ordinance.

Waite Thompson, who lives on the east side, said such measures are needed "to preserve the old neighborhoods."

Among the strongest critics of the ordinance that passed was Councilor Patti Bushee, whose previous proposal to regulate short-term rentals was eclipsed by one first proposed by Councilor Rebecca Wurzburger.

"This is going to be a nightmare to enforce," Bushee said to cheers from ordinance opponents in the audience. The same group booed Councilor Miguel Chavez when he said allowing illegal rentals to continue could bring an end to Santa Fe neighborhoods.

The ordinance, as passed, will grandfather in all short-term rentals whose owners could prove they were paying taxes as of this week. About 300 such units are believed to exist now. Grandfather status would cease when the unit is sold. If the total of grandfathered units fell below 350, the city could accept new short-term rentals.

Short-term rental owners would pay the city a fee of \$1,000 a year to continue the practice. People who had more than one short-term rental would pay an extra \$250 annually for each additional unit. People who lived in one unit and rented another unit on the same property would pay only \$500 a year. All fees would go to enforcement of the new law.

The ordinance would allow a unit to be rented up to 17 times in a year as long as they were not rented more than once per seven-day period.

Voting yes were Councilors Chavez, Wurzburger, Chris Calvert, Carmichael Dominguez and Matthew Ortiz. Voting no were Bushee, Karen Heldmeyer and Ronald Trujillo.

Contact Tom Sharpe at 986-3080 or [tsharpe@sfnewmexican.com](mailto:tsharpe@sfnewmexican.com).

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## City officials push to revisit short-term rental regulations

Websites such as Airbnb and VRBO offer vacation rentals and overnight stays in private homes as alternatives to the city's 6,000 hotel rooms.

Posted: Monday, September 7, 2015 7:00 pm | Updated: 12:03 pm, Tue Sep 8, 2015.

**By Bruce Krasnow**

The New Mexican | [9 comments](#)

Every week in August, at the peak of the summer tourism season in Santa Fe, there were hundreds of lodging options posted on websites offering vacation rentals and overnight stays in private homes as alternatives to the city's 6,000 hotel rooms.

But many of those rooms weren't registered under the city's short-term rental ordinance, which regulates some 350 permitted properties.

The owners of licensed short-term rentals pay a \$1,000 fee that covers annual inspections by the city Land Use Department under the International Fire Code. The code covers 12 requirements, from the number of fire extinguishers in a rental room to emergency exits.

Those who post rentals on the Internet may not be following those codes or paying proper taxes to the city and state, according to City Councilor Joseph Maestas.

"There are folks that are breaking the law," Maestas said.

Maestas and Councilor Peter Ives are sponsoring a measure that would research potential changes to the city's short-term rental law — first enacted in 2008 before the rise of Internet sites such as Craigslist, VRBO and Airbnb, where guests can find rooms and house rentals and pay online with a credit card.

The measure is scheduled to be considered by the Public Works Committee tonight, Sept. 8, and then Finance on Sept. 15 before reaching the full City Council.

Maestas said it wouldn't offer specific suggestions for changes, but it would direct staff to analyze the short-term rental issue in the city and make recommendations on possible improvements and enforcement.

The impetus for the move is coming from both neighborhood groups and the tourism industry.

"We need to get a handle on it," Maestas said.

In the past session of the New Mexico Legislature, a bill that would have allowed municipalities to collect lodgers taxes on establishments with three or fewer rooms failed on the Senate Floor. As a result, the city currently has no authority to impose that tax on small vacation-rental businesses.

But many rentals are also not paying state's gross receipts taxes. If they were paying the tax, a portion of that money would come back to the city's general fund to support services such as law enforcement, parks and streets, said Randy Randall, executive director of the city of Santa Fe's tourism bureau.

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~~In Santa Fe, the 7 percent lodgers tax is collected each night on a hotel room stay. In addition, vacation rentals that are managed by a professional property management firm pay the lodgers tax — also called the occupancy tax — even if it is a single unit, according to state law.~~

The money goes into a fund that is used to pay off debt and operating costs for the Santa Fe Community Convention Center, as well as for the marketing and promotion of the city. It also provides funds for shuttles and specific events, such as the Fiesta de Santa Fe, Rodeo de Santa Fe, and film and media festivals.

Randall said he would like for his department to have some authority over the short-term rental ordinance. He said the tourism industry has the most incentive to make sure every rental unit is following the rules so that hotels, motels and resorts that pay taxes are not at a disadvantage.

"They all benefit from the lodgers tax being collected — the marketing, the programs, the services — and they're not contributing," he said of those offering unregistered lodging.

Randall said there may be some evidence that the inequity is starting to impact the businesses that play by the rules.

In a presentation last month to the Occupancy Tax Advisory Board, which advises the city on spending the tax revenue, Randall said he is seeing a deterioration of the revenue — and that might be a harbinger of things to come.

One month is not a trend, he emphasized, and overall collections year-over-year are up 9 percent.

But proceeds in July, when room rates usually increase due to summer demand, were down from a year ago. That means tourists might have gone looking for less expensive options in private homes.

"While there are few new hotel rooms coming into Santa Fe, the number of short-term rentals has grown by over 15 percent over the past couple years," Randall said. By some counts, there are between 800 and 1,200 online room options available in Santa Fe on some nights.

If the majority of those are near the Plaza or the historic districts, "There are more short-term rental rooms than we have hotel rooms," Randall said.

“It is not something we can eliminate,” said Randall, “but something we must harness to allow this segment of our tourism business to properly support the overall city tourism efforts.”

Maestas added there is no way to really know where some of the rentals are located, and “a lot of the online properties are not fully describing the properties or the location.”

That is why more information is needed. Maestas would like to see a map of where the registered short-term rentals are located, then an overlay of the unregistered properties.

Some neighborhoods, he said, are really seeing a loss of cohesion due to short-term rentals. “A lot of folks are concerned about the loss of neighborhood cohesiveness.”

Contact Bruce Krasnow at [brucek@sfnewmexican.com](mailto:brucek@sfnewmexican.com).

This article has been edited to reflect that the ordinance has been introduced and goes before two city committees -- Public Works and Finance - before reaching the full city council, probably by the end of the month

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## **License locations**

### **Who manages Santa Fe's licensed short-term rentals?**

### **In which zoning areas do licensed rentals most often occur**

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Carol Gniady  
Executive Director  
French Quarter Citizens, Inc.  
632 North Rampart Street  
New Orleans, Louisiana 70112  
Office: 504-588-2929  
Cell: 504-948-1859  
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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:27 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short term rentals

**From:** christopher cochran [<mailto:christopherfcochran@gmail.com>]  
**Sent:** Monday, November 30, 2015 4:26 PM  
**To:** CPCinfo  
**Subject:** Short term rentals

To Whom It May Concern:

I am the owner of a small business that takes pride in helping to rebuild our city. I provide jobs to locals ~~by purchasing and renovating blighted properties, mostly in historical districts. A few of my properties I~~ have turned into short term rentals due to the high cost of remodeling in these areas. These rentals generate a variety of jobs for locals that include: house cleaners, landscapers, handymen, and property managers. These jobs would not exist, or be as frequent for an annual renter. These accommodations boost the economic impact for local businesses and could help the city's budget shortfall by implementing taxes and regulations on these properties.

According to Airbnb, 140 million dollars have been spent in New Orleans by tourists residing in short-term rentals. The average guest spends \$1,100, 40% of which is spent in the neighborhood that the guest is staying in. Finally, 74% of people say they are likely to return based on the local experience they had from staying in a short term rental.

Short term rentals pose the potential to help our city grow.

I please ask the Commission to capitalize on this revenue stream and stay at the forefront of modern business models.

Sincerely,  
Chris Cochran

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:27 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: AirBnB debate

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**From:** [Rbwx@hotmail.com](mailto:Rbwx@hotmail.com) [<mailto:Rbwx@hotmail.com>]  
**Sent:** Monday, November 30, 2015 4:27 PM  
**To:** CPCinfo  
**Subject:** AirBnB debate

As a hotel industry professional, I am against AirBnB, as it hurt working folks, hurts hospitality jobs and hurts our industry as a whole. Tourism and hospitality is the major backbone on our economy so why would we want to allow anything that has an adverse effect? Besides, as a resident, I don't want hotel or b and b rooms on my block.....that's why we have zoning laws!

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<http://www.hospitalitynet.org/news/4072471.html> (\$2 billion negative impact on NYC hotel industry)

<http://america.aljazeera.com/articles/2015/5/8/hotel-workers-union-sees-threat-in-airbnb.html>

[http://inthesetimes.com/working/entry/18026/subcontracting\\_in\\_the\\_digital\\_era\\_the\\_consequences\\_of\\_your\\_airbnb\\_reservati](http://inthesetimes.com/working/entry/18026/subcontracting_in_the_digital_era_the_consequences_of_your_airbnb_reservati)

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 4:27 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short term rentals comments

**From:** Ronda Norris [<mailto:ronda.gwem@gmail.com>]  
**Sent:** Monday, November 30, 2015 4:27 PM  
**To:** CPCinfo  
**Subject:** Short term rentals comments

To The City Planning Commission:

Thanks for letting the public comment on this complex issue.

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I am a relatively new New Orleanian and have lived here for two years. When I first arrived in 2013, I was, as most people are, enchanted with the city and the neighborhoods, especially the Marigny and Bywater. I am originally from Mississippi and have been coming to New Orleans about once a year all of my life, but never spent a lot of time here until a couple of years ago.

In the two years that I have lived in the Marigny, I have watched whole blocks change from a community of neighbors to cheap hotels for the droves of people who are enchanted with VRBO and AirBnB descriptions of accommodations here in our neighborhoods. Housing prices have doubled and more in the Marigny, no one but the uber-wealthy could afford them. Some of that, a large part of that, seems to be due to investors who snap up the properties and turn them into private tax-free (for the owner) hotels. These people don't live here or rarely live here, don't have to comply with zoning restrictions or taxes, and most importantly, don't have to declare their income. Tax free - at the federal, state, levels.

This does not "help" our economy as these owners like to point out, it helps THEIR economy. The rest of us have to put up with the loud and obnoxious "guests" who take up the very tiny amount of parking available, draw more crime into our neighborhoods and generally have turned our community into a place where every few days, a different person comes out of the houses next door to us. Renters cannot afford to live here anymore and normal people couldn't afford to buy a house here.

What these owners are doing is singlehandedly changing entire areas of New Orleans, doing it without any oversight, without any taxes, without any regard to zoning, without any safeguards such as those available from licensed hotels, and making a killing doing it at the expense of the people who actually live here. What people LIKE about the Marigny and Bywater and other areas of New Orleans is that we do have quaint neighborhoods and architecture and warmth and friendliness and enchantment. However, that has disappeared in many areas and is disappearing in others due to the overwhelming numbers of illegal "guests" taking over the area.

The IRS allows homeowners to rent out their homes tax and income-reporting free for 14 days a year. That would cover Mardi Gras Fat Tuesday/Jazz Fest or other festivals where homeowners

could legitimately rent out their homes or a room in their homes and make a lot of money. Anything over that I believe should be governed with zoning restrictions (such as number allowed within a square block, number of rentals in one unit, etc.), and should only allowed in owner-occupied dwellings. The rentals should be taxed from a municipal, state, and federal level.

Thank you, Ronda Norris

**Nicholas J. Kindel**

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:09 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Airbnb Public Comment  
**Attachments:** 20151130163114122.pdf

**From:** Layne Hilton [<mailto:layne.hilton@gmail.com>]  
**Sent:** Monday, November 30, 2015 4:29 PM  
**To:** CPCinfo  
**Cc:** Robert D. Rivers; joanne  
**Subject:** Airbnb Public Comment

Please find attached a comment to add to the public record regarding the short term rental issue.

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Layne Clark Hilton  
Emory University School of Law, J.D., 2011  
Mount Holyoke College, B.A., 2006  
917-623-3524  
[layne.hilton@gmail.com](mailto:layne.hilton@gmail.com)

To: Robert Rivers, City Planning Commission

From: Joanne Hilton, St. Charles Guest House

Regarding: Comments on proposed overnight housing rules

Date: 11/26/15

My name is Joanne Hilton and my husband and I own the St. Charles Guest House on Prytania. We were the very first to call ourselves a bed and breakfast, 35 years ago, before there were even rules covering the licensing of B&Bs, and technically, we're a hotel, I guess. One of the things we were most interested in doing, from the beginning, was to see more lodging like ours up and down the street, much like the Russell Square area of London, which we had visited 38 years ago. Over the years we have encouraged new businesses. We have helped our new competition in any way we could, even speaking on their behalf before this very body throughout the years, because we knew that competition was healthy and good for us all. Our dream has come true, for now there are at least ten (10) businesses like ours on Prytania Street from Jackson to the bridge, a portion of the street which for at least 30 of the last 35 years has been zoned commercial.

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We've weathered hurricanes, 100 year floods, 9/11, Katrina, the BP oil spill, recessions, many many business ups and downs. But so did our competitors. Nothing, however, has affected us negatively like the current preponderance of unlicensed, untaxed, air BnB type lodgings, and the negative effect continues to grow each business quarter.

Since we actually talk to our prospective guests, either via phone or email, we get a lot of pre-booking feedback, and I can tell you that many thousands of dollars of reservations in the past two or three years have been lost from those who choose to stay somewhere where they don't have to pay tax. We collect and remit all the taxes that a big hotel collects, and as far as I'm concerned, EVERY ROOM, let me repeat EVERY ROOM should be required to do the same. **No exceptions for one, two or three rooms - it's too easy to cheat the system with this loophole.** That is the only fair way to even the playing field for everybody. Now that everything is online, it takes me 5 minutes a month to file these taxes, both city and state, and about

10 minutes a day to keep up with the numbers. It's something everybody doing any kind of business should, **must** be required to do as well.

Please don't be fooled by the propaganda that Airbnb is creating a new market of travelers for New Orleans. They are simply siphoning off the very segment of the market that small establishments like ours have been accommodating for years. They are cannibalizing the market that's already been created, not by us operators, but by the millions of dollars of both paid and free editorial advertising our marketing professionals have secured for us over the years - for heaven sakes, we're NEW ORLEANS! **What Airbnb has accomplished, I'm afraid is the creation of vast numbers of new law-breakers in every market in which they operate. How is this fraudulent business model one that you think you have to accommodate on their terms?**

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I won't speak to who should or should not be allowed to be licensed - **that's something every neighborhood should have the right to do.** That's not my call. It seems to me that there are perfectly adequate rules on the books for overnight housing - and no reason why most illegal operators couldn't follow them. Please don't be bullied by smart-alecky "disrupters" (like airbnb) who think they are smarter than everybody else in the room.

But all of us should be concerned about the money being lost not only by businesses like ours, but more so by the city and state.

**EVERY LEGAL ROOM SHOULD BE TAXED. AND EVERY ILLEGAL PROPERTY SHOULD BE FINED OUT OF EXISTENCE.**

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:10 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: short term rentals

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**From:** Mobley, Suzanne J [<mailto:smobley@tulane.edu>]  
**Sent:** Monday, November 30, 2015 4:30 PM  
**To:** CPCinfo  
**Subject:** short term rentals

Hello City Planning team,

I'm impressed that we've finally found an issue that unites the preservationists and the cultural community! I've received several emails from AirB&B soliciting support for regulations that let them expand or continue to support minimally regulated short term rentals, as I'm sure many of those who have contacted you have received. ~~Simply put, New Orleans needs more~~ affordable housing, more income from hotel and motel taxes, and fewer fly by night landlords undertaking speculative real estate deals to rent properties they never call home. Please look to New York's regulation and please help to keep our historic core affordable for the residents of New Orleans.

Best,  
Sue

**Suzanne-Juliette Mobley**  
**Community Engagement Manager**  
**Tulane City Center**  
1725 Baronne Street  
New Orleans, LA 70113  
[www.TulaneCityCenter.org](http://www.TulaneCityCenter.org)  
504.314.2330

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:10 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: STR Study: Forty-five cities (and counting) taking steps to regulate...

**From:** Carol Gniady [mailto:carolgniady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 4:36 PM  
**To:** CPCinfo  
**Subject:** STR Study: Forty-five cities (and counting) taking steps to regulate...

From December, 2014 a list of 45 cities in U.S. and abroad which trying to craft regulation on short-term rentals. So far, none of these cities appear to have the perfect ordinance/legislation. New Orleans could be the model for the rest of the world if we get it right.

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### Short-term Consequences

Examining the impacts of Airbnb and other short-term rental services on tenants, housing, and cities

<https://shorttermconsequences.wordpress.com/2014/12/03/cities-taking-steps-to-regulate-short-term-rentals/>

Forty-five cities (and counting) taking steps to regulate short-term rentals

Posted on December 3, 2014 by Karen Sawatzky

Here is a list of jurisdictions that have either recently taken steps to regulate short-term rentals or are more proactively enforcing their existing regulations. In most instances, the steps have been taken in response to the increasing popularity of Airbnb, but the changes affect or will affect other short-term rental services as well. Some cities are trying to make it easier for their residents to offer short-term rentals, but in most cases the intention seems to be to create more precise definitions of “short-term rental,” to implement oversight measures, such as inspections, registries or complaint mechanisms, and/or to find ways of collecting sales or lodging taxes on transactions that have so far escaped the taxes that hotels and bed-and-breakfast operators pay. I’m not in a position to judge the efficacy or fairness of these various regulatory actions; I just think it’s useful to have some kind of list and summaries of steps taken. Some politicians and city officials have specifically mentioned being motivated to act by the desire to preserve affordable housing stock for residents (as is the case in New York, San Francisco, Portland, Amsterdam, Paris and Berlin), which I think is an important and valid concern.

I’ve referred to “cities” in the title because that’s typically the level of government involved, but in a minority of cases it’s county, state or provinces that have taken action.

The list is not comprehensive, but it’s more complete than most others I’ve found so far. Many jurisdictions have taken some kind of regulatory action just in the last few months. Things are changing rapidly, so I may not be able to keep the list up to date. The summaries I’ve provided don’t necessarily mention every aspect of the regulatory steps a given jurisdiction has taken. They are paraphrased from the linked media stories and should be taken as a starting place for further research and verification by those interested. I’m happy to receive corrections and suggested additions.

Please also see my timeline for similar info in a different format.

## U.S. (Alphabetically by city)

1. Ashland: Ashland hired an inspector/enforcement officer in late 2013 to crack down on illegal short-term rentals. As of April 2014, he had been in touch with about 200 properties. The officer explains the rules, and in some cases issues 10-day cease and desist letters or imposes fines. He finds some illegal properties by searching website and is notified of others by local residents.
2. Aspen: As of March 2012, the city estimated it was losing about \$100,000 per year in foregone sales tax (11.3%) and licensing fees. It legalized short-term rentals for those willing to buy a licence and pay taxes. It also required hosts to designate a local person to respond to any complaints or property-related issues. Aspen also has a housing authority that provides deed-restricted housing that is meant to be affordable for those in the city's workforce. Short-term rentals are not allowed in the deed-restricted housing.
3. Auburn: As of October 2014, the city was at work on an ordinance that would require a \$57 licensing fee. Homeowners who want to operate a legal short-term rental would need their neighbours' approval, though if denied approval, the prospective host could appeal to the city's planning commission (at a cost of \$481).
4. Austin: The city has required registration of STRs since October 1, 2012. Amendments to Austin's STR program took effect on January 1, 2014. See the ordinance here. The city created three different types of short-term rentals (1, 2 and 3). The fee is \$235, plus a \$50 fee for first-time registrants, which is to cover notifying neighbours. Prospective hosts must provide a certificate of occupancy or certified inspection, as well as proof of insurance and payment of hotel occupancy tax, if applicable. The city limits the number of type 2 and 3 properties by census tract and in each building (no more than 3% of units in a building).
5. Boston: Mayor Martin Walsh has instructed city inspectors not to fine local Airbnb hosts, but city councillor Sal LaMattina has put forward a motion asking for a hearing on short-term rental regulations. The public meeting is scheduled for January 26, 2014.
6. Boulder: In early January, the city's zoning enforcement office responded to complaints by warning 20 property owners who were illegally renting their properties on a short-term basis. The city had received numerous complaints about the zoning breaches from one resident. Staff are to propose options, including sticking with the status quo, to council in the first quarter of 2015.
7. Chicago: In November 2014, the city's budget director proposed a new initiative to collect the city's 4.5 percent hotel tax on short-term rentals that don't currently pay it. In January, the Washington Post reported that Airbnb would begin collecting taxes on nightly stays in Chicago as of Feb. 15.
8. Grand Rapids: The city began licensing single-room short-term rentals, subject to various restrictions, in October 2014. According to a November 13 media report, the city had received only four licence applications at that time, although there were about 70 Grand Rapids listings on Airbnb.
9. Greenport, Suffolk County (New York) Greenport's code committee discussed short-term rental regulations in January 2015, but decided to consult the public before drafting any new rules, which it hopes to begin in April.
10. Los Angeles: In December 2014, council directed staff to research the city's regulatory options by looking at the Portland and San Francisco models and to come back to it with recommendations. Earlier in the year, council directed staff to contact the city's Airbnb hosts and inform them of their obligation to collect the state's 14 percent transient occupancy tax, which applies to rentals of less than one month.

11. Madison: Council voted to regulate short-term rentals in October 2013. The ordinance states that only homeowners can legally offer short-term rentals and that short-term rentals should not be closer than 500 feet. Hosts who obtain a permit can rent out their primary residence for as many as 30 days a year while they are not present. The limit doesn't apply if the host is present. The city is generally adopting the same approach for short-term rentals as applies to "tourist rooming houses" at the state level. This means an inspection is required before a permit can be approved. Ordinance here. (pdf)

12. Malibu: In an effort to ensure that short-term rentals pay the city the 12 percent transient occupancy tax, in May 2014, Malibu council agreed to subpoena information from various short-term rental services. "The main purpose of this is to be able to control and make sure that people who rent out their homes are not adversely affecting our neighborhoods," says Laura Rosenthal, Malibu council member."

13. Massachusetts: In January 2015, two Democratic congress reps for Boston (Aaron Michlewitz and RoseLee Vincent) introduced legislation to regulate short-term rentals at the state, rather than city, level. The details of the proposal are similar to legislation recently passed by the City of San Francisco. Hosts would have to register with the Department of Housing and Community Development and pay the same 5% tax that hotels are subject to, which funds tourism activities.

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The bill would also allow cities and towns to collect additional excise taxes beyond the State's 5% requirement, similar to the Boston hotel tax. Cities would also obtain the power to limit short-term rentals to an owner's primary residence, thus prohibiting renters from sub-leasing to short-term rental services. Fines for non-compliance with the proposed regulations could be as high as \$1,000 per day.

14. Maui County: Short-term vacation rentals are very common in Hawaii. Maui county began cracking down on illegal short-term rentals as early as 2007 (pre-Airbnb). It passed a new law on May 22, 2012 (Title 19 in the Maui County Code), which allows 400 homeowners to obtain permits for short term rentals. The permit process allows for input from neighbours. The approving body is the county's planning department. The county's website states that application approvals may take several months. One of the rules is that the manager of a "short-term rental home" must be available to answer calls at any time and must be able to be present at the property within one hour of a request from a guest, neighbour or county agency. The manager must also have an office or residence within 30 driving miles.

15. Montauk: In August 2014, the East Hampton Town Justice Court imposed a \$7,500 fine on a man who had rented out his house through Airbnb, in violation of the town of Montauk's zoning code. Interestingly, the violator in this case is an attorney. One of the original charges was violation of the town's "excessive turnover" rules. Noise violations were also an issue. Another town resident was also charged with violating the excessive turnover provisions in the same month. According to this news report, Montauk has decided to "aggressively pursue owners with three or more incidents of violating town law regarding short-term rentals." In late May, the town launched an online complaint form the public can use to report code violations.

16. Napa (City) Napa responded to concerns about short-term rentals in 2009 by creating an ordinance to replace its previous conditional business licence. As of January 2015, it began seeking public input on whether and how to increase the number of legal short-term rentals beyond the current 42. In March, the city held a meeting to hear from short-term rental hosts. Opinions on whether to tighten existing regulations were split, according to one local report. Staff are supposed to make a recommendation to council in April.

17. Nashville: In November 2014, Metro Nashville sent letters to about 430 local Airbnb hosts letting them know that they must pay hotel taxes of 6 percent on each stay as well as \$2.50 per night, which is the same amount that hotels pay. It was unclear whether or how Metro would enforce retroactive payments. At the same time, legislation to regulate short-term rental was also in the works. The proposed legislation would create

“short-term rental properties” as a new use that would be allowed in residential zones. Operators would need to apply for an annual permit and provide proof of liability insurance, as well as adhere to other requirements.

18. New Orleans: In July 2014, city council changed the definition of “transient vacation rental” in an effort to better regulate short-term rentals, which are illegal in the city (except for permitted bed-and-breakfasts). Other regulatory steps are under consideration. Homeowners who rent out their properties short-term have formed the Alliance for Neighborhood Prosperity and are working on an ordinance to present to council that would legalize the practice. Councilwoman LaToya Cantrell has said that she believes the increasing popularity of short-term rentals is increasing rents for locals.

When council debated short-term rentals in mid-December 2015, an urban planner who had compiled a set of 1,300 New Orleans Airbnb listings said that about 10% of those listings appeared to “account for almost half of all customer reviews, which suggests that a small group of property owners is responsible for the bulk of actual visits, at least among those who booked their stay on Airbnb.” He recommended that council regulate accordingly, noting that renting out a room in one’s own house is not the same as renting out the other half of a shotgun double or as a non-resident renting out a whole house.

In January 2015, the Times-Picayune reported that councillor Stacy Head, who has called the outright ban ~~unworkable, was selectively circulating a draft ordinance to “legalize and tax short-term rentals that are run out~~ of owner-occupied homes.” Rental of “back houses, half shotgun doubles, and individual rooms in the owner’s dwelling” would be allowed under the proposal, but rental of “residential properties in the French Quarter for periods of fewer 60 days will remain prohibited.”

19. New York (State): As of May 2011, short-term rentals (for less than 30 days) are illegal in New York City, unless the person renting out the unit is present (and with a few other minor exceptions). Violators can be fined \$1,000 on first offence. This change was made through amendments to the state’s multiple dwelling law, which were designed to make it easier for the city to take enforcement action against property owners who convert entire apartment buildings to illegal hotels. They were supported by both tenant organizations and hospitality associations. State Senator Elizabeth Kruger (who represents a section of Manhattan) was one of the sponsors and key proponents of the amendments.

In October 2013, state Attorney General Eric Schneiderman subpoenaed Airbnb for information on all its New York City hosts going back to January 2010, including their names, email and physical addresses, and details on the individual transactions and revenues they had earned through the site. The intent of the subpoena was to aid efforts to prevent violations of the multiple dwelling law and also to assist in collection of unpaid occupancy taxes.

After some legal wrangling, Airbnb eventually agreed to release a version of the information the AG requested. Based on that info, the AG released a report on October 15, 2014 that said more than 70% of the city’s Airbnb listings were violating zoning or other laws. Also, and running counter to Airbnb’s public assertions, the report said that commercial operators were responsible for more than a third of units offered. The announcement of a stepped up enforcement campaign accompanied the report’s release.

20. New York City: In December 2014, NYC’s official public advocate, Letitia James, sent a critical letter to Airbnb arguing that Airbnb is a threat to Brooklyn’s affordable housing supply:

“Airbnb’s rapid growth in neighborhoods such as these...is exacerbating the housing crisis and one of the factors that has unfortunately contributed to Brooklyn being ranked as the least affordable county in the nation,” James writes. “Airbnb must do a diligent job of self-policing to ensure their hosts are not violating state law.”

In early January, the New York Post reported that a city task force composed of police officers and inspectors from the buildings and fire departments, as well as a finance department investor, is following up on 311 complaints about short-term rentals. The task force is under the Mayor's Office of Special Enforcement.

On January 20, the city's Housing and Buildings Committee held an eight-hour public hearing on the question: "Short Term Rentals — Stimulating the economy or destabilizing neighborhoods?" Supporters and critics of Airbnb held separate rallies outside city hall beforehand. During the hearing, the head of the Mayor's Office of Special Enforcement said "the agency handled 1,150 illegal hotel complaints last year, a 62 percent increase from 2013," as well as carrying out 883 inspections and issuing 804 violations.

Airbnb's head of public policy, David Hantman, appeared at the hearing, calling for "smart regulation" that would allow for people to rent out the home in which they live on an occasional basis. This is possibly the first time an Airbnb representative has actually appeared before NYC city council. Airbnb also tweeted "FACT: There are far too few Airbnb listings to significantly impact housing prices #Airbnbnyc"

"Council demanded Airbnb provide data showing how many users were renting out their own places a couple times a year and how many were fly-by-night hoteliers. Hantman refused to do so until the city said its listings were legal. The council said it couldn't say what should be legal until it had the data, and around and around they went."

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Some news accounts reported that Airbnb seemed to have lost ground over the course of the hearing, even with those councillors who had been less informed or more openminded about the issue going in.

"The problem with Airbnb is they operate with willful ignorance," said a spokesman for Councillor Karen Koslowitz. "She thought their responses did nothing to assuage concerns."

"The Attorney General's investigation into Airbnb is ongoing, and the City Council appears primed for more hearings. Airbnb, meanwhile, is taking its fight to the state capital, lobbying for a bill that would amend the 2010 law and make its listings legal."

...In my mind, it's a toss-up as to whether San Francisco or NYC is the city where Airbnb has been the most contentious.

21. Palo Alto: As of December 2014, the vice mayor and two others of council proposed that the city consider whether and how to regulate short-term rentals, including on questions of zoning, taxation and safety. The proposal is for the "study session" to be held no later than March 31. According to a city memo, Palo Alto now has 300 to 400 Airbnb listings.

22. Palm Desert: An ordinance creating new rules for short-term rentals took effect on April 23, 2012. Under those new rules, anyone (including a company) renting for 27 or less days must pay an application fee of \$25 per property for an annual permit. Operators must also pay a 9% transient occupancy tax to the city on each stay. Short-term rentals must be for a minimum of two nights and only two people per bedroom are allowed. Operators must designate a contact person who is available at any time to respond to complaints or concerns within 60 minutes. Violators may be fined up to \$5,000. The city also stepped up monitoring and enforcement of short-term rentals when the new rules came into effect, including through the provision of an after-hours hotline.

23. Petaluma: Council considered a draft ordinance in September 2014 after fielding noise complaints from neighbours. Under the proposed ordinance, short-term rental operators would have to apply for a permit, notify neighbours within 500 feet and collect and pay hotel taxes. The number of guests would be limited and a complaint process would be set up.

24. Portland: As of August 30, 2014, short-term rental hosts must obtain a permit to operate from the city's Bureau of Development Services. The permit is subject to inspection requirements and notification of neighbours. Hosts must also collect and pay lodging taxes. The new rules allowed for the rental of up to two bedrooms in a house or duplex (but not condos or apartments) through a simple permit process, rather than the lengthier and more and expensive one required for bed-and-breakfasts. The permit must be renewed every two years, at a cost of \$178. Another key point: "The individual or family who operate the accessory short-term rental must occupy the unit as their primary residence."

As of December 2014, only a minority (110) of the city's active approximately 1,600 Airbnb hosts had applied for the permit. The discrepancy between the number of hosts and the number of permits sought prompted the city to consider ways to increase compliance. The Bureau of Development Services wanted to get the names and addresses of hosts from the Bureau of Revenue, which has obtained the information as a result of Airbnb's agreement to facilitate the collection of lodging taxes. Airbnb argued this was an invasion of hosts' privacy. On the taxes issues, Airbnb agreed to collect lodging taxes as part of its March 2014 "sharing city" agreement with Portland council, but the company is also one of the founders of the Short-Term Rental Advocacy Center (along with HomeAway, FlipKey and TripAdvisor), which opposes the mandatory collection of taxes on short-term rentals. According to news reports, Airbnb alone spent almost \$48,000 lobbying Portland city council in 2014.

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Despite the lack of compliance on the part of the hosts of newly legalized short-term rental in houses and duplexes, in January 2015 Portland council amended its earlier ordinance in order to allow short-term rentals in apartments and condos, subject to the same conditions.

At the same time, some Portland councillors expressed frustration over Airbnb's lack of cooperation on existing enforcement measures. On January 21, 2015, council voted to begin fining short-term rental agencies \$500 for each host who advertises a listing without including his or her city permit number. Warning letters will go out the week of Monday, January 26. The compliance deadline is February 20.

As of late January 2015, only 137 short-term rental hosts had applied for a permit, which is less than 10% of the estimated total number (1,600).

25. Raleigh: Short-term rentals are not allowed in most areas of Raleigh. As of early December 2014, the city was planning to send a violation notice to a local Airbnb host, after receiving a complaint. Council has discussed how to handle the increasing number of illegal short-term rentals and appears divided on the issue. It has directed staff to report back in January on ideas and models used in other cities. The city sponsored a town hall meeting to discuss Airbnb issues in early January 2015.

26. San Francisco: There are many and ongoing twists and turns in Airbnb's relationship with San Francisco, the city in which it was founded and still has its main headquarters. For a more complete picture than I can provide here, check Carolyn Said's reporting for the San Francisco Chronicle and the archives of the (sadly) now-defunct San Francisco Bay Guardian, as well as the websites of advocacy groups such as the San Francisco Tenants Union and Share Better San Francisco.

In sum, though...Until October 7, 2014, short-term rentals (of less than 30 days) were prohibited under San Francisco's planning code and its apartment conversion law. City supervisor David Chiu first started working on legislation to conditionally legalize short-term rentals in 2012. It is a version of that legislation that was approved in October and which came into effect on February 15, 2015.

Under that legislation, short-term rental operators must be permanent residents, register with the city and collect and pay the transient occupancy tax (14%). Operators who rent entire homes can only do so for a maximum of 90 days per year. All operators must have \$500,000 in liability insurance.

Previous to the approval of that legislation there were reported cases of tenants subletting their rent-controlled apartments through Airbnb at higher rates than their own landlords were allowed to charge. At one point, San Francisco's planning department was investigating 85 people who had illegally listed their properties on short-term rental sites. The department reported that complaints about short-term rentals had steeply increased since 2012. In a news article, a San Francisco attorney said he had filed 10-15 eviction notices on behalf of landlord clients in the six months prior to March 2014. The notices were sent to tenants who were violating their lease terms by renting out their apartments through Airbnb.

In terms of taxes, after more than two years of negotiation and a 2012 city treasurer ruling that said Airbnb hosts must collect and remit the transient occupancy taxes, just like hotels, Airbnb finally agreed to ensure that happens. That agreement took effect on October 1, 2014. A requirement for Airbnb to pay its back taxes was also initially included in the legislation, but was later removed. Airbnb initially disputed that its hosts should have to collect or pay taxes, on the grounds that they were in a different category and carrying out fundamentally different activities than hotels. After about three years of wrangling, that issue was finally resolved in February 2015, when Airbnb agreed to pay "millions" in back taxes and nonpayment penalties. City estimates had the amount owed by Airbnb as high as \$25 million. The specific amount paid was not disclosed but Airbnb said it had "paid in full."

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Various housing advocates and tenants groups are critical of the legislation that was eventually passed and have made counterproposals and suggested amendments. Share Better San Francisco's counterproposals have included the following: requirements for tenants and property owners to get permission from their landlords or homeowner associations, as applicable; an operator registry that is publicly accessible by default (instead of only by request); a mechanism for holding short-term rental agencies accountable for their hosts' listings; and provisions to ensure that below-market rate units and in-law suites are not rented to tourists.

In late January 2015, the Anti Eviction Mapping Project published a map of vacation rentals. "The map shows approximate locations of the 6,788 separate vacation rentals listed in San Francisco through the websites Airbnb and VRBO. The 5,503 Airbnb rentals AEMP found represents a jump of more than 10 percent since last June when the group found fewer than 5,000. In 2012, a San Francisco Chronicle investigation found just 1,800 such listings in the city."

In late March, only about a month after the law came into effect (Feb.15) the planning dept. called the new law "unworkable," citing various problems such as the fact that the \$50 fee (covering two years) does not cover administration costs and that the 90-day limit on renting out a property when the host is not present is unenforceable because it's impossible to verify. The planning dept. raised concerns about the law before it was passed. As of late March, two supervisors (David Campos and Jane Kim, were planning to bring forward amendments. These included provisions to make 90 days the annual maximum for all short-term rentals, regardless of whether the host is present, to fine short-term rental agencies \$1,000 per day for allowing unregistered hosts to advertise on their sites, and to give neighbours the right to sue hosts when they exceed the limit of 90 days. Another major change would be requiring short-term agencies to turn over information on hosts to cities, which is the only way officials say they would be able to effectively enforce the restrictions.

27. San Jose: As of December 2014, the city agreed to tax Airbnb transactions at 10 percent, the same as charged to hotels. Hosts are required to notify the city and are limited to 180 annual visits when they are not present. The tax is expected to contribute \$150,000 per year to city revenues. Airbnb will collect it as of February 1, 2015.

28. Savannah: In late 2013, the city issued cease-and-desist letters to about 45 residents who were breaking the city's zoning regulations by offering short-term rentals. On November 10, 2014, council approved a zoning amendment and ordinance that will take effect on January 1, 2015. It will allow for short-term rentals in the

parts of the city that currently allow inns, as well as three other mixed use areas. They will not be allowed in neighbourhoods that are primarily residential. A certificate will be required to operate a short-term rental and permission is subject to various other conditions and restrictions.

29. Sonoma: The city passed legislation in 2010 to regulate short-term rentals, under which operators are required to obtain a \$150 permit. The city conducted an audit in 2014, however, and based on those figures estimates that it's losing between \$500,000 and \$1.3 million in taxes from illegal short-term rentals. The city has written to Airbnb to launch discussions about setting up tax-collecting arrangements similar to the ones recently adopted by San Francisco and Portland. Meanwhile, in October the city hired a new staffer to help enforce existing rules and address complaints. New rules under discussion include requiring a short-term rental operator to live within 60 miles (instead of 60 minutes) of the property.

30. Spokane: The city has sent cease and desist letters to homeowners offering short-term rentals, in response to complaints. However, in an effort to make it easier to operate a short-term rental, in December 2014 the city asked the Washington State Building Code Council to stop requiring homeowners who want to rent out a spare room for less than 30 days to have a fire sprinkler system.

31. St. Helena: In May 2012, council agreed to create 25 permits for short-term rentals. Neighbours must be consulted. ~~If 30% of property owners within a 300-foot radius object, the application goes to a planning~~ commission hearing. Applicants also have to supply contact information for someone who can respond to complaints within 30 minutes and must submit to fire and safety inspections. In the 2014 fiscal year, the city received \$60,949 in transient occupancy taxes from 17 vacation rentals. As of April 2014, council was considering some minor changes to the system, such as making it easier for neighbours in high-density areas to reach the 30% threshold that triggers an application hearing.

32. Washington, D.C. In January 2015, the Washington Post reported that Airbnb would begin collecting taxes on nightly stays as of February 15.

## Canada

1. Gulf Islands: The economies of the Gulf Islands are heavily dependent on tourism. Short-term rentals have been a contentious subject there for at least 15 years. Each island of the islands sets its own land use policies. "Some, such as Hornby, are on the permissive end of the spectrum, while others, such as North Pender, take a stricter approach."

2. Quebec: Responding to complaints from tourism operators, Tourism Quebec began enforcement efforts against short-term rentals in mid-2013. In January 2014, a special committee was formed to find longer-term solutions. Existing provincial law requires short-term rental hosts to get a \$250 permit from la Corporation de l'industrie touristique du Québec and to be covered by liability insurance. Hosts must also pay a \$2 to \$3 per night tax to Revenue Quebec. Violators are subject to fines.

3. Tofino: Short-term rentals were controversial between 2005 and 2010, according to district mayor Josie Osborne. "We went through a few years of tough times when short-term vacation rentals began to proliferate and there was a lack of enforcement of bylaws. It even became an election issue one year," she said. The district then created a new business licence for short-term rentals and clarified some points in its bylaws. There are now 76 business licences for short-term rentals, separate from those the district has issued for bed-and-breakfasts, which are subject to a slightly different set of rules."

4. Toronto: The city will be evaluating its rules pertaining to rooming houses in the spring. As part of that review, at least one councillor (Shelley Carroll) is saying the city should reconsider its rules on short-term rentals too. This follows complaints from neighbours of a house in Willowdale that has been used a short-term rental,

but also seems to respond to more general issues. Going by what's reported in the linked article, the call for review seems to be more motivated by concerns about impact on residents' quality of life than on affordable housing supply.

The article discusses negative impacts that have been observed associated with short-term rentals and notes that "there's little recourse under existing rules in Toronto. According to city officials, if individuals want to rent their whole house, there is nothing to prevent it under current zoning bylaws." The article doesn't make clear whether it's legal in Toronto to offer one's apartment or condominium as a short-term rental.

Councillor John Filion is also quoted: "If there isn't a law that prevents you from turning your house into a short-term rental accommodation, there should be," he said. "The city should look into it."

5. Vancouver: The city has not yet taken any formal steps to change the way it regulates short-term rentals, but Section 10.21.6 of the city's Zoning and Development Bylaw states that "No person shall use or permit to be used any dwelling unit for a period of less than one month unless such unit forms part of a hotel or is used for bed and breakfast accommodation." Council has also passed a set of health and safety guidelines for bed and breakfast accommodation, such as the requirement for a certain type of fire extinguisher, and it's unlikely that those who provide unlicensed short-term rental accommodation are aware of these guidelines. The city also ~~requires business operators, including those operating a business from home, to obtain a licence. Further, those~~ who operate home-based businesses are not allowed to have clients come to their homes.

Also, in September 2014, the city sent a cease and desist letter to landlord Plan A Real Estate after tenants of Hoffman Manor complained that the company was renting out units in the West Apartment building through Airbnb (while also sending multiple eviction letters, dramatically hiking laundry prices and engaging in other forms of legally dubious behaviour towards its tenants). A city councillor (Geoff Meggs) and the local MLA (Spencer Chandra Herbert) intervened and publicly criticized Plan A for its actions.

In addition to local bylaws, Vancouver property owners who operate short-term rentals may also be in violation of various provincial laws that apply to the tourism industry, such as the Hotel Keepers Act, the Hotel Guest Registration Act, the Public Health Act and the Provincial Sales Tax Act.

6. Victoria: In October 2014, the city said it was talking to Airbnb about arrangements to collect taxes from site users. A news report said that Victoria had 354 active Airbnb hosts and that 7,300 guests used Airbnb in Victoria from April 2013 to March 2014.

## Europe

1. Amsterdam: The city approved a new "short-stay" policy in February 2014. It allows residents to rent out their own homes for up to 60 days a year, under certain conditions. Tenants must obtain permission from their landlord. All short-term operators must pay tourist and income taxes. Property owners must obtain a permit that cost €772 (as of 2012). Short-stays must be between seven nights and six months, with shorter stays allowed only in hotels and bed-and-breakfasts. To protect affordable housing for residents, short stays are not allowed in subsidized or public housing. As of early 2014, city districts had stopped granting new permits because their number had exceeded the target of no more than 10% of private rental properties. Violators may be fined up to €18,500.

In October 2014, Amsterdam city council said that even with 22 full-time inspectors, it was unable to keep up on top of enforcement and complaint response. The city's hotline had received more than 200 formal complaints about short-stays since July.

In December 2014, Airbnb agreed to collect Amsterdam's tourist tax from customers as of February 1, rather than leave it up to those booking accommodation. The tax is 5% of the rate per night.

2. Barcelona: The regional government of Catalonia fined Airbnb €30,000 in July for illegally renting individual rooms to tourists. Airbnb appealed the fine, which was the first such one it had received in Europe. Some Barcelona residents and neighbourhoods (such as Barceloneta) have become increasingly resistant and hostile to the impacts of tourism (binge tourism) in the last couple years – as detailed in the documentary, *Bye Bye Barcelona*. Several demonstrations took place in August and the city (under Mayor Xavier Trias) moved to shut down 24 illegal vacation rentals in that neighbourhood.

3. Berlin: Responding to rapidly increasing rents (8.3% increase from October 2012 to October 2013), Berlin's senate began considering severe restrictions on short-term rentals in early 2013. Windmu and two other short-term rental websites lobbied against the proposed legislation. In April 2014, Airbnb called Berlin's new housing law, scheduled to take effect May 1, confusing. The rules require operators to seek permission, which may or may not be granted, from the senate. According to this article, 10,000 to 12,000 Berlin apartments were being rented to tourists as of August 2014.

\*Note: I'm still somewhat confused about the chronology of the Berlin short-term rental legislation. I've seen references to changes that took effect as of January 1, 2014 and as of May 2014. To be sorted out later...

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4. Hamburg: As of July 2014, Hamburg residents were allowed to "rent out a private room or to occasionally rent out your primary residence" without seeking government permission or obtaining a licence. However, a licence is required for short-term rentals of a property owned, but not lived in.

5. London: Legislation prohibits residents from renting out their homes for less than three months. In late 2014, the Westminster council (apparently motivated by concerns about the its local housing shortage and security) began contacting short-term rental hosts who were violating the law, to the chagrin of Matthew Hancock, business minister for the Conservative government. The Conservative government has said it wants to encourage the "sharing economy" by relaxing various rules that get in the way.

6. Madrid: Under city rules approved in July 2014, short-term rentals must be booked for a stay of at least five days. Shorter stays must be booked at hotels. Operators are required to register their homes and to comply with various requirements related to size, accessibility, and other matters.

In the summer of 2013, a new law put the regulation of short-term rentals under local government control.

7. Paris: Mayor Anne Hidalgo campaigned on ensuring that residents have affordable housing. The city fined five landlords 25,000 euros each for breaking short-term rental rules in 2013 – the byproduct of more than 400 inspections. Ten more were fined in the first six months of 2014, with more under investigation. As of August 2014, Paris had a team of 20 staff carrying out surprise inspections at apartments suspected to be illegally rented to tourists on a short-term basis. Owners who produce fake leases (for less than the required year) may be prosecuted for fraud. "We can't have entire neighborhoods or buildings turned into tourist homes," Ian Brossat, Hidalgo's housing adviser, said in an interview. "That's why we're fighting to keep Parisians inside Paris and we won't let tourist rentals eat up their space." Part of the impetus for the crackdown was government research shows that residential rents rose 42% in the decade leading up to 2013.

Paris also requires people who convert a residential property to a commercial property to buy another commercial property and convert it to residential (law of compensation). In late 2014, it further tightened that rule to require that the second property bought must be in the same district as the first. This is meant to prevent owners from converting an expensive residential property while buying a cheaper commercial one in a less

desirable area to convert to residential. A city official said that only about 100 owners are going through the required steps every year.

According to a 2011 study, about 20,000 Paris properties are being used as short-term rentals. City officials now put that number at closer to 30,000 and say most of these are illegal. Airbnb says 83% of Paris listings are legally listed primary residences, but the city estimates it is more like 50%.

8. Portugal: As of November 27, 2014, short-term rental operators must inform their municipality of their status by completing an online declaration. This is according to Portuguese decree no. 128/2014, published on August 29, 2014. Violators may be subject to fines of up to €35,000 and a two-year prohibition on operating a short-term rental. Operators may rent as many rooms as they like for as long as they like. A requirement to pay taxes is also part of the new law.

Elsewhere

Sydney: A December 2014 news article reported that various Sydney councils were responding to neighbours' complaints by contacting short-term rental operators to inform them that their listings were illegal and that they could be subject to a fine of up to \$1 million. Apparently some councils encouraged other hosts to begin the process of becoming official bed-and-breakfasts. The news report said there were 7,600 Sydney Airbnb listings.

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Tel Aviv: In November 2014, Tel Aviv ruled against a resident who used Airbnb to rent out half his apartment to tourists. This was apparently Tel Aviv's first official enforcement against short-term rentals, which contravene the city's planning code prohibition against using residential units as vacation rentals.  
Total as of March 23 = 48

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:10 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Rentals

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**From:** SOU SANDERS [<mailto:sanders17@bellsouth.net>]  
**Sent:** Monday, November 30, 2015 4:36 PM  
**To:** CPCinfo  
**Subject:** Rentals

I do not understand why nothing is being done about air B and B's etc???  
It is time you make a decision one way or another.  
I feel like you don't care about the loss of taxes much less the residents and the hotels, motels, etc.  
~~I guess it's just business as usual. I'm sure you all have/know friends that are breaking the law and~~  
maybe y'all also are breaking the law ? Why else would you deliberately ignore this ongoing  
practice???YEARS!

Sanders  
[Sanders17@bellsouth.net](mailto:Sanders17@bellsouth.net)

318 453-5356 (C)  
1000 Conti APT.B 70112

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:10 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: STR Study: San Francisco Feinstein

**From:** Carol Gniady [mailto:carolgniady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 4:44 PM  
**To:** CPCinfo  
**Subject:** STR Study: San Francisco Feinstein

San Francisco, again. It's widely reported that Airbnb spent \$8 million to defeat Proposition F, by a margin of 10% of voters, indicating that this was in no way a landslide victory. Feinstein's proposal was reasonable.

~~From the article below... Feinstein's office says her interest stems from her longtime efforts in local government~~  
aiming to **"protect residential neighborhoods...Turning homes into hotels isn't in line with that position."**  
Spokesman Tom Mentzer said **"she believes part-time rentals shouldn't operate unchecked, which is why she supports rules and enforcement tools to protect the city's neighborhoods and family housing."**

Los Angeles Times: October 19, 2015

<http://www.latimes.com/business/hiltzik/la-fi-mh-dianne-feinstein-war-against-airbnb-20151019-column.html>

Dianne Feinstein steps up her war against Airbnb  
U.S. Senator

Sen. Dianne Feinstein, sworn opponent of Airbnb, has injected herself into a contentious ballot campaign targeting the firm. (Michael Reynolds / EPA)  
Michael Hiltzik      Michael Hiltzik Contact Reporter

The Economy Hub

The relationship between the home-sharing service Airbnb and San Francisco is a weird one, given that the city is its headquarters and also the source of some of its most determined neighborhood opposition. But among its most intriguing features is the war being waged on the firm by Sen. Dianne Feinstein (D-Calif.).

Feinstein's latest salvo was an op-ed published Friday under her name by the San Francisco Chronicle, supporting a city measure on next month's ballot that would tighten regulations on rentals via Airbnb and other such services.

City Hall handed over the keys to the city to Airbnb.  
- Sen. Dianne Feinstein, D-Calif.

The measure is highly contentious: As of the end of September, Airbnb had contributed some \$8 million to oppose it. It's also sure to be closely watched in Los Angeles and other municipalities across the nation grappling with ways to manage the surge in short-term rentals, especially in neighborhoods that have traditionally housed long-term residents. Neighborhood activists in San Francisco and elsewhere fear that the

rush to profit from short-term rentals will take long-term housing stock off the market, driving up rents and changing the character of otherwise stable communities.

In the Chronicle piece placed by the anti-Airbnb advocacy group ShareBetter SF, Feinstein wrote that Proposition F is needed because the home-sharing regulations enacted by Mayor Ed Lee and his allies are unenforceable. The existing rules cap sublets at 90 days a year, with no limit on rentals during which the host remains on hand. Critics say that's a huge loophole, since it's practically impossible to verify whether the host is home.

"City Hall let us down," Feinstein's piece says. "City Hall handed over the keys to the city to Airbnb."

As it happens, the Chronicle itself has editorialized against Proposition F, chiefly because as a ballot measure it would be impossible to revise without another public vote as the home-sharing business evolves. The measure also is opposed by Mayor Lee and former Mayor Gavin Newsom, who is currently California Lt. Governor.

Something byzantine in local San Francisco politics may well be playing itself out through Feinstein's position. While it may be unusual for a U.S. senator to inject herself into a very local controversy, she did serve on the San Francisco Board of Supervisors for nine years (1969-78) and as the city's mayor for nine years after that. She has been in the Senate since 1992.

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But this isn't her first salvo against Airbnb. Last October, she wrote an op-ed in the Chronicle in the same vein, calling the city's regulations shortsighted and raising the specter of "a blanket commercialization of our neighborhoods" that would raise already "sky-high rental costs higher."

Airbnb implied that Feinstein's opposition derives from the personal business interests of herself and her husband, investment banker Richard Blum--she and Blum "own hotels in SF," a company spokesman told me by email.

According to public disclosures, Feinstein and Blum own only one hotel in the city, the Hotel Carlton in Nob Hill. In any case, Airbnb professes to be serving chiefly "working families who rent out their primary residence for an average of 66 days a year" to help pay their housing costs, not competing with luxury hotels like the Carlton.

Feinstein's office says her interest stems from her longtime efforts in local government aiming to "protect residential neighborhoods...Turning homes into hotels isn't in line with that position." Spokesman Tom Mentzer said "she believes part-time rentals shouldn't operate unchecked, which is why she supports rules and enforcement tools to protect the city's neighborhoods and family housing."

Proposition F would limit short-term rentals of any unit in San Francisco to no more than 75 days per year. That would accommodate the majority of Airbnb "hosts," who the company says "rent out their primary residence for an average of 66 days a year." It would require every listed unit to be registered with the city and for neighbors to be informed and give other tenants and neighbors the right to go to court to fight illegal home-sharing.

--

Carol Gniady  
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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:10 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rentals

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**From:** Steve Cassiani [<mailto:cracsan@aol.com>]  
**Sent:** Monday, November 30, 2015 4:45 PM  
**To:** CPCinfo  
**Subject:** Short Term Rentals

*Dear City Planning Commission members and staff,*

~~*As you consider the possibilities for regulatory framework on short-term rentals, I ask simply that you put our neighborhoods first.*~~

*STRs are overwhelmingly concentrated in our city's most historic and vulnerable neighborhoods. We have myriad laws that specially regulate these fragile and significant areas. These laws must continue to protect the residents and stewards of our neighborhoods.*

*Please remember that those who are here for a weekend have different reasons to be here than we do. Neighbors make a neighborhood, and their investments go far beyond a short-term stay. As long as we maintain protection of our neighborhoods as the top priority, we can be sure that regulations will be in the best interests of our city. This will ensure that our residents will thrive, and the visitors will follow.*

*Sincere thanks for your diligence on this overwhelming issue,*

*Stephen Cassiani*

*215 North Peters, New Orleans 70130*

Sent from my iPad

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:10 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short term rentals

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**From:** clydefabry [<mailto:clydefabry@aol.com>]  
**Sent:** Monday, November 30, 2015 4:48 PM  
**To:** CPCinfo  
**Subject:** Short term rentals

Short term rentals in the French Quarter on our block have been extremely obtrusive and invasive. One owner lives uptown and has a lockbox with a numeral combination, so he doesn't even see what he's doing to our neighborhood which is the centerpiece of our economy. He has rented to bachelor parties who are raucous and rude ALL night long. He has rented to strippers, or worse, who pile out of the back of a pickup truck in the early morning hours after plying their trade. Some of the people, different ones each weekend have given a fifth and a bag of weed to some scruffier neighbors, so they wouldn't have to carry it home . There are different people there every week in the two one-room units he created against code. They leave their party trash all over the neighborhood and in front of our garage. He even offered it to us for when we have visitors! His cleaning people block our driveways and are there a lot of the time. I suppose some of his clients are nice enough, but they are stealing tax dollars and housing from those who would be an asset to the city, and if they speak to me I inform them of the law they are breaking and tell them they should be in a hotel. They are stealing from me and you.

Realtors are taking properties and using them for short term rentals and overflow for guesthouses. They are selling properties encouraging this as the way to afford Quarter living. We have lost good neighbors in two different houses due to this.

People have rung my doorbell insisting that they paid to stay at my house! They have provided the information with whom they made the transaction, including bank info. No one has been interested in this information. What happens if I get someone who refuses to accept the fact that I don't short- term and forces their way in?

Another owner lives at his home and we do not have these problems because we can tell him. It's not ideal, but is more tolerable. We are losing the security provided by knowing our neighbors. When they get tired of the Quarter they'll start coming to your neighborhood, and then it will be too late for you to consider the residents of our fine city. There must be some way to lessen this blight on the crown jewel of our tourist industry.

Thank you for the opportunity to comment, I am  
Elizabeth Fabry  
1127 Bourbon Street

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:10 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rental Regulation Insight from Key West  
**Attachments:** Key West ARTICLE\_XI.\_\_\_TRANSIENT\_RENTALS.docx; Key West DIVISION\_7.\_\_\_TRANSIENT\_LIVING\_ACCOMMODATIONS\_IN\_RESIDENTIAL\_DWELLINGS.docx; Durango\_STR\_Regulations\_NOLA3.pdf

**From:** Jenna Burke [mailto:jenna.dolores.burke@gmail.com]  
**Sent:** Monday, November 30, 2015 4:48 PM  
**To:** CPCinfo  
**Subject:** Short Term Rental Regulation Insight from Key West

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City Planning Commissioners and Staff,

This is an odd set of information for public input, but I'd be remiss if I didn't call to light the stellar job I believe Key West is doing on regulating STRs. I'm sure you've also seen the PowerPoint from Durango, Colorado's planner, and I've attached it below just in case. I have faith that as planning professionals, y'all will make our neighborhoods the priority in crafting policy recommendations. Good luck in this immense endeavor.

I spoke earlier this summer with Jim Young, the Director of Key West, FL Code Compliance (KWCC). Their system is **proactive, rather than complaint-based**. They can cite anyone who's advertising an ISTR. If caught advertising, the offender gets a notice of incompliance and a hearing date. There is no time to come into compliance. Jim said that 90% of the time, there's a settlement, and offenders agree that they were operating illegally. They have to pay the court costs, which are \$250.

Now, this is the fun part: if the city gets actual evidence of the ISTR (like neighbor testimony, receipts, etc.), it's considered an irreparable violation. The violator can be fined up to \$5000 per count, per day. Usually, though, KWCC simply obtains the money the illegal operator made from the ISTR.

This is super-fun, too: KWCC decided to cite AirBnB executive officers themselves. The most-used part of their code states that:  
*It shall be unlawful for any owner, tenant, broker, realtor, agent or other representative of the owners to hold out or advertise a residential dwelling for transient rental if the property is not permitted, as provided hereunder. A broker or realtor who is found in violation of this regulation shall be subject to business tax receipt revocation.*

(This citation was supposed to have resulted in a settlement. KWCC was waiting on the AirBnB CEO. Sorry I haven't had a chance to follow up on the results. Hopefully something has happened since the "Community Compact" has come out.)

There is a full-time position in KWCC for handling these. There is also someone working on this full-time in the tax collector's office. She goes after the back taxes! Her position is paid for by fees collected for "transient medallions." Legal transient rentals must have these medallions visible on their properties, with a number to call anytime. They cost \$125/year, and there are about 1040 out there.

Mr. Young was such an expert and so happy to help! He said he'd be happy to be in contact with us here in New Orleans.

I've attached the two ordinances that they use to regulate transient rentals, highlighting the sections he said were most used: 18-601 and 122-1371, D(9) and D(1). Here's a link to the Key West Code:

[https://www.municode.com/library/fl/key\\_west/codes/code\\_of\\_ordinances?nodeId=SPBLADERE\\_CH122ZO\\_ARTVSUDIRE\\_DIV7TRLIACREDW](https://www.municode.com/library/fl/key_west/codes/code_of_ordinances?nodeId=SPBLADERE_CH122ZO_ARTVSUDIRE_DIV7TRLIACREDW)

For reference, this is the article that inspired me to call him: <http://keywestnewspaper.com/node/67093>

And this is his contact info: Jim Young 305-809-3737 <http://www.cityofkeywest-fl.gov/egov/apps/staff/directory.egov?path=pro&usr=1700>

Finally, as a sixth-generation Irish Channel native (currently exiled to the Garden District), I'm a fierce defender of our historic neighborhoods. I worked in the hospitality industry for years, and I couldn't be a more ardent ambassador for our city. As a steward of New Orleans cultural heritage, though, I believe foremost in respecting our neighbors. **Please put our neighborhoods first.**

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This is my favorite summation of many issues facing our city: "*If you build it for the residents, the tourists will come. If you build it for the tourists, the residents will leave, and eventually, the tourists will stop coming.*" -- Roberta Gratz, award-winning journalist and urban critic

Thanks,  
Jenna Burke

ARTICLE XI. - TRANSIENT RENTALS

DIVISION 1. - GENERALLY

Secs. 18-590—18-600. - Reserved.

DIVISION 2. - RESIDENTIAL PROPERTY

Sec. 18-601. - License required.

- (a) The short-term rental of a residential property is a business activity that requires the property owner to hold a business tax receipt issued by the city. A state or county license without an accompanying city license is insufficient. Notwithstanding the existence of any other regulation of the city regulating the transient use of property, the short-term rental of a residential property without a business tax receipt violates the law.
- 
- (b) It shall be unlawful for a property owner to lease a residential property for a period of less than 30 days or one calendar month without having obtained a business tax receipt under this division.

(Ord. No. 02-07, § 1, 2-20-2002; Res. No. 06-292, § 1, 9-6-2006)

Sec. 18-602. - Rebuttable presumption of violation.

There shall be a rebuttable presumption that a property owner without a business tax receipt is in violation of this division upon the existence of any of the following:

- (1) A lease between a property owner and a tenant that by its terms demonstrates a rental of a residential property of less than 30 days or one calendar month;
- (2) An advertisement in any medium, such advertisement that holds out the residential property for rental for a period of less than 30 days or one calendar month; or
- (3) Testimony is presented by any person who is a neighbor or by a representative of a condominium or homeowners association board that a pattern of activity generally associated with unlicensed transient rental activity is occurring at the property.

A presumption of illegal activity, as set forth above, may be rebutted by direct testimony under oath by the alleged tenant of the alleged unlicensed rental; or, in the case of a citation based upon an advertisement where the property owner is not cited for a completed rental transaction, by direct testimony under oath by the property owner.

(Ord. No. 02-07, § 1, 2-20-2002; Res. No. 06-292, § 1, 9-6-2006)

Sec. 18-603. - Penalty for violation.

A violation of this division shall be punishable in accordance with section 1-15 of this Code of Ordinances. Each day an unlicensed residential unit is rented or advertised for rental constitutes a separate violation.

(Ord. No. 02-07, § 1, 2-20-2002)

Secs. 18-604—18-609. - Reserved.

DIVISION 7. - TRANSIENT LIVING ACCOMMODATIONS IN RESIDENTIAL DWELLINGS

FOOTNOTE(S):

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**Editor's note**—Ord. No. 02-06, § 2, adopted Feb. 20, 2002, pertained to transient living accommodations in residential dwellings—regulations, designated as § 2-7.21. In order to conform to the numbering system used in this Code, such provisions were redesignated herein as div. 7, § 122-1371 by the editor with the concurrence of the city. Sec. 4 of Ord. No. 02-06 provides that: "All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict."

Sec. 122-1371. - Transient living accommodations in residential dwellings; regulations.

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(a) **Intent.** These regulations apply only to the transient use of residential dwellings. In 1986, the city enacted former zoning code section 35.24(44) which provided the following definition of a transient living accommodation: "Commercially operated housing principally available to short-term visitors for less than twenty-eight (28) days." (This definition shall hereinafter be referred to as the "former transient definition.") Some property owners and developers interpreted the former transient definition to mean that an owner could rent his or her residential dwelling for less than half the year without the dwelling losing its residential status, and therefore without the need for a city-issued transient license (so long as state licensing requirements were met). This interpretation went unchallenged by the city. Three categories of transient use of residential dwellings resulted: (1) some owners obtained a transient license allowing unrestricted transient use; (2) some owners followed the former transient definition and, accordingly, rented their properties less than half the year; and (3) some owners put their residences to a transient use without city or state license and without regard to existing regulations. In addition, many residential dwelling owners never put their properties to a transient use and they no longer have the opportunity to do so under the city's current rate of growth ordinance.

The city commission finds that short-term or transient rentals affect the character and stability of a residential neighborhood. The home and its intrinsic influences are the foundation of good citizenship; although short-term tenants no doubt are good citizens generally, they do not ordinarily contribute to activities that strengthen a community.

Therefore, the city intends by these regulations to establish a uniform definition of transient living accommodations, and to halt the use of residences for transient purposes in order to preserve the residential character of neighborhoods. The city has provided only a brief phase-out period in recognition that in many instances investment expectations have already been met either through rental income or rising market value.

Finally, certain guest houses currently hold a number of the city's category 10C business tax receipt which denotes transient use of a residential property. The city intends to develop a uniform guest house business tax receipt category, and then to redesignate all 10C licenses held by guest houses accordingly.

(b) **Unlicensed residential transient use; prohibition.** Except as provided in section 122-1372, all unlicensed transient rental use of residential dwellings is prohibited.

(c) **Application.** The holder of a business tax receipt allowing residential transient use must annually provide or comply with the following information:

(1) The complete street address and RE number of the property.

(2) Proof of ownership, including the name, address and phone number of each person or entity with an ownership interest in the property.

- (3) An approved inspection report of the fire marshal verifying compliance with the fire marshal's criteria for a residential dwelling transient lodging use.
  - (4) The gross square footage of the property, including the number of rooms, bedrooms, kitchens and on-site parking spaces attributable to transient lodging use.
  - (5) A valid and current federal employer tax identification number (or Social Security number) for the owner(s) of the property.
  - (6) A valid and current Florida Department of Revenue sales tax identification number under Chapter 212, Florida Statutes, and a valid and current license under Chapter 509, Florida Statutes.
  - (7) The name, address and 24-hour phone number of the person who will be operating the property's transient accommodations.
  - (8) The application shall bear the signatures of all owners, authorized agents and authorized property managers.
- (d) General regulations. The following regulations shall pertain to transient lodging use of or within a residential dwelling.

- 
- (1) Except as provided herein, each residential property where transient lodging use is in effect shall prominently display on the outside of the property a medallion alerting the public of the transient use. The medallion and instructions for its posting shall be issued by the licensing division.
  - (2) A contact person must be available 24-hours per day, seven days per week for the purpose of responding promptly to complaints regarding the conduct of the occupants of the residential dwelling transient lodging. The name and phone number of the contact person must be posted on exterior of the dwelling in a place accessible to the public.
  - (3) As a condition of application approval, the fire marshal shall conduct an inspection of each dwelling unit and issue to the applicant written approval based on applicable life safety criteria.
  - (4) Occupancy of individual units shall conform to the occupancy limits of the Florida Building Code. Units shall comply with the Americans with Disabilities Act, as applicable.
  - (5) The owner or manager shall maintain a tenant and vehicle registration which shall include the name and address of each unit's tenant, and the make, year and tag number of the tenant's vehicle.
  - (6) Parking. The owner shall provide one off-street parking space per residential dwelling transient lodging unit, except where the unit is in the city's historic district; provided, however, that the owner or manager must instruct all tenants of the historic district's residential parking program and if the vehicle is not eligible to park on the street, then the owner or manager shall ensure that the tenant is directed to a lawful and appropriate parking space.
  - (7) There shall be a written lease between a residential dwelling owner and a tenant, and it shall contain the tenant's agreement to the regulations contained in this section.
  - (8) It shall be a violation of these regulations to enter into a long-term lease with a mutual intent to subvert the regulatory goals of this section. It shall also be a violation of these regulations for a property owner to lease space to "roommates" for a period of less than 30 days or one calendar month when not licensed as provided hereunder. For the purposes of enforcement, a rebuttable presumption shall exist that roommates use a common entrance to a dwelling.
  - (9) It shall be unlawful for any owner, tenant, broker, realtor, agent or other representative of the owners to hold out or advertise a residential dwelling for transient rental if the property is not permitted, as provided hereunder. A broker or realtor who is found in violation of this regulation shall be subject to business tax receipt revocation.

(10) Nothing in this section is intended to exclude the application of any ordinance of the City of Key West.

(e) Fees; application schedule.

- (1) A person or entity who holds a transient rental business tax receipt shall pay the customary annual business tax receipt fee, plus an annual inspection and enforcement fee of \$125.00 upon the filing of the application set forth in subsection (c).
- (2) Fee revenues raised under this section shall be used to fund a position in the code enforcement division, and to provide enforcement and processing personnel as needed. The officer holding this position shall have as his or her primary responsibility the enforcement of the terms and conditions of this ordinance, and other city regulations relating to the transient use of properties.
- (3) For a period of 90 days after the effective date of this section [September 22, 2003], the licensing division will receive initial applications pursuant to subsection (c), and related fees. There shall be a \$25.00 per dwelling unit late fee payable to the city upon application filing. In all subsequent years after the initial application, annual processing fees shall be paid at the same time as the business tax receipt. The city manager may determine to pro-rate the initial processing fee.

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**Editor's note**— The city has advised that the effective date of Ord. No. 02-06 actually occurred upon final DCA approval, which was September 22, 2003.

- (f) Enforcement; penalties. A violation of this section shall be punishable as a misdemeanor and by a fine of up to \$500.00 per day, per unit, per violation. The code enforcement division may also enforce the terms of this section by bringing a case to the code enforcement special master pursuant to its authority under law and ordinance. In addition, any license or permission granted hereunder may be revoked for cause, upon notice and opportunity to be heard, by the city commission. In addition to any other remedy available to the city, the city or any adversely affected party may enforce the terms of this section in law or equity. Any citizen of Key West may seek injunctive relief in a court of competent jurisdiction to prevent a violation of this section. The city, by and through its code enforcement division, may apply for an administrative search warrant to enter upon the premises of any residence subject to this section.

(Ord. No. 02-06, § 2, 2-20-2002; Ord. No. 05-11, § 1, 5-17-2005; Res. No. 06-292, § 1, 9-6-2006)

Sec. 122-1372. - Transient living accommodations in residential dwellings—Truman Annex.

- (a) Findings. In *Rollison v. City of Key West*, the Third District Court of Appeal ruled that a unit owner in the Truman Annex established a legal nonconforming use of Shipyards unit 271 as a transient rental, subject to the "50% Rule," because the property was put to a transient use before the city changed the law in 1998. In particular, the city of Key West enacted Ordinance No. 97-20, which was approved by the Florida Department of Community Affairs and became effective on December 26, 1997 (Because the Court identified 1998 in its Opinion, subsection (b) hereof sets a January 1, 1998 date for application eligibility).

Ordinance No. 97-20 established the current definition of "Transient Living Accommodation" and thereby terminated the ability of Truman Annex property owners to rely on the "50% Rule." This rule, a creation of the developers and marketers of the Truman Annex in the early 1990's, provided that a property owner in the Truman Annex could rent his or her unit for fewer than 26 weeks per year, maintaining its residential status and obviating the need for a city-issued transient rental license. The creators of the "50% Rule" based it on their reading of the definition of "transient housing" set forth in section 35.07(14)(b) of the former Key West zoning code, which applied to the Truman Annex development (the "planned redevelopment district").

The city commission finds that it is fair and reasonable to extend the Rollison ruling to other property owners in the Truman Annex. Accordingly, it hereby establishes an application process to determine similarly situated properties.

- (b) Application. All owners of eligible residential units in the HPRD zoning district may apply to the city of Key West for a "Truman Annex residential transient rental permit." An application for eligibility of a unit hereunder shall be filed with the city of Key West only one time. The following regulations pertain to this application.
- i. An eligible residential unit is one whose owner used it as a transient rental between the date of its original sale and January 1, 1998 (hereinafter the "Eligibility Period").
  - ii. The current property owner shall file an application with the Key West city attorney's office. The application must include the following information; name of owner; address; owner's telephone number; date of purchase; purchase price; copy or copies of Monroe County transient rental business tax receipt(s) during the Eligibility Period; copy or copies of State of Florida Department of Business and Professional Regulation, Division of Hotel and Restaurant ("DBPR") lodging license(s) during the Eligibility Period; State of Florida sales tax records during the Eligibility Period; and a sworn affidavit of the current market short-term rental rate(s) for the unit. If a property owner intends to provide a blanket DBPR transient license roster for a real estate broker that includes the owner's address, then the owner shall supplement it with an agreement between the property owner (at the time) and the real estate broker for the year(s) of the blanket DBPR lodging license.
  - iii. All applications shall be bound and paginated, and contain a table of contents.
  - iv. The deadline for receipt by the city of a completed application is ninety (90) days from the effective date of this ordinance.
  - v. Shipyards unit 271 was established as legally nonconforming by a court of law on April 14, 2004. On April 20, 2005, the city of Key West confirmed that the owner was entitled to rent the unit on a transient basis within the scope of the "50% Rule."
  - vi. If an application is denied for any reason by the city, the property owner may appeal to the code enforcement special magistrate. The appeal must be filed with the code enforcement clerk within ten (10) days of receipt of the denial. The special magistrate shall conduct a public hearing, give notice and opportunity to be heard, receive evidence, and issue written findings and an order.
- (c) Once a unit is determined to be legally nonconforming under the procedures set forth in this section 122-1372, the property owner shall be entitled to rent the unit on a transient basis cumulatively for less than a total of twenty-six (26) weeks per year. The city of Key West cedes to each Truman Annex homeowners' association management responsibility of the 26-week cap; provided, however, that the city of Key West shall retain enforcement responsibility.
- (d) The property owner of each unit determined to be legally nonconforming hereunder shall be subject to the general regulations set forth in section 122-1371(d)(1)—(7) and the fee schedule set forth in section 122-1371(e)(1). The medallion required in section 122-1371(d)(1) must be removed on any day that the unit is not within its lawful rental period.
- (e) The cost of a "Truman Annex residential transient rental permit" shall be the equivalent of that of a business tax receipt per section 66-109(10)c., as amended.

(Ord. No. 05-11, § 2, 5-17-2005; Res. No. 06-292, § 1, 9-6-2006)

Secs. 122-1373—122-1405. - Reserved.

# Preserving Housing Through The Regulation of Short-term Rentals:

*Durango, Colo.*



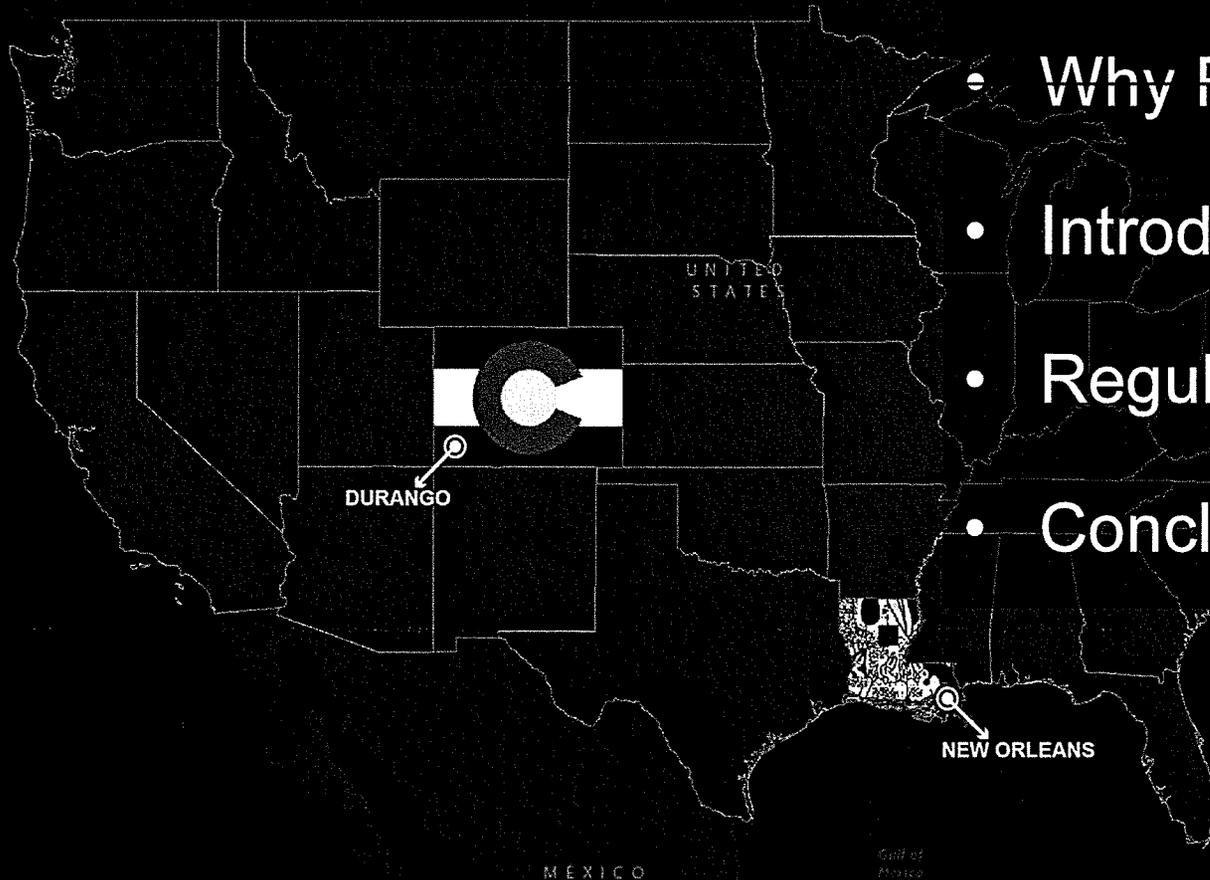
A HOUSE IS A HOME

short-term rental regulation and community preservation

*Urban Conservancy, New Orleans, LA*

Phillip Supino, Planner, City of Durango

# DISCUSSION OUTLINE

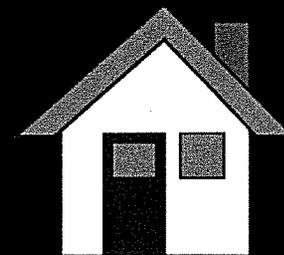
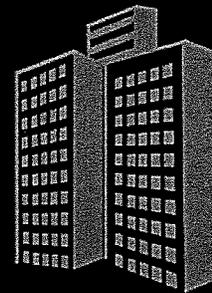
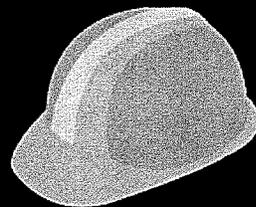
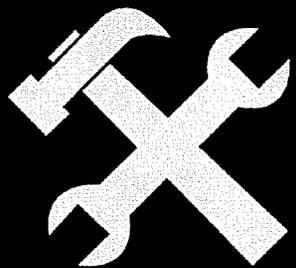
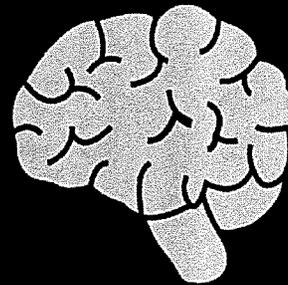
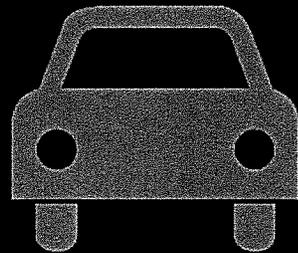
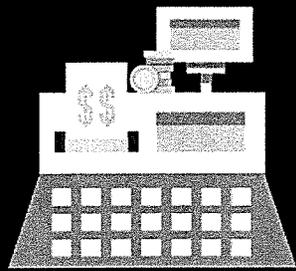


- Short-term Rental Market Overview
- Why Regulate STRs?
- Introduction to Durango
- Regulatory Strategies
- Conclusion

Esri, HERE, DeLorme, Mapbox, Intel, © OpenStreetMap contributors, and the GIS

# THE “SHARING ECONOMY”

## Major Markets in the Sharing Economy

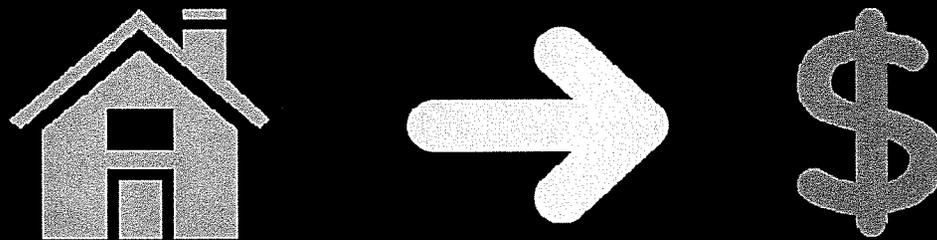


# HOUSING & THE “SHARING ECONOMY”

Second homes are occupied 24.6% (12.8 weeks) of the year

2005 Northwest Colorado Council of Governments Study

Therefore, 76.4% of the home is an under-utilized resource

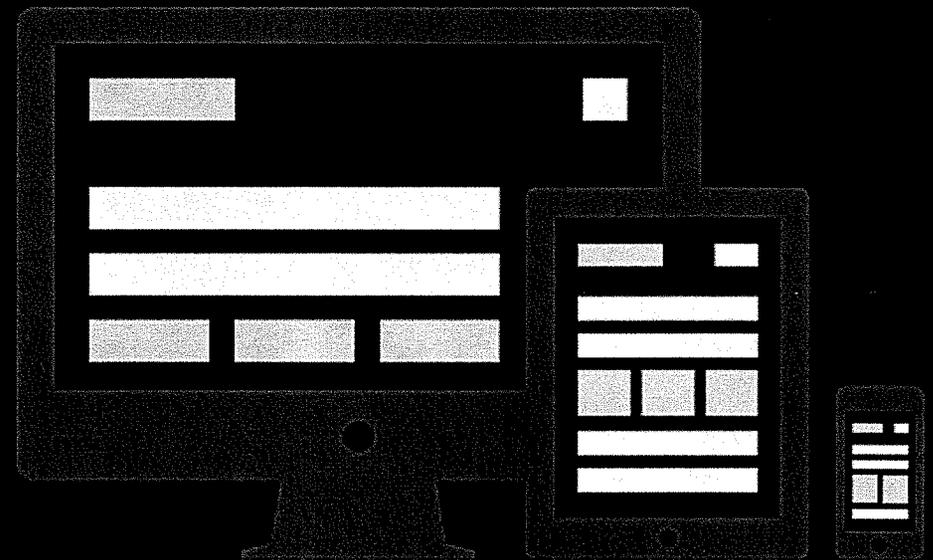


# BRIEF HISTORY – PRIVATE VACATION RENTALS

## OLD SCHOOL



## NEW SCHOOL



INTRODUCTION

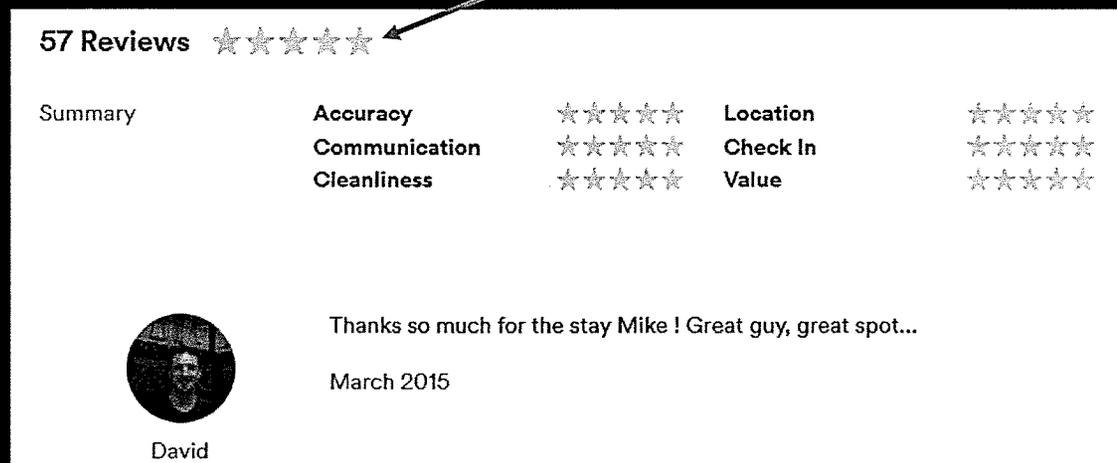
# GROWTH OF AN INDUSTRY

- \$23 billion in vacation rentals (2012)
  - 7% of U.S. travel market (2012)
- 108 million U.S. 'rented nights' (2012)
- \$211 average daily rate (2012)
- 24% of VR reservations booked online
- 1 in 4 RBO properties are owner occupied

2013 Phocuswright U.S. Vacation Rentals Study

# WHY REGULATE VACATION RENTALS?

- RBO Companies argue *no regulation is needed*
  - Market should dictate the industry
  - Government is slow and reactionary
  - “Community” model provides quality and impact control



57 Reviews ★★★★★

Summary	Accuracy	★★★★★	Location	★★★★★
	Communication	★★★★★	Check In	★★★★★
	Cleanliness	★★★★★	Value	★★★★★

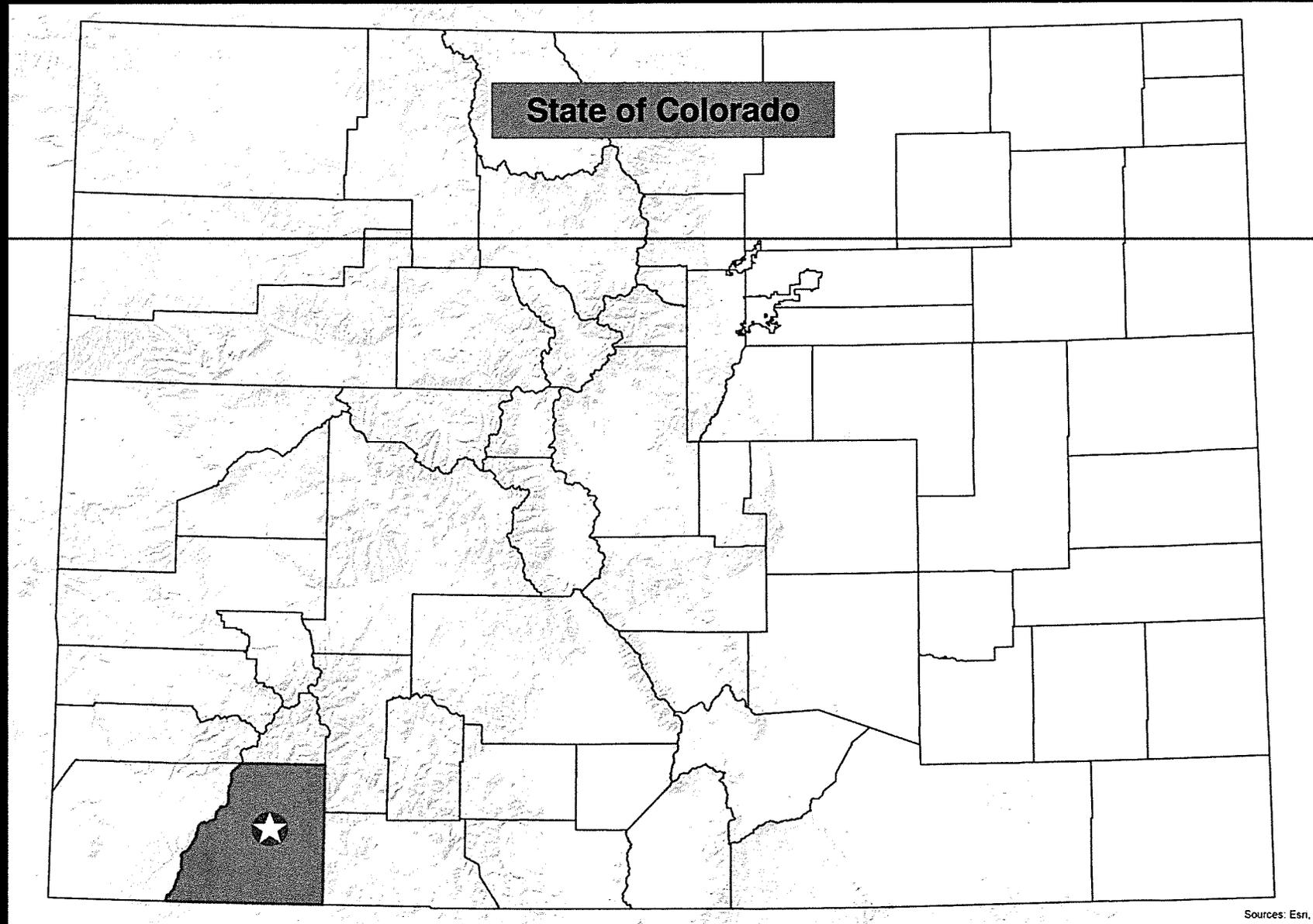
 Thanks so much for the stay Mike ! Great guy, great spot...  
March 2015

David

# WHY REGULATE VACATION RENTALS?

- Preserve residential character
- Collect sales and lodging tax
- Create a “level playing field” between RBOs and property management companies
- Ensure adequate lodging options for tourists
- Ensure adequate housing options for residents
- Ensure vacation rentals meet existing health and life safety regulations

# DURANGO, COLORADO



Sources: Esri.

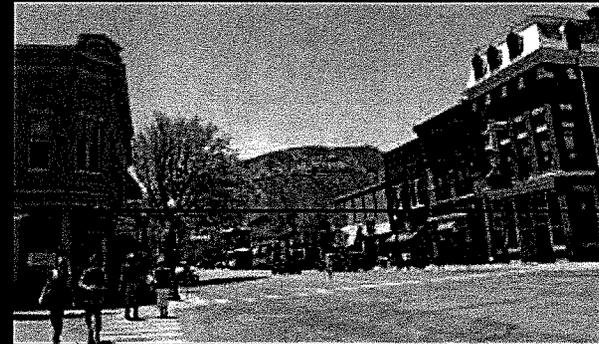
A HOUSE IS A HOME

short-term rental regulation and community preservation

# DESTINATION COMMUNITY



Durango-Silverton Narrow Gauge Railroad



Downtown Historic District

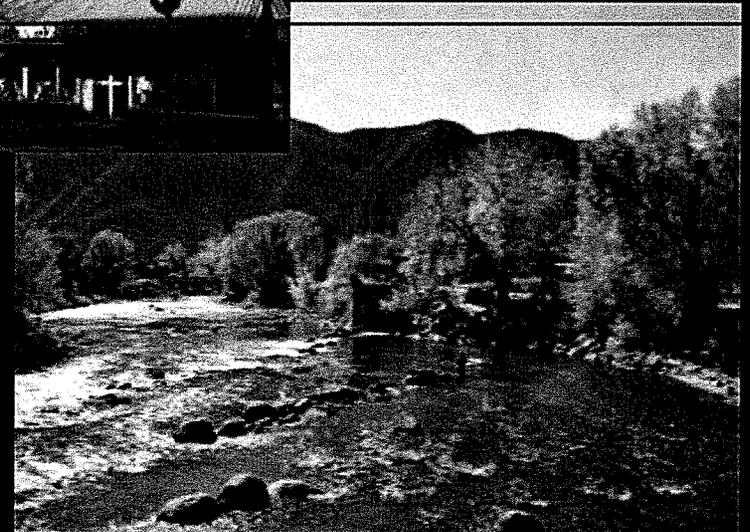
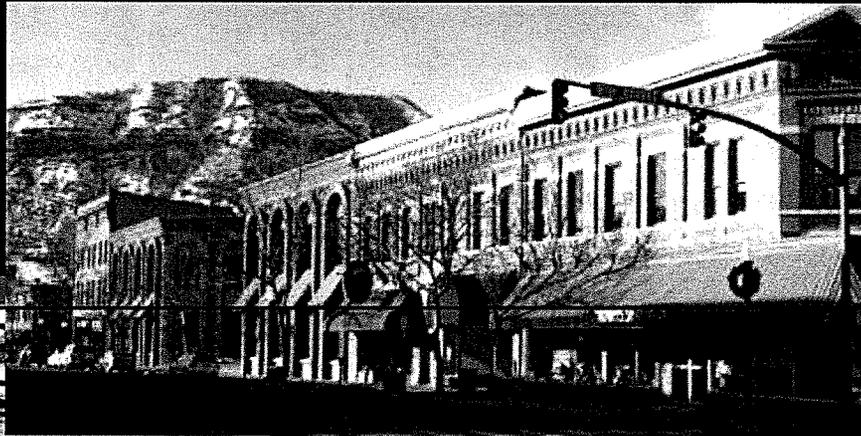


Southwestern History



Recreation

# DEMOGRAPHICS



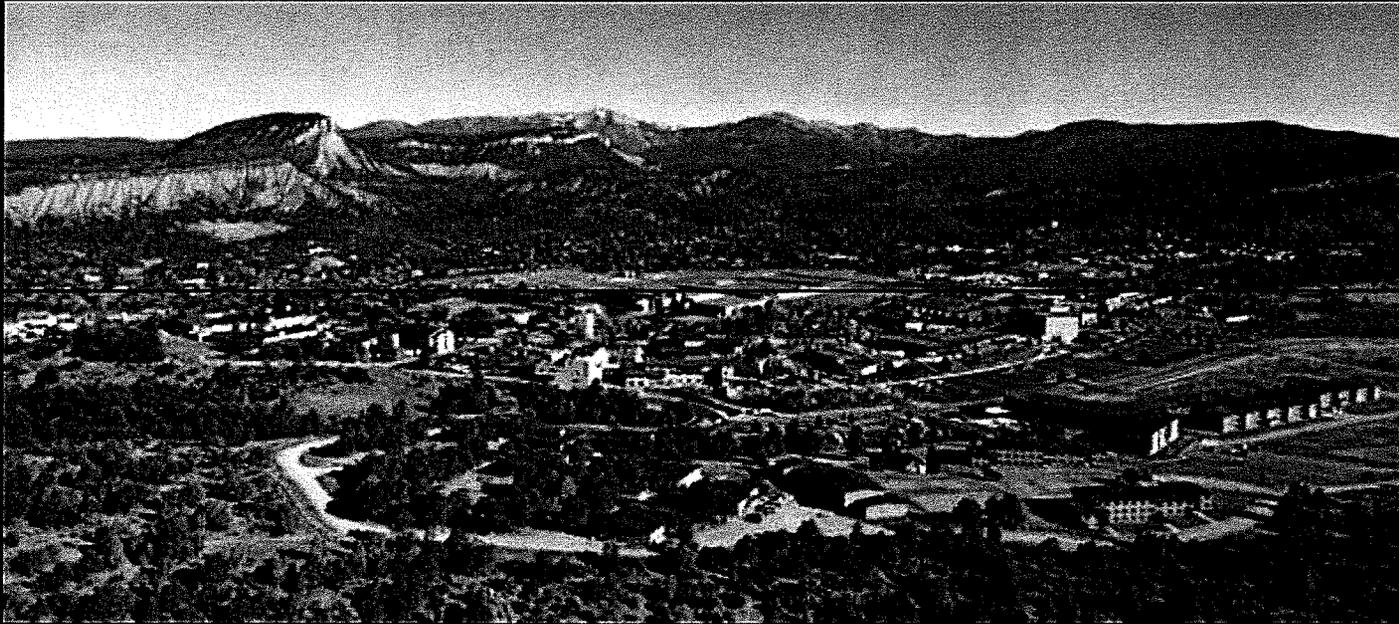
Population:  
15,557

Median income:  
\$53,173

Projected growth:  
3.7%

*DURANGO, COLORADO*

# FORT LEWIS COLLEGE



Four year state college

The "Skyhawks"

Located on College  
Mesa in 1950

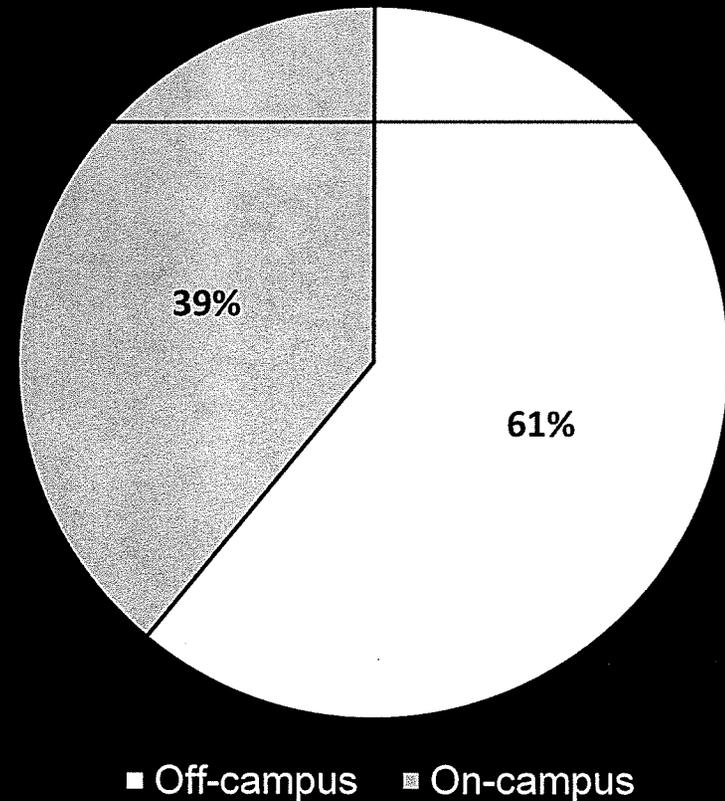


*DURANGO, COLORADO*

# FORT LEWIS COLLEGE

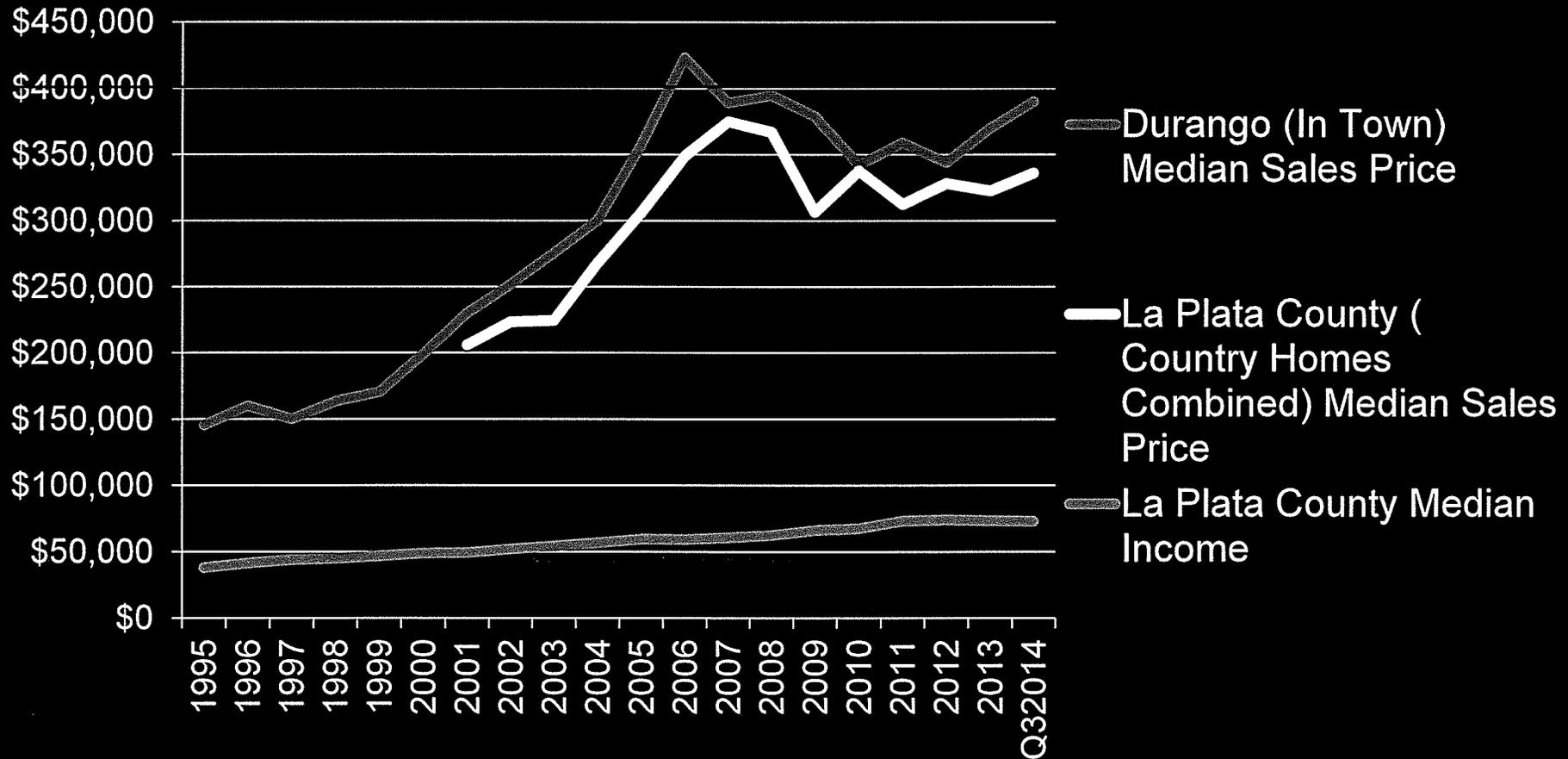
- 3,865 full-time students
- 2,317 (61%) off-campus residents
- 24.5% of Durango residents are FLC students
- 15% of Durango renters are FLC students

FLC Student Housing



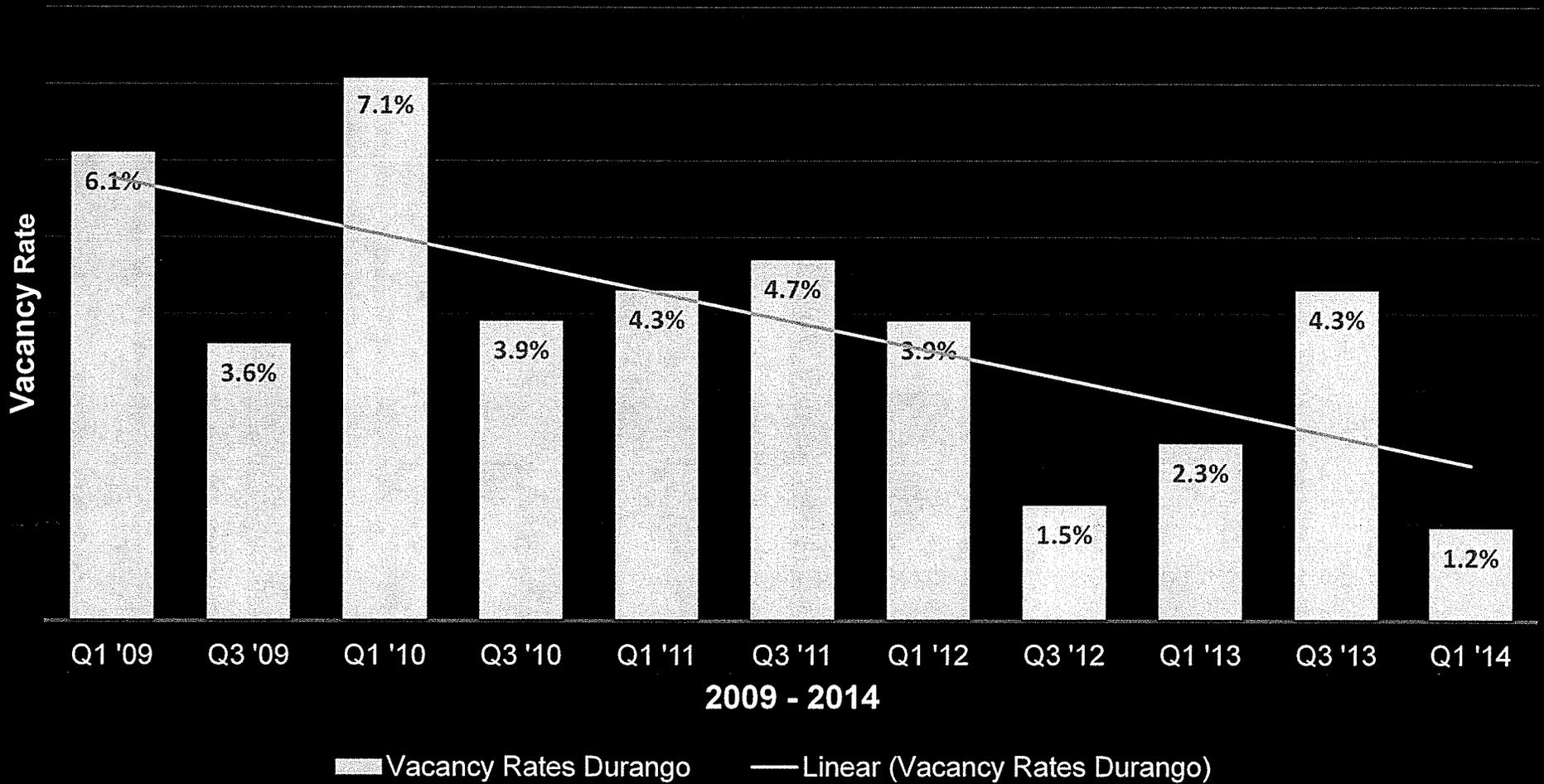
# HOUSING PROFILE

## Median Income and Median Residential Sales Price, 1995-2014

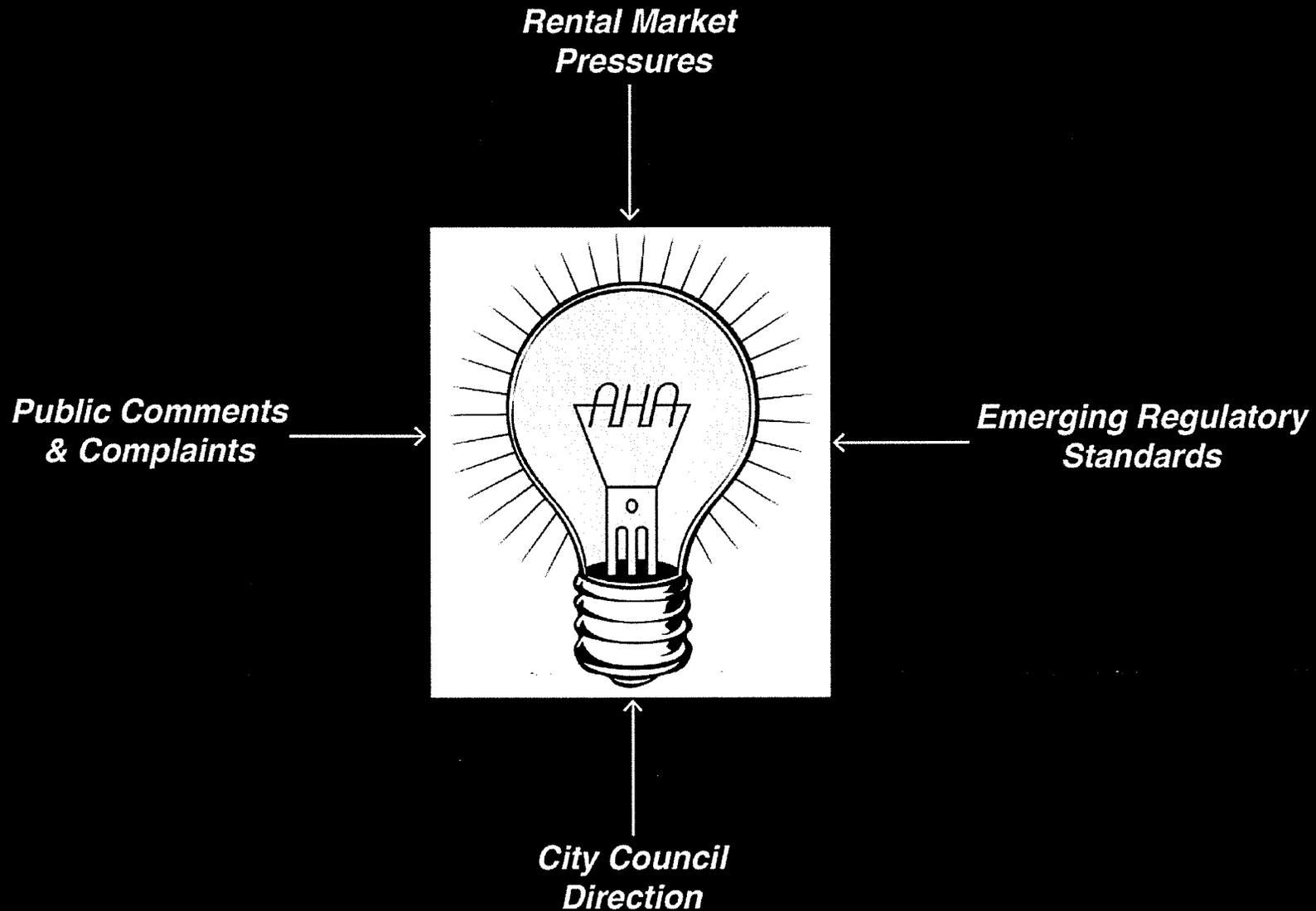


# HOUSING PROFILE

## Rental Vacancy Rate in Durango 2009-2014

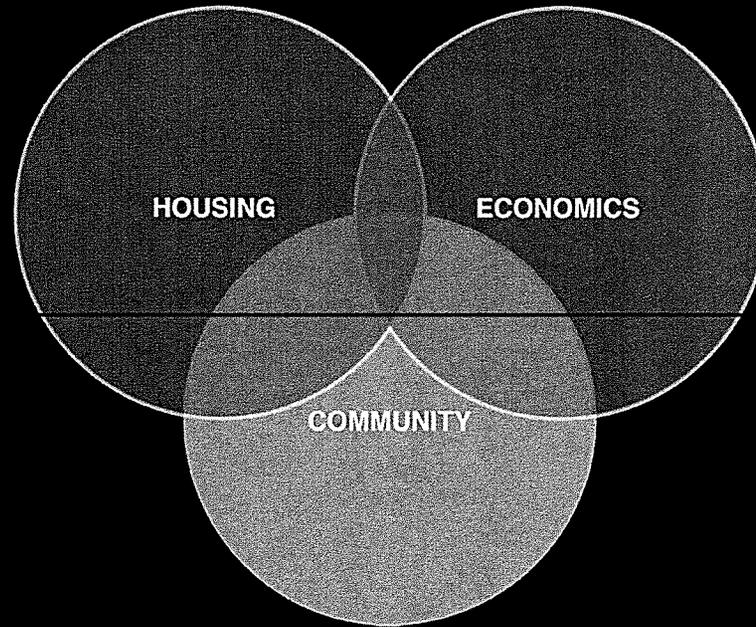


# THE CITY OF DURANGO – REGULATING VR USES



DURANGO, COLORADO

# THE CITY OF DURANGO – REGULATING VR USES



*Issue recognition*

*Public process*

*Implementation*

2012

2013

2014

2015

*Research*

*Political process*

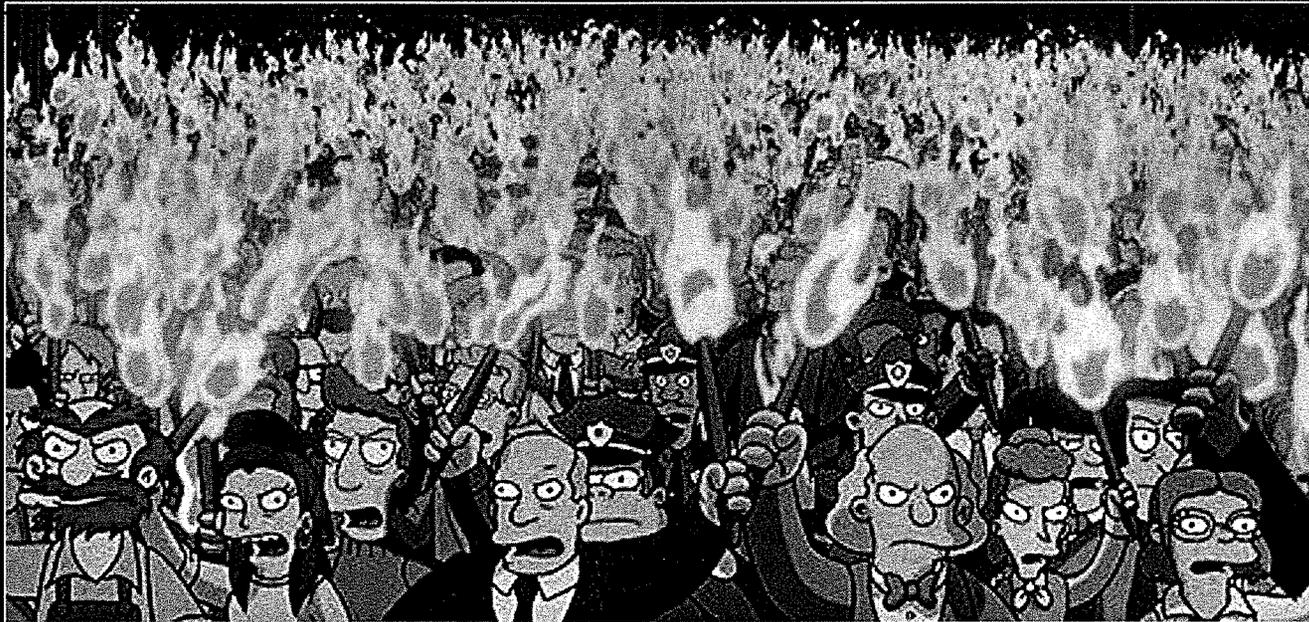
*Regulation development*

*Monitoring & enforcement*

DURANGO, COLORADO

# REGULATION OF VACATION RENTALS

## Congenial Community Meetings



*DURANGO, COLORADO*

# COMMUNITY CONCERNS



## Housing Impacts

*loss of long-term rentals  
reduced owner occupancy  
increased housing cost  
speculative investments*

## Neighborhood Impacts

*parking  
noise  
wildlife protection  
dark blocks*

## Lodging Impacts

*loss of revenue  
lack of regulation  
safety & taxation*

*DURANGO, COLORADO*

# THE CITY OF DURANGO – REGULATING VR USES

## Rationale

*Neighborhood preservation*

*Quality of life*

*Housing preservation*

## Regulatory Tools

*Zoning*

*Licensing*

## Strategies

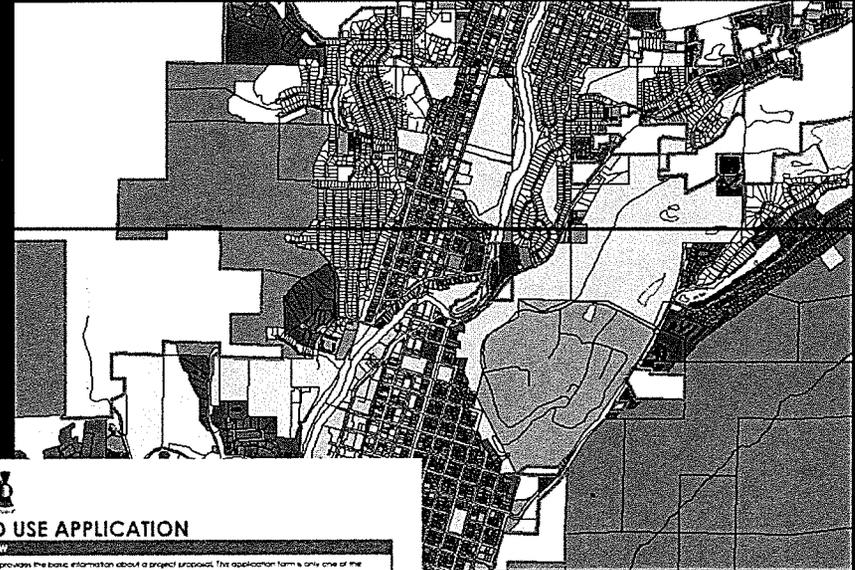
*Spacing requirements*

*Neighborhood caps*

*Permitting review process*

*Code enforcement inspections*

*Monitoring*



**DURANGO**  
COLORADO

### LAND USE APPLICATION

**OVERVIEW**  
This form provides the basic information about a project proposal. The application form is only one of the items required for a complete project submittal. It is the responsibility of the applicant to ensure that all other required materials are submitted. It is also the responsibility of the applicant to clearly demonstrate through narrative, visual representations, and other materials that the proposed activity complies with the City of Durango's Land Use and Development Code. Incomplete or substandard applications may cause delays. All applicants shall include digital files as well as the hard copy unless otherwise determined by staff.

**PROJECT TYPE** (Select one or more):

<input type="checkbox"/> Temporary Use Permit (TUP)	<input type="checkbox"/> Subdivision, Major (5 or more lots)
<input type="checkbox"/> Class A TUP	<input type="checkbox"/> Conceptual
<input type="checkbox"/> Class B or C TUP	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Special Use Permit (SUP)	<input type="checkbox"/> Final
<input type="checkbox"/> Limited Use Permit (LUP)	<input type="checkbox"/> Folders Book Approval
<input type="checkbox"/> Vacation Rental (VR)	<input type="checkbox"/> PD/Development Agreement Amendment
<input type="checkbox"/> ADU Review (AR)	<input type="checkbox"/> Major
<input type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Minor
<input type="checkbox"/> Requesting	<input type="checkbox"/> EIR Alternative Compliance (EIRAC)
<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Design Review
<input type="checkbox"/> Minor (4-10,000 SF)	<input type="checkbox"/> Certificate of Non-Conformity
<input type="checkbox"/> Major (10,000 SF or more)	<input type="checkbox"/> Zoning Verification
<input type="checkbox"/> Annexation & Initial Zoning	<input type="checkbox"/> EDCO Land Amendment
<input type="checkbox"/> Planned Development (PD)	<input type="checkbox"/> Comprehensive Plan Amendment
<input type="checkbox"/> Conceptual	<input type="checkbox"/> Abandonment/Vacation Request
<input type="checkbox"/> Preliminary	<input type="checkbox"/> Variance
<input type="checkbox"/> Final	<input type="checkbox"/> Appeal of Decision
<input type="checkbox"/> Subdivision, Minor (5 or fewer lots)	<input type="checkbox"/> ADU Owner-Occupancy Certification
<input type="checkbox"/> Preliminary	<input type="checkbox"/> O&G Gas Permit, Major or Minor
<input type="checkbox"/> Final	<input type="checkbox"/> Other: _____

**PROJECT DESCRIPTION**

PROJECT NAME: \_\_\_\_\_

PROJECT LOCATION: \_\_\_\_\_

PROJECT SUMMARY (Additional details must be included in a full application package):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Updated June 2014 Page 1 of 2

# THE CITY OF DURANGO – VR REGULATIONS

## **Zoning & Density**

*- Allowed in limited zones*

## **Spacing Requirement**

*- One per block*

## **Occupancy Limit**

*- Based on bedrooms*

## **Appearance**

*- No signage, well kept*

## **Parking**

*- Off-street only*

## **Management**

*- Listed with City*

## **Life, Safety & Wildlife**

*- All relevant codes, regs. apply*

## **Permitting & Monitoring**

*- Revocable, complaint-based*

# STREET SEGMENT CAP

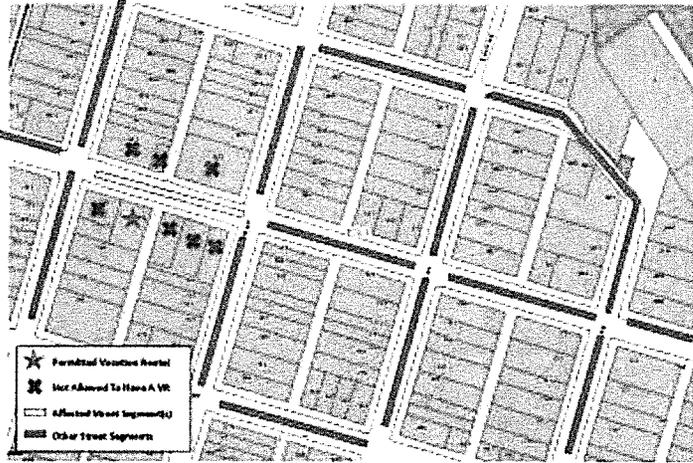
Street Segment Map: West Town Tridge



Street Segment Map: West Town



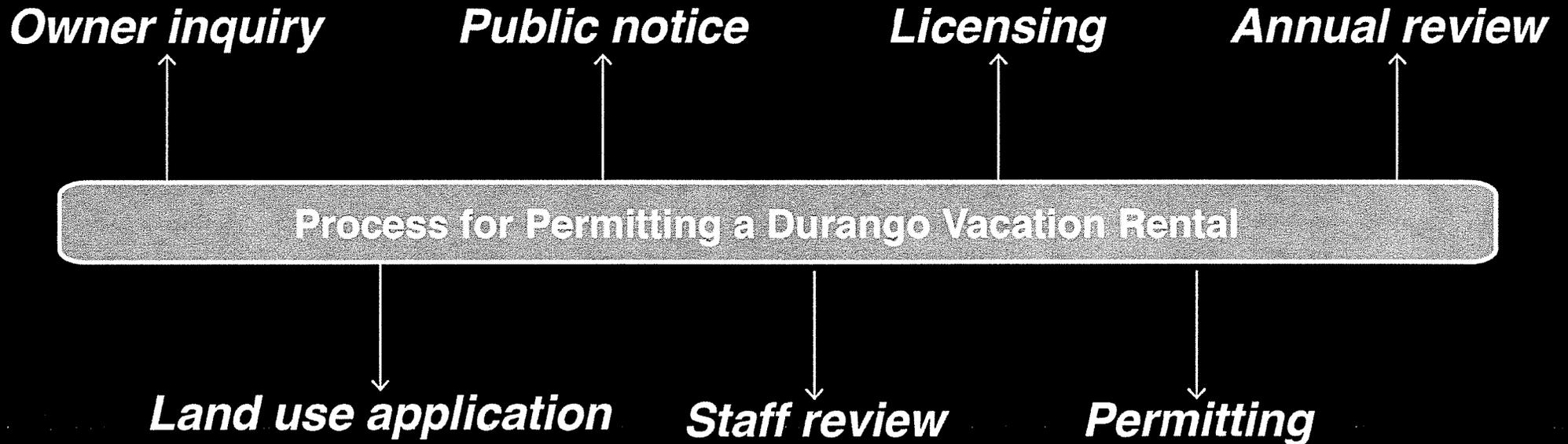
Street Segment Map: West Street Frontage



Street Segment Map: VR on an Aerial and a Street Frontage



# PERMITTING



# REVIEW & PERMITTING

**LAND USE APPLICATION**  
*\$750 application fee*

**SITE PLAN**  
*parking, bedrooms, egress*

**PUBLIC NOTICE**  
*neighbor comments, site visit*

**CODE INSPECTION**  
*noise, wildlife, life/safety*

**LIMITED USE PERMIT**  
*revocable, non-transferable*

DURANGO, COLORADO

# LICENSING

## **BUSINESS LICENSE**

*\$130 in fees*

*3% sales tax*

*submit application to Clerk's*

*property inspected*

*renewed annually*

## **LODGERS TAX LICENSE**

*\$25 fee*

*2% tax rate*

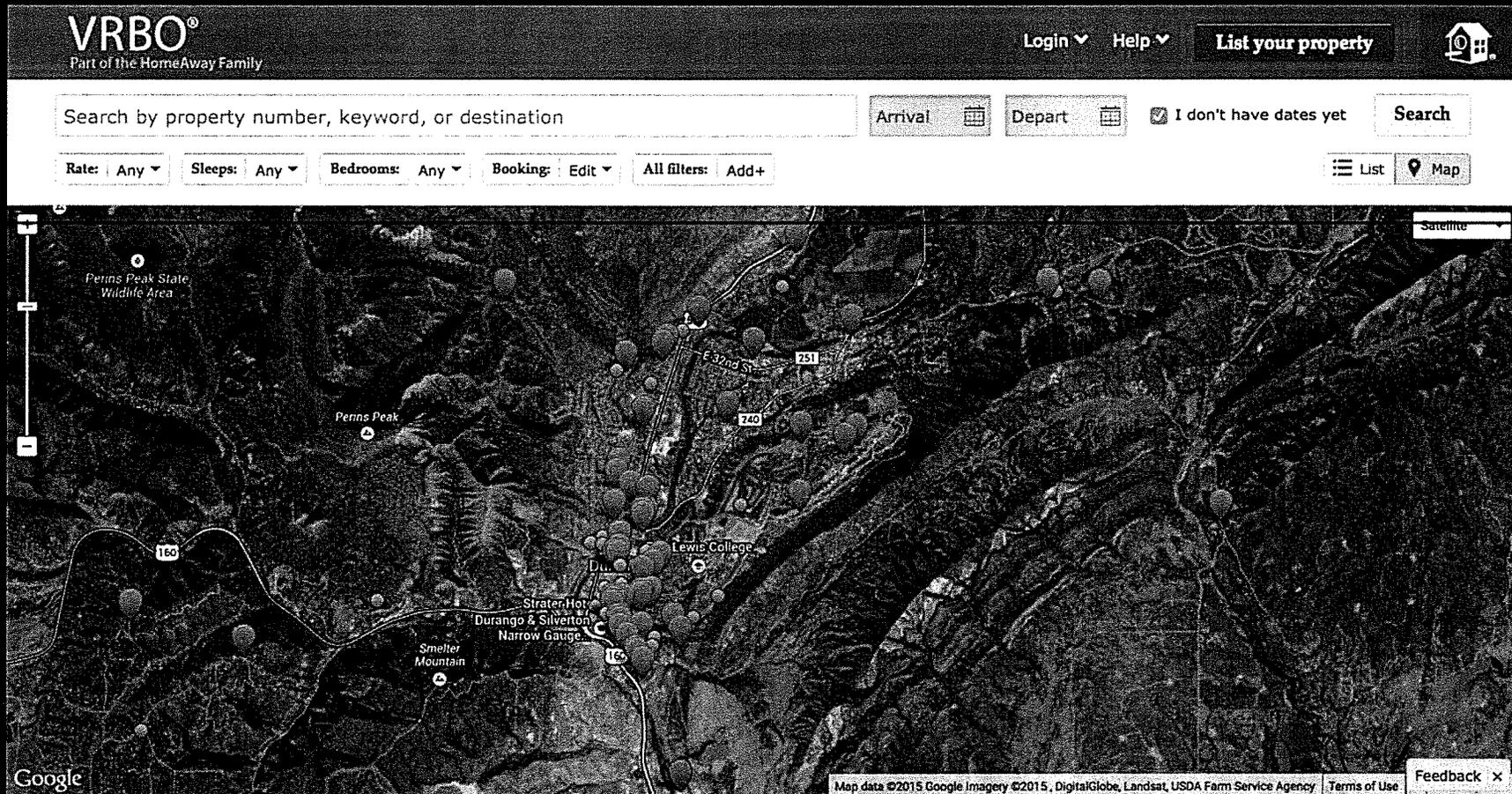
*submit application to Clerk's*

*renewed annually*

**CLERK'S APPROVAL**

**BUSINESS LICENSE ISSUED**

# A LIMITED MARKET

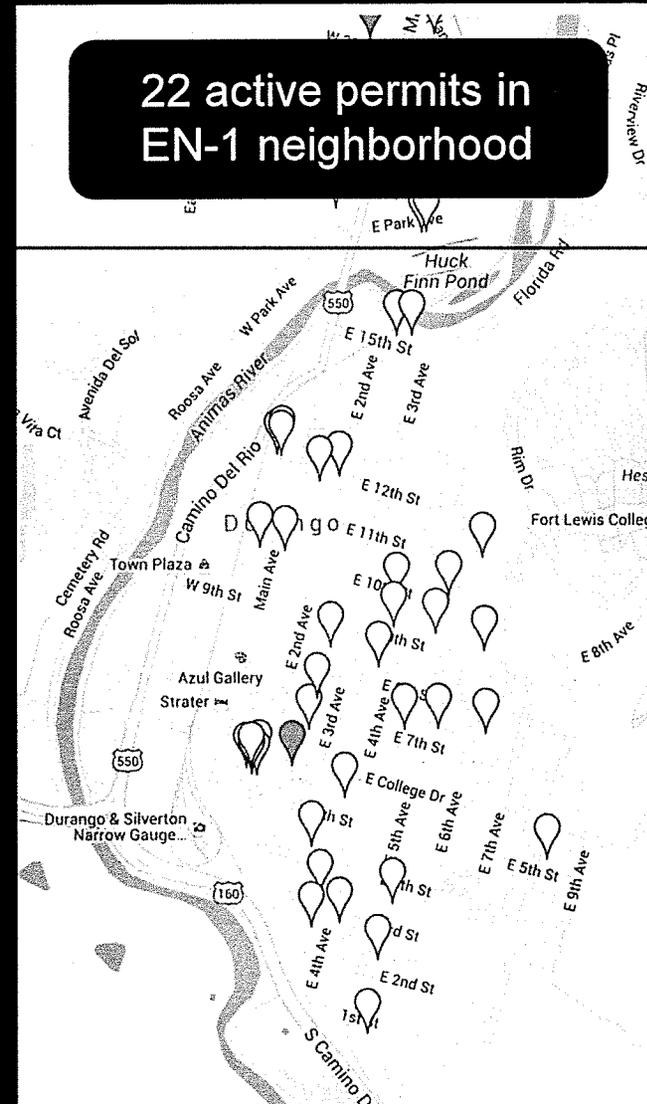
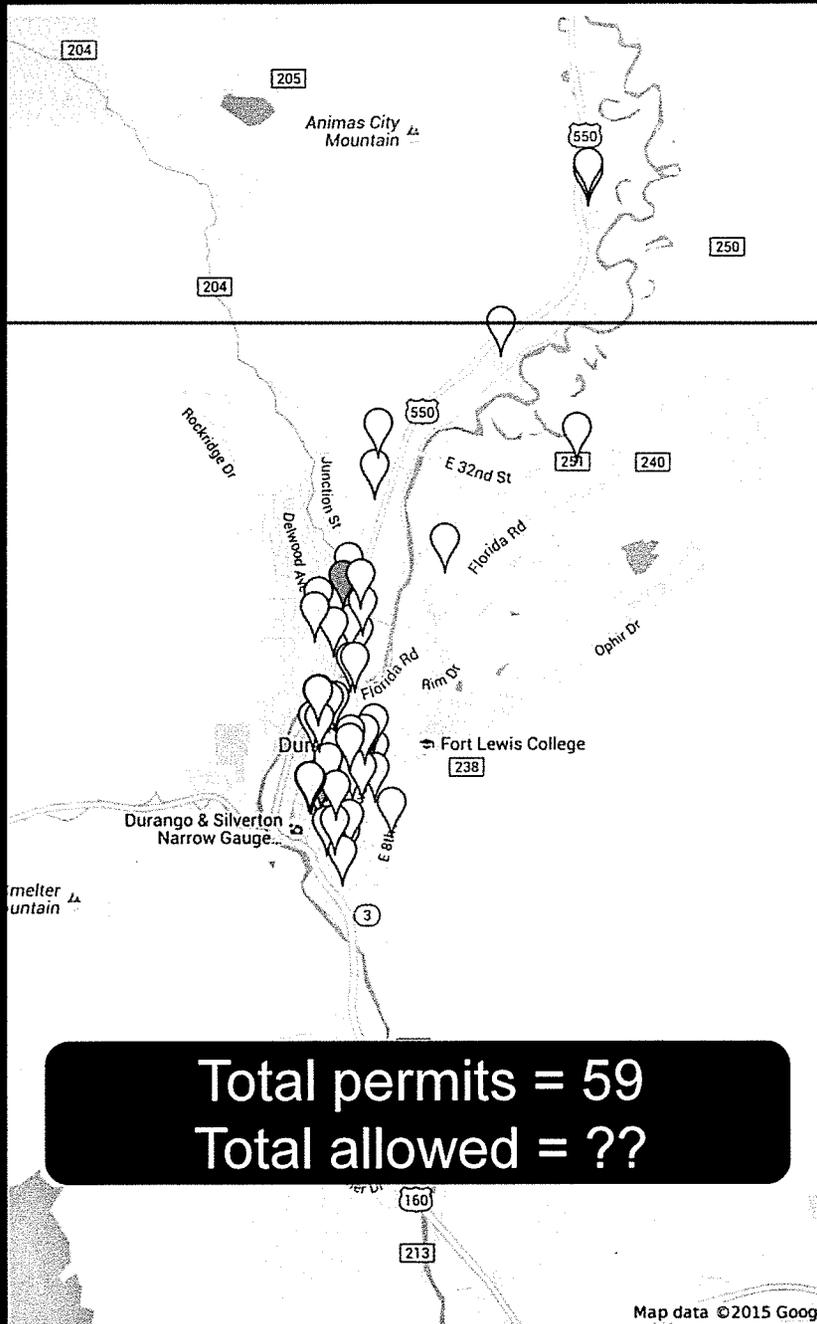


- Not allowed in all zones
- Ongoing website monitoring
- Prevent market saturation

- Reduce traditional lodging conflict
- Ensure compatible land uses in EN neighborhoods

DURANGO, COLORADO

# PERMITTED VACATION RENTALS



DURANGO, COLORADO

# MONITORING AND ENFORCEMENT

## **Neighborhoods**

*resident comments*

*public notices*

*code enforcement officers*



## **Licensing & Permitting**

*renewed annually*

*revocable*

## **Revenue & Enforcement**

*code compliance*

*increased taxes*

*website & advertising*

*public outreach*



DURANGO, COLORADO

# NATIONAL REGULATION TRENDS

- Public Process
- Require licensing
- Collect lodging taxes
- Pursue delinquent lodging tax remittance
- Some specific zoning regulations on RBOs
- Enforce zoning restrictions
- Monitor size of RBO market through internet searches



CONCLUSION

# REGIONAL REGULATION TRENDS

Low Regulation	High Regulation	Not allowed
Aspen	Durango	Jackson Hole
Vail	Steamboat Springs	
Breckenridge	Telluride	
Snowmass Village	Park City	
	Mammoth Lakes	

“Low Regulation” communities generally require:

- A business license
- Sales/lodging tax remittance
- Comply with life safety and trash regulations

“High Regulation” communities generally:

- Limit the location and timeframes for rentals
- Require special signage and/or neighbor notification
- Have special parking requirements

# STATE LEGISLATION



A HOUSE IS A HOME  
short-term rental regulation and community preservation

CONCLUSION

# REGULATORY OPTIONS

- Many options, but no uniform solution.
- Regulate Vacation Rentals based on your unique social and economic needs.
- Ask: what are the community goals and what issues you are addressing?



CONCLUSION

City of Durango, 2013 Vacation Rental Survey

CAST, 2010 Vacation Rental Survey

“Cities, the Sharing Economy, and What’s Next,” National League of Cities,  
March 10, 2015

Northwest Colorado Council of Governments: “The Economic and Social Impacts  
of Second Homes in Four Mountain Resort Communities in Colorado. 4/7/05

“U.S. Vacation Rentals 2009 – 2014: A Market Reinvented,” PhoCusWright  
Reports

“Results of Grey Market Vacation Rentals Policy Analysis,” DestiMetrics Report  
prepared for Town of Vail, 11/2014

U.S. Census, 2012, Community Survey Data

SOURCES

## Nicholas J. Kindel

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:10 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short-term rentals

---

**From:** Linda Santi [<mailto:lindasanti@hotmail.com>]  
**Sent:** Monday, November 30, 2015 4:51 PM  
**To:** CPCinfo  
**Subject:** Short-term rentals

I am willing to rent the renter side of my double to short-term residents and I hope that it remains possible to do so. My double is furnished. I am consequently very picky about who stays there. I have often received calls from not-for-profits and other community members because people are aware I have space. Sometimes someone will be moving to town and they don't know where they want to sign a 1-year lease until they get to know the town better. So I provide a place for people to stay until they know where they want to go. I did this before the levees broke and I'd like to feel as if I can still do this.

My neighbors know that I'm respectful and any potential tenants are respectful.

I don't think the issue of a short-term lease is as important as the respect of the tenant(s), including noise, traffic, lights, parking, and garbage. I'd encourage the City to address the actual issues, not the presumed cause of the issues.

Thank you,  
Linda Santi  
1750 Tennessee St.  
New Orleans, LA 71007

## Nicholas J. Kindel

---

**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:10 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Fine Illegal Short-Term Rentals

**From:** quackmaster [mailto:quackmaster@protonmail.com]  
**Sent:** Monday, November 30, 2015 4:51 PM  
**To:** CPCinfo; Mayor Mitchell J. Landrieu; Susan G. Guidry; Jason R. Williams; Jared C. Brossett; DistrictC; LaToya Cantrell; James A. Gray  
**Subject:** Fine Illegal Short-Term Rentals

Honorable Members of City Council

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I moved to New Orleans not for its low wages, inequality, rampant crime, crumbling roads, or unsanitary unreliable water supply, but rather its culture. Short Term Rentals directly threaten the livelihood of our most vulnerable by limiting our supply of rental housing. We must do more to protect black New Orleanians who, as Councilwoman Cantrell states, are being screwed. These people, my neighbors, are why I remain living in this dysfunctional yet exciting, friendly, city.

We're in the middle of a housing affordability crisis. Two reports, <http://nolarentalreport.com/> and <http://insideairbnb.com/new-orleans/>, conclusively demonstrate that substituting needed rental housing for Short Term Rentals leads to inevitable price increases. Comparatively we've seen the same unsustainable results in other cities.

City Council should ban all Short Term Rentals then levy heavy fines upon operators. This cannot be that hard to enforce given operators advertise their illegality online. So, rather than legitimizing disruptive illegal behavior, that spurs the displacement of our culture bearers and working people, City Council should outlaw this scofflaw behavior.

We don't want to become another San Francisco.

Act now before childless boring tech bros like myself are the only people who can afford New Orleans.

Thanks

Douglas Charles Duckworth  
Linux System Administrator  
MSc Urban Planning  
1924 St. Philip  
NOLA, 70116  
T: treme\_lakeside  
P: 504-427-5771

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:11 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: STR Study: The unsavory side of airbnb: how the popular matching company facilitates landlord conversion of entire rental buildings to de facto hotels

**From:** Carol Gniady [mailto:carolgniady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 4:51 PM  
**To:** CPCinfo  
**Subject:** STR Study: The unsavory side of airbnb: how the popular matching company facilitates landlord conversion of entire rental buildings to de facto hotels

This is already happening in New Orleans, particularly the French Quarter.

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<http://prospect.org/article/evictions-and-conversions-dark-side-airbnb>

From the article's conclusion... "It's crucially important to recognize that if the only hosts really were "regular people," who lived in their own home and occasionally rented out a room or the whole house while away, nobody would object much. But that would wipe out a sizable chunk of Airbnb's business model and make Airbnb much less valuable to investors waiting for a mammoth IPO. Airbnb has become its own worst enemy by stubbornly refusing to work with local officials to figure out a way to enforce sensible laws that prohibit conversions of rental apartments into de facto hotels.

"An accidentally leaked memo from huge real-estate developer Coldwell Banker Commercial put the net annual income for renting units of a Los Angeles apartment building to local residents at 5.6 percent. But if those units were rented via Airbnb, the projected rate of return was 13 percent—well over twice the profit."

"HOW MUCH OF THIS displacement and damage is attributable to Airbnb? The answer to that is a matter of much controversy, and is mired in a lack of reliable data—to which Airbnb itself contributes, by refusing to provide even anonymized data to city officials. All of this plays out intensely in local politics."

"Whatever its remarkable founding origin as a rags-to-riches story that began in Brian Chesky's living room in 2008, Airbnb has morphed into a giant loophole for professional real-estate operatives, allowing them to evade long-standing city laws that previously had protected the local housing stock by banning short-term tourist rentals."

"Not surprisingly then, Airbnb is pulling out all the stops to defeat it. It is mobilizing its home-sharer hosts and its network of political insiders; its lobbyists are meeting with key leaders to win the endorsements of influential organizations. A search on LinkedIn reveals that Airbnb regularly hires staffers who have experience managing political campaigns. A December 2014 job posting for an Airbnb "community organizer" position, for example, listed "recruiting, training, and managing advocates of home sharing" as the primary job responsibility and "community organizing in political campaign[s]" as the top desired qualification for the position. Airbnb is putting all of its operational strength into defeating Proposition F, including already spending a reported half a million dollars as of early September."

## The Unsavory Side of Airbnb

How the popular matching company facilitates landlord conversion of entire rental buildings to de facto hotels.

Steven Hill

This article appears in the Fall 2015 issue of The American Prospect magazine. [Subscribe here.](#)

“Belonging is the idea that defines Airbnb,” says its young, 34-year-old billionaire CEO and co-founder Brian Chesky. “Really, we’re about home. You see, a house is just a space, but a home is where you belong. ... That is the idea at the core of our company: belonging.”

Airbnb has captured the imagination of both travelers and homeowners. Most of its hosted rentals are an inexpensive, adventurous way to travel, as well as a source of extra money for some residents. Airbnb is cool. No question, there is a legitimate and innovative use for web and app-based companies that match residents and travelers. Craigslist was an early, successful pioneer in this digital space.

Launched in a San Francisco apartment just seven years ago, Airbnb has taken this service to a dramatically new level of expansion. It has become a global behemoth with a market valuation of \$25 billion—more than three times that of the 50-year-old Hyatt Hotels chain.

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But in touristy cities with housing shortages and hot real-estate markets—New York, San Francisco, Los Angeles, and many more—Airbnb plays a less savory role. Not only does Airbnb facilitate illegal conversions of entire buildings from tenant apartments to de facto hotels, it has also become part of the landlord lobby that resists enforcement of local laws prohibiting such abuses. To be sure, places like San Francisco would suffer the effects of conversions even without Airbnb, but the evidence shows that Airbnb supercharges the process.

Take the case of Chris Butler, who was evicted from his rent-controlled apartment on the grounds that the owner’s husband needed to move in (a legally acceptable reason for evicting a tenant, called “owner-occupied move-in”). Yet the husband never moved in, and instead the owner listed that unit as well as another on Airbnb for \$145 a night, considerably more than the \$60 a night the tenant paid. So the tenant sued the landlord for unjust eviction. “They forced me out of a home I loved,” says Butler. “It was incredibly difficult to find a place, especially because I have a really old dog. I ended up paying over double what I was paying there.”

In another lawsuit, tenant Susan Whetzel claims that she was illegally evicted from her rent-controlled apartment, which was then rented out via Airbnb. The owner claimed that he was converting his three-unit building into condominiums, but the building was never converted. Whetzel claims she was harassed by the owners until she finally moved out, and then discovered her apartment listed on the Airbnb website for \$250 a night, more than four times her rent. With an attorney’s help, she filed suit, asking for her apartment back, plus damages. Her lawsuit is still pending.

San Francisco City Attorney Dennis Herrera also filed a lawsuit against two property owners, accusing them of evicting longtime tenants, two of them disabled, so the owners could illegally convert the residential buildings into pricey tourist hotels using Airbnb, VRBO, and other short-term rental services. Another city attorney’s investigation found that iconic residential developer Angelo Sangiacomo had been brazenly renting out 16 rent-controlled units as short-term tourist hotel rooms, marketed as “the SOMA Suites Hotel.”

For many in the city of Saint Francis, to be “Airbnb’d” is a decidedly nasty experience. These are just a small sample of the many tenants who have been “Airbnb’d.” Yes, besides being a multibillion-dollar hospitality company, Airbnb is also now a verb. For many in the city of Saint Francis, to be “Airbnb’d” is a decidedly nasty experience.

In a tight housing market, rent-controlled apartments are prey for what we might call “slamlords,” who promote condo conversions or renovations that would justify massive rent increases. Airbnb provides another layer—a powerful financial incentive as well as a technique for landlords to convert their apartment buildings into tourist hotels. An accidentally leaked memo from huge real-estate developer Coldwell Banker Commercial put the net annual income for renting units of a Los Angeles apartment building to local residents at 5.6 percent. But if those units were rented via Airbnb, the projected rate of return was 13 percent—well over twice the profit.

Theresa Flanderich is a retired nurse who has lived for 30 years and raised her son in a two-bedroom apartment in charming, touristy North Beach in San Francisco—and has been desperately fighting eviction as a landlord tries to remove her (and other tenants in her building, including a man in advanced stages of Parkinson’s disease). She gave me a tour of her neighborhood. Just on her street alone, Theresa can point to five buildings where all the tenants have received eviction notices.

Theresa shows me one building, pointing out four lockboxes that are visible on the banister outside the front entryway to four apartments—the telltale sign that this building has been Airbnb’d. The constant carousel of new faces can check themselves in and out of each apartment, accessing the key via the lockbox for which they are given the combination, without ever meeting the landlord or manager. The transaction can be completed anonymously, facelessly, over the Airbnb website or app. Where before this building housed families who were part of the neighborhood, now, says Theresa, it’s an Airbnb tourist hotel.

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Theresa has had to turn into a tenant-rights activist to fight her own eviction. She and her neighbors formed the North Beach Tenants Committee. Joe Tobener, a San Francisco attorney who is representing Chris Butler in his lawsuit, has represented many of these tenants. “We get about 60 calls a week,” he says, many of them from people being illegally displaced so landlords can use Airbnb, VRBO, or other services to rent to tourists. “There’s so little enforcement [in San Francisco], it’s like the Third World,” he says. “Airbnb is contributing to the displacement of long-term tenants.”

According to a report by the city’s Rent Board, nearly 2,000 tenant units had evictions in 2013, a 13 percent increase from 2012. Since most rented locations house more than one person, housing experts have estimated that figure represents at least 5,000 individuals evicted in 2013.

HOW MUCH OF THIS displacement and damage is attributable to Airbnb? The answer to that is a matter of much controversy, and is mired in a lack of reliable data—to which Airbnb itself contributes, by refusing to provide even anonymized data to city officials. All of this plays out intensely in local politics.

San Francisco, like New York and many other cities, has had a housing crunch for many years. The causes are multiple, ranging from zoning rules to rising market values and a scarcity of public funds for affordable housing. City Hall utterly failed to anticipate the current housing shortage, a study by The San Francisco Examiner revealed. From 2007 to 2014, more than 19,000 new housing units were built in San Francisco, but two-thirds (nearly 13,000) of them sold at prices only affordable to the rich. Five thousand of them (28 percent) were priced for the poor, and only 1,213 (6 percent) were priced for the middle class. The economics are simple: Developers profit a lot more by building high-income housing for wealthy techies and the Chinese and international elite. So not all of San Francisco’s housing crisis reflects the impact of Airbnb.

Jens Kalaene/DPA/AP Images

The Way It Was Supposed to Work: Airbnb was meant to give people around the world the ability to share a spare room or couch to make a little extra money.

Airbnb claims that with San Francisco having 220,000 rental units citywide, the company’s nearly 6,000 hosts represent too small a footprint to make a difference on the overall housing market. That sounds reasonable until you look at the numbers more closely. A study from the nonpartisan legislative analyst’s office in San

San Francisco, which serves the Board of Supervisors (the name for the city council), estimated that between 925 and 1,960 units citywide have been permanently removed from the housing market because of Airbnb activity. To Airbnb, that is a small amount of lost housing, compared to citywide supply.

But with a perilously low vacancy rate of a mere 2.9 percent—around 6,400 units across the entire city—Airbnb is devouring a huge chunk of available vacancies. If the upper figure of 1,960 units lost is correct, the legislative analyst's office concluded that Airbnb is single-handedly removing nearly a quarter of available vacant units from the housing market. Certain popular neighborhoods like Haight-Ashbury and the Mission have been hit even harder, with Airbnb listings consuming nearly a third of the vacancies there. The U.S. Census estimates approximately 2.3 persons per San Francisco household, so that would amount to over 4500 people who potentially have lost access to housing as a result of Airbnb listings.

San Francisco, like most cities, has had a long-standing law prohibiting the renting of a domicile for less than 30 days. The reason was to prevent the city's residential housing stock from becoming tourist hotels. In San Francisco, almost two-thirds of residents are renters (compared to a national average of one-third renters), yet property owners and wealthy developers wield tremendous political and economic clout.

“We call it the ‘hotelization’ of San Francisco. Seniors, families, and low-income tenants are being pushed out.” Not surprisingly then, the Airbnb-ing of San Francisco is part of what Tenderloin Housing Clinic Executive Director Randy Shaw has called a “massive rezoning of the entire city for tourist use.” Ted Gullicksen, who was executive director of the San Francisco Tenants Union, said, “We call it the ‘hotelization’ of San Francisco. Seniors, families, and low-income tenants are being pushed out.”

As a result of all this disruption, Airbnb has found itself in the middle of political battles in many cities. The company's executives have disavowed responsibility for any of this ravaged landscape, claiming that Airbnb is merely a booking agent, an intermediary facilitating commercial transactions between two parties. And it has found a willing army to mobilize—its “regular people” hosts, who have been turned out by professional Airbnb organizers to pack city hall hearings.

One of the clear redeeming aspects of the Airbnb platform is how it has permitted some everyday San Franciscans to rent out a spare room and earn income during an economically troubled time. After interviewing some of these “home-sharers” (as they call themselves), I'm convinced that this service is a genuine boon to them. During legislative hearings and before the media, the Airbnb spinmeisters have portrayed these home-sharers as the face of the company.

But here's what's deceptive about that framing: Data analysis of Airbnb usage in San Francisco tells a decidedly different story about who is benefitting. Although Airbnb refuses to share its numbers, a 2014 report commissioned by the San Francisco Chronicle found that of the (at the time) nearly 5,000 homes, apartments, and private or shared rooms for rent via Airbnb, two-thirds were entire houses or apartments with no owner present during the rental period, and almost a third of Airbnb rentals were controlled by people with two or more listings. Some of the “whole house” or “whole apartment” rentals are from hosts who happen to be away. But many others are being rented out by professional property managers who are handling multiple Airbnb rentals on behalf of absentee home- and condo owners. A separate study conducted by data analyst Tom Slee found similar results. He calculated that about 70 percent of Airbnb revenue comes from hosts who are renting out an entire home or apartment, and 40 percent comes from Airbnb hosts with multiple listings.

AP Photo/Bebeto Matthews

Opponents of Airbnb hold a rally outside City Hall, Tuesday, January 20, 2015, in New York. With home-as-hotel sites like Airbnb doing booming business, New York City lawmakers are holding a hearing to scrutinizing how the trend affects the housing market and economy.

In other words, a great deal of Airbnb's revenue and commercial activity in San Francisco does not come from the listings of "regular people" who own and live in their homes and are merely renting out a spare room. Instead, an increasing amount comes from the types of professional landlords who are removing housing from the market and making it exclusively available for tourists. Many of these landlords are getting rid of rent-controlled housing, and are even evicting thousands of people like Chris Butler, Susan Whetzel, Theresa Flandrich, and her neighbors. It would be useful to know how the number of Airbnb de facto hotel rooms in San Francisco and elsewhere compares with bona fide host rentals. But, of course, the company won't share that data.

Whatever its remarkable founding origin as a rags-to-riches story that began in Brian Chesky's living room in 2008, Airbnb has morphed into a giant loophole for professional real-estate operatives, allowing them to evade long-standing city laws that previously had protected the local housing stock by banning short-term tourist rentals.

San Francisco Planning Commissioner Hisashi Sugaya (who later left the commission) said, "Short-term rentals have been around a long time. It hasn't been a big to-do. But these companies [like Airbnb] have shoved it back in the city's face by enhancing the ability of people to break the law."

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SAN FRANCISCO ISN'T the only place where the Airbnb-ing of the local housing stock by professional landlords has caused an uproar. Airbnb has been fined in Barcelona (for violating local laws), pilloried in London, its hosts subjected to unannounced inspections in Paris (for illegal rentals), and banned under most circumstances in Berlin (to protect the city's housing stock). In New York, State Attorney General Eric Schneiderman launched an investigation, including subpoenaing data from Airbnb and, when the company refused to comply, taking it to court. His investigation found that nearly 40 percent of Airbnb's \$451 million in revenue—some \$168 million—came from hosts who had at least three listings on the site. In a story similar to San Francisco's, many of Airbnb's 25,000 or so "hosts" are not in fact "regular people" looking to rent out a spare room in their home; they are professional operators who took on multiple leases in desirable locations, resulting in what The New York Times called the "professionalization" of short-term rental hosting.

One of those New York City operators, Robert "Toshi" Chan, was revealed to be the Airbnb "host" of more than 200 apartments in dozens of different buildings, known collectively as Hotel Toshi. He leased the apartments from landlords for 20 percent over market rate, and then re-rented them on Airbnb as illegal short-term rentals for fabulous amounts. Eventually, Toshi's illegal operation was uncovered and he was shut down, agreeing to pay a \$1 million settlement for not obtaining proper hotel permits or insurance.

The state attorney general's report also exposed that nearly three-quarters of all Airbnb rentals in New York City were illegal

The state attorney general's report also exposed that nearly three-quarters of all Airbnb rentals in New York City were illegal and in violation of numerous hotel-tax, zoning, and other laws, including the law forbidding short-term rentals of less than 30 days. Yet Airbnb has defended its practices by doubling down with its company line that New York City, San Francisco, and other cities are operating under an old business model. In a June 2014 interview with host Katie Couric, CEO Brian Chesky complained that a "lot of the laws are 20th-century laws, or sometimes even 19th-century laws, in the 21st century."

Meanwhile, in Los Angeles, a study of Airbnb listings by the Los Angeles Alliance for a New Economy (LAANE) found that while a majority of the 8,400 hosts were the over-hyped "regular people" renting a spare room in their home, those rentals generated just 11 percent of the company's revenue. The other 89 percent was generated by professional landlords and agencies, and those renting out an entire home or apartment rather than a spare room. As in San Francisco, many of these are being rented out by professional property managers on behalf of absentee owners. One apartment building with 227 units in downtown Los Angeles had 20 percent of its units listed on Airbnb. The LAANE study also found that more than 7,000 houses and apartments had been

removed from the rental market in metro Los Angeles for use as short-term rentals, which represented “nearly seven years’ of affordable housing construction at the current rate of housing development.” Touristy Hollywood, Santa Monica, and hipster Venice Beach have been particularly devastated. Similar problems were uncovered by a study of Airbnb in Portland, Oregon.

How about cities outside the U.S., in Airbnb’s far-flung global operation? Using the same statistical methods from his San Francisco and New York studies, Tom Slee collected data on more than 90,000 hosts and 125,000 listings—about a fifth of Airbnb’s total at the time—from 18 major cities all over the world, to draw a portrait of Airbnb’s global business. His findings follow the pattern in San Francisco, New York City, Los Angeles, and other U.S. cities. Forty-four percent of Airbnb’s revenue and 45 percent of guest visits in these 18 cities came from hosts with multiple listings. In certain cities, including Rome, Barcelona, Tokyo, Mexico City, Rio de Janeiro, and others, 60 percent or more of guest visits came from hosts with multiple listings, with London and Berlin showing a 50-50 split.

What all these cities have in common is that they are major tourist meccas that already had housing shortages and affordability pressures. In cities and towns with ordinary housing markets, services like Airbnb can provide a useful add-on to existing lodging options for tourists. But in these magnet cities, the evidence is compelling that, while Airbnb has offered the “regular people” standard as the face of its company, in city after city the data do not support this “couch-surfing” narrative. Instead, a significant chunk of the local housing stock is being turned into tourist hotels run by professional landlords and property managers.

Airbnb has resisted, with all the lawyers and lobbyists that a billion-dollar company can hire, any attempts to regulate their business model, not only in San Francisco but everywhere else. In San Francisco, Mayor Ed Lee’s chief financial benefactor, Ron Conway, who is a billionaire Silicon Valley venture capitalist (and the most influential Republican in this most Democratic of cities), has a significant financial stake in Airbnb. So does billionaire tech investor Peter Thiel, a politically connected local who co-founded PayPal and whose net worth in 2013 shot up from \$1.4 billion to \$2.2 billion. The Bay Area is perhaps the most pro-technology region in the country, so the failure to enforce local law has also been aided by an influential core of public officials who are in fawning thrall to the techno sapiens gurus of Silicon Valley.

Documents obtained by the 48 Hills investigative website through a Public Records Act request found that regulators had known about the increasing number of illegal rentals since 2011, yet did nothing about it. Indeed, it is a simple matter to look on the Airbnb or VRBO websites and see who the violators are; their websites are virtual advertisements for the hosts’ criminality, with homes brightly photographed and displayed. But city officials declined to “troll” (as one city memo called it) the websites, and adopted an exasperating hands-off policy of only responding when someone filed a complaint. Despite the fact that thousands of violations had been occurring every week for several years, a city-planning staffer’s memo dated April 4, 2014, noted that only three cases had been sent violation letters, and only 15 cases had been closed since 2012.

AP Photo/Bebeto Matthews

City Councilwoman Helen Rosenthal, center, joins opponents of Airbnb at a rally outside City Hall, Tuesday, January 20, 2015, in New York. With home-as-hotel sites like Airbnb doing booming business, New York City lawmakers are holding a hearing to scrutinizing how the trend affects the housing market and economy.

The Board of Supervisors eventually passed legislation to legalize and regulate short term host rentals such as Airbnb, attaching a few timid conditions that hosts are supposed to follow. But as critics had predicted, those conditions have proven impossible to enforce, particularly since the legislation inexplicably failed to require Airbnb to provide the data about hosts that would enable enforcement. Even though hosts are required to register with the city, to date only about 14 percent have. A San Francisco housing inspector told me: “The board allocated no new funds or resources for enforcement, and the Planning Commission which was assigned enforcement responsibility is not set up to do this. They don’t even want to do it.”

But outside San Francisco, officials in other cities seem to have reached the limits of their tolerance for Airbnb's disruption. In New York, Attorney General Schneiderman not only forced Airbnb to give up data needed for enforcement, he succeeded in getting Airbnb to kick some of the worst landlord violators off of its platform. Recently, Santa Monica officials, fed up with the rampant hotelization of their beach town, passed a law explicitly outlawing rentals of less than 30 days, though permitting the renting of a spare room as long as hosts followed certain licensing requirements and paid the city's 14 percent hotel tax.

And even in San Francisco, local residents have taken it upon themselves to do what the tech-enamored city officials will not do. A coalition of homeowners, neighborhood groups, and tenant-supporters have collected tens of thousands of signatures to place on this November's ballot Proposition F, which would greatly rein in Airbnb. Among other things, the measure will limit all short-term rentals to 75 days a year, require quarterly reports from hosts, and make it illegal for platforms such as Airbnb to list hosts who are not registered with the city. Perhaps most importantly, it would require Airbnb and other hosting platforms to provide the data, such as guest and revenue reports for each host, which would allow enforcement. If Proposition F passes in Airbnb's hometown, it may blow some wind out of the sails of the company's soaring \$25 billion trajectory.

A search on LinkedIn reveals that Airbnb regularly hires staffers who have experience managing political campaigns.

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Not surprisingly then, Airbnb is pulling out all the stops to defeat it. It is mobilizing its home-sharer hosts and its network of political insiders; its lobbyists are meeting with key leaders to win the endorsements of influential organizations. A search on LinkedIn reveals that Airbnb regularly hires staffers who have experience managing political campaigns. A December 2014 job posting for an Airbnb "community organizer" position, for example, listed "recruiting, training, and managing advocates of home sharing" as the primary job responsibility and "community organizing in political campaign[s]" as the top desired qualification for the position. Airbnb is putting all of its operational strength into defeating Proposition F, including already spending a reported half a million dollars as of early September.

But proponents have powerful political allies as well, including some labor unions and former Mayor and now Senator Dianne Feinstein, a politically moderate Democrat who calls the current law unworkable and unenforceable, as it incentivizes "illegal conversion of residences to de facto hotel rooms." She characterizes Proposition F as "common sense change" that will "close loopholes and provide effective enforcement tools" while still allowing people to rent out an extra room from time to time, or their entire house while on vacation.

DESPITE HIS RHETORIC about sharing, trust, and belonging, CEO Brian Chesky and his investors have not backed down, except under legal pressure from officials such as New York's Schneiderman. After all, with one stroke of the computer mouse, Airbnb could "evict the evictors"—proactively expel from its website any hosts who are effectively professional landlords or property managers operating tourist hotels. Let's imagine for a moment that Chesky has an epiphany and decides to truly embrace the "sharing and belonging" ethos that he espouses. What could Airbnb do to partner with local governments and tenant associations, and make short-term rentals into something positive? What policies should local governments enact?

1. Delist the professional landlords and multi-property agents from the Airbnb site.
2. Cooperate with cities like San Francisco, Santa Monica, and Portland, which require hosts to register with local agencies, by delisting any unregistered hosts.
3. Pay the same hotel occupancy taxes that all hotels pay in all 34,000 cities in which Airbnb operates, or collect them from the hosts and turn them over to the cities.

4. Provide the anonymized data (host's name and address, as well as number of rental nights and rates charged by each host) that cities need to enforce regulations and taxation.

It really wouldn't take very much for Airbnb to be a good corporate citizen. Several of these actions are the same as those recommended by the legislative analyst office in San Francisco, yet the Airbnb-tainted Board of Supervisors backed away from imposing such a regulatory framework. That's when local residents took the matter into their own hands by collecting signatures for Proposition F.

It's crucially important to recognize that if the only hosts really were "regular people," who lived in their own home and occasionally rented out a room or the whole house while away, nobody would object much. But that would wipe out a sizable chunk of Airbnb's business model and make Airbnb much less valuable to investors waiting for a mammoth IPO. Airbnb has become its own worst enemy by stubbornly refusing to work with local officials to figure out a way to enforce sensible laws that prohibit conversions of rental apartments into de facto hotels. Consequently, a backlash appears to be brewing.

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Carol Gniady

Executive Director

French Quarter Citizens, Inc.

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:11 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: STR in New Orleans

-----Original Message-----

From: Lauren Uter [<mailto:laurenuter@gmail.com>]  
Sent: Monday, November 30, 2015 4:54 PM  
To: CPCinfo  
Subject: STR in New Orleans

To Whom It May Concern,

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I am writing in support of short term rentals in New Orleans. My husband and I operate a short term rental in our home in the East Riverside neighborhood. We have welcomed over 60 guests into our home since we have started renting this year. Our guests, who want to experience New Orleans outside of the French Quarter, have all been respectful of our neighbors and neighborhood. They have also frequented the many businesses on Magazine Street putting money into our local economy. With the additional money we make from these rentals my husband and I have been able to make improvements to our 90 year old home and help pay for my education.

Short Term Rentals are important to New Orleans' economy. Reasonable regulations are crucial. Any type of regulation intended to discourage short term rentals will simply be ignored and with no means to enforce it we will be in the same situation that we are now.

Thank you for your time,  
Lauren Uter

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:11 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: SHORT TERM RENTAL STUDY COMMENTS  
**Attachments:** 28 November 2015-STR-Letter-R.pdf

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**From:** Jay Seastrunk [<mailto:seastrunk@seastrunk.org>]  
**Sent:** Monday, November 30, 2015 4:54 PM  
**To:** CPCinfo  
**Cc:** Stacy S. Head; Jason R. Williams; LaToya Cantrell; James A. Gray; [nramsey@nola.gov](mailto:nramsey@nola.gov); Jared C. Brossett; Pat Talley; [rwnorwood55@yahoo.com](mailto:rwnorwood55@yahoo.com)  
**Subject:** SHORT TERM RENTAL STUDY COMMENTS

~~Please see attached letter from the Upper Hurstville Security District with comments for the Short Term Rental Study.~~

I would like to draw particular attention to the neighborhood survey we conducted and the results presented on questions regarding short term rentals in our neighborhood.

Thank you,

Jay Seastrunk  
Treasurer  
Upper Hurstville Security District

# Upper Hurstville

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## Residents Association and Security District

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### 2015 BOARD MEMBERS

Patrick A. Talley, Jr.  
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November 27, 2015

Brooke Duncan, III  
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Rebecca W. Norwood  
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City of New Orleans  
City Planning Commission  
1300 Perdido Street, 7<sup>th</sup> Floor  
New Orleans, LA 70112

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Edmund M. (Mac) Bruton

CC: Mayor Mitchell J. Landrieu, CM Jason Rogers Williams, CM Stacy Head,  
CM Susan G. Guidry, CM LaToya Cantrell, CM Nadine M. Ramsey,  
CM Jared C. Brossett, CM James Austin Gray II

Karen C. Duncan

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Jason W. Loerzel

Benjamin J. Waring

RE: Short Term Rental Study / City Council Motion M-15-391 as it relates to the  
Upper Hurstville Neighborhood

To the Commission:

Our neighborhood is bounded by the streets of Magazine, Exposition (Audubon Park),  
Prytania and Nashville consisting of 30 squares of predominantly one and two family  
residential homes.

Over the last year or two our organization has received several complaints regarding  
illegal short term rentals in our neighborhood. On 17 September 2014 we sent a letter  
to all of the addresses within our neighborhood boundaries outlining that they were  
illegal but as of today's letter have yet to see a single enforcement action by the city  
take place and most of these rentals continue to operate illegally.

With the development of the Short Term Rental Study on 14<sup>th</sup> October 2015 our  
neighborhood organization sent out an online survey to 344 mailing list members and  
over the next week received 123 responses to determine what the feeling of the  
neighborhood was with regard to short term rentals.

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## Upper Hurstville Residents Association and Security District

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Attached to this letter are a summary of the questions asked and the votes cast with anonymized individual comments included. The majority of respondents opposed the short term rental of parts of a residence (Against: 61.2%, Indifferent: 17.2%, For: 21.6%) and opposed the short term rental of whole houses (Against: 58.4%, Indifferent: 23.0%, For: 18.6%) with 81.4% of respondents not wanting a short term rental next to them and 81.1% of respondents in support of neighbors having a voice in allowing a short term rental to exist such as the conditional use process.

93.7% of respondents supported a private right of action if any city rules were violated.

Given the above survey results we write to you to today to express our concerns about allowing short term rentals by right in our neighborhood:

1. Our primary concern is lack of current enforcement of current law, whether it is short term rentals, or other building and zoning related issues – enforcement is lacking and we are concerned that any newly envisioned city code changes involving short term rentals will remain un-enforced to the detriment of our neighbors and neighborhood. Further that any proposed legislation will continue to go unenforced and illegal activity will continue unabated with neighbors or neighborhood organizations having no private right of action to step in when the city is unwilling or unable to enforce its own laws. It appears that in other cities where short term rentals have been legalized non-compliance with the regulatory scheme is still a major problem with 90% of short term rentals operating illegally outside of the regulatory system. Given the City of New Orleans track record on enforcement it would still not be able to deal with high non-compliance of a new regulatory scheme unless penalties are easily administered with low burdens of proof and financially severe and collectable.
2. Our secondary concern is the contemplated introduction of short term rentals, clearly a commercial use, into our neighborhood without neighbors or neighborhood organizations having any say as to whether or not a particular short term rental location and owner should be allowed to operate in a particular property. Currently accessory bed and breakfast is a conditional use in our HU-RD2 zoning district requiring a process that allows neighbor and neighborhood involvement for approval and larger principal bed and breakfasts are not permitted. We feel that allowing short term rentals to operate by right without limits which currently exist for bed and breakfast establishments in our neighborhood is detrimental to the successful established residential quality of our neighborhood.

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Upper Hurstville Residents Association and Security District

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3. Our tertiary concern is the act of renting ones property as a short term rental becoming a right in a neighborhood that is predominantly 1 and 2 family homes with long term residents. Any process which creates a system to allow short term rental of ones property in the HU-RD2 zoning district should treat it as a privilege that is earned by going through an appropriate vetting process and can easily be rescinded if the act of renting short term negatively impacts the neighbors or neighborhood though nuisance such as noise, garbage, or generally bad behavior of guests.

Please consider the rights of residential neighbors and neighborhoods along with long established zoning which limits bed and breakfasts and short term rentals in our HU-RD2 zoning district and treat any rights granted to property owners to rent short term as a privilege that must be earned and can easily be lost for operators who do not actively monitor and maintain their paying guests behavior.

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Any proposed legislation should primarily protect the current established and successful neighborhood and its long term residents while only allowing short term rentals in their most innocuous form with limiting factors such as but not all inclusive:

- an approval process that involves neighbor and neighborhood input and considers length of ownership as a factor
- owner occupancy requiring owner be present during the rental
- density limitations providing a minimum distance between applicants of 300 feet
- limit the number of individual simultaneous short term rental contracts per unit in concert with the number of units allowed by zoning on a given parcel
- limit the number of short term rental guest occupants per unit
- a complaint process that allows for audio, photographic and video evidence submitted by complainant to be considered as evidence during a complaint hearing
- a three strikes rule that rescinds a properties right to rent short term if its owners are found guilty of three violations with no right to re-apply for five years. Associate this rule with the property not the applicant.

Best Regards,

Jay Seastrunk  
Treasurer, Upper Hurstville Security District

UHRA/SD QUESTION ONE:

Do you support or oppose allowing the rental of parts of a residence year round on a short-term basis in our neighborhood?

Strongly Support:	6	5.17%
Support:	19	16.38%
Indifferent:	20	17.25%
Oppose:	36	31.03%
Strongly Oppose	35	30.17%

Support:	25	21.55%
Indifferent:	20	17.25%
Oppose :	71	61.20%

116 responses

Individual Comments Question One:

- provided that regulations require rental to provide off street parking for guests and prohibit "party" groups

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- ~~don't think we should have rentals of less than 30 days in the neighborhood~~
- Opening a Pandora's Box. The FQ has been ruined by unenforced ST rental. Which neighborhood is next? A real threat to the Hotel Industry, one of the city's few legitimate economic generators.
- i oppose it as a business. if done from time to time, if there is an opportunity to lease out your residence when you are already going to be out of town do not believe it should be illegal.
- Tenants that are respectful of where they live are ok by me regardless of how long they will be there. Taken to an extreme in terms of density could create a problem.
- This would be a further drain on the patrol as it would bring more traffic into our area, and force the patrol to deal with other issues (complaints from neighbors) instead of the what they should be dealing with.
- i have no problem with short term rentals in our neighborhood
- I am DISGUSTED by the short term rental next door to my house. They have had shady, rude, loud people who i do not want living next to me. Also the owners of the house providing the short term rental have loud parties with
- live music late at night. I work in a hospital and have to be awake;well rested in order to perform my job. I cannot live worrying about who is going to be next to me from week to week. It is time to stop the short term rental!!!
- Part of the reason I like our neighborhood is because of the sense of community and the neighbors. Short term rentals destroys that community

UHRA/SD QUESTION TWO:

Do you support or oppose allowing the rental of an entire residence year round on a short-term basis in our neighborhood?

Strongly Support:	7	6.19%
Support:	14	12.39%
Indifferent:	26	23.01%
Oppose:	37	32.74%
Strongly Oppose:	29	25.66%

Support:	21	18.58%
Indifferent:	26	23.01%
Oppose:	66	58.40%

113 responses

**Individual Comments on Question Two:**

- same as previous question-- regulations must require adequate off street parking and prohibit party groups

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- ~~no rentals of less than 30 days~~
- As long as people respect the neighborhood it should not be a problem. Within that framework, people should be able to do what they wish with their property.
- I do not want these strange people living next to me. I do not feel comfortable with these people coming/going They are bringing down the value of my property.

UHRA/SD QUESTION THREE:

Would you want to have a short-term rental operating next door to you?

Yes	20	18.52%
No	88	81.42%

108 responses

**Individual Comments on Question Three:**

- Only if the residence is owner-occupied.
- don't mind
- We are indifferent. Support makes it sound as if we actively want it. We don't care.
- Might be better than what I have but no.
- Depends on how short.
- depends on enforcement of regulations
- Absolutely not. Why should my rights as a resident be subservient to that of the transient or quick buck artist? I have an enormous investment in my home and neighborhood and can not accept such an intrusion that could devalue my property and infringe on my right for quiet enjoyment.
- It would depend on the clientele.
- Sometimes I think I have one
- Absolutely not. this is a safety issue. you would have no idea who is living next to you and what types of people they have staying there as well.
- If owners are held accountable to the actions of their guests and current noise and nuisance laws are enforced, I have no issues. Most guest as most people are law abiding citizens who are welcome to our great city.
- I'm tired of this. It is wrong!!! I am disgusted-take these short term rental out of my neighborhood!! I am tired of the shady people next to me.
- What an absurdly baited NIMBY question.
- But only if the owner is permitted to do so
- Are you kidding?
- Doesn't bother me.
- I doubt my street would attract any other visitors then the ones we want I nola
- Depends on the circumstance and clientele

UHRA/SD QUESTION FOUR:

Should neighbors have a voice in whether or not a particular property can be used as a short-term rental in our neighborhood?

Yes	90	81.08%
No	21	18.92%

111 responses

Individual Comments on Question Four:

- The city should have a clear STR policy.
- Not sure; it is personal property and I worry about the infringement of an individual's rights.
- Poorly worded question. What does this mean?
- Collectively as a group
- But only to the extent that it is about whether the tenants are respecting the neighborhood
- I am constantly tired of wondering who these "new neighbors" are next to me. This need to stop. I did not become a homeowner for this  

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bullshit!!!!!! I could have rented my home if i wanted to deal with this.
- With the exception of repeat offenders in reference to noise... or how they market their property.
- Not as long as the laws are followed
- If we are going to regulate then we should follow the regulations for all. Determination should not be made on an individual basis.
- I would not be opposed to a movie rental or something infrequent
- Just as with voting in elections, if the majority of people/neighbors vote that they don't want the rentals, then I'm fine with going along with that, even though they don't bother me personally.
- It should be regulated by the council, with a 'yes' or 'no' vote for the entire district

UHRA/SD QUESTION FIVE:

If short term rentals were permitted uses in our neighborhood requiring no special zoning permission to operate and they became a problem due to nuisance or violation of other city rules would you want to have independent legal recourse to enforce the cities rules if the city was unresponsive to your complaint (also known as private right of action)?

Yes	103	93.64%
No	7	6.36%

110 responses

Individual Comments on Question Five:

- Maybe, as long as the STR rules are clear.
- It's a problem! We have had many problems with these people-I don't feel comfortable calling the police on the noise they cause in our neighborhood since the police are short staffed and have more important issues to deal with. I did call neighborhood security once when these "short term rental" people were so loud I couldn't sleep-they told me to call the police. ~~The solution-don't let these short term rentals exist. They are bringing hotel, cab, and locals down.~~
- who decides?
- If the City doesn't hold up their end of the deal, then yes, citizens should be able to.

Additional General Individual Comments on Short Term Rentals:

- If done properly and renters screened adequately, should not be a huge problem.
- None
- The basic concept of STRs does not bother me. However, they should be limited to owner-occupied properties. E.g., doubles, mother-in-law apts., spare bedrooms, etc.
- The primary issue is parking, which is getting to be more of a problem in our area. Secondarily is noise.
- Short-term rentals are a security risk waiting to explode.
- I have a friend who has a townhouse that she rents short term. Not in our neighborhood. I have expressed my thoughts about her actions. Her neighbors don't care and I fact encourage it- she says. My answer not in my neighborhood.
- None
- I am not unopposed to short term rentals, as our family has benefited from such in other cities, where the rental situation meshes with the life of the neighborhood. However, I feel very strongly that regulations appropriate to the neighborhood and enforcement thereof are integral. Otherwise, I would oppose such rentals.
- An enormously bad idea, which if allowed, will ultimately kill the remaining indigenous character found in the historic neighborhoods of

N.O. and have a negative impact on the lodging industry that the city supposedly supports.

- tourist are not the problem with crime in our city
- If it were possible to limit rentals to fewer than 30 days per year that might be ok but I don't think it would be enforced so complete ban is the better option
- Strongly feel this is a safety issue as well as quality of life. As well as a parking issue in an already crowded area.
- We do not need them in our neighborhood.
- What constitutes short term?
- contact the Garden District Association they seem to be in the forefront of this issues.
- Once again, I'm disgusted. I do not feel safe with these strangers next to me, hotels are losing money, and I am tired of these "so called neighbors" looking at me wondering what I'm doing in "their" neighborhood. This need to stop. I will not allow these short term rentals in my neighborhood anymore. I AM FED UP. I PAY A ALOT OF MONEY TO OWN IN THIS NEIGHBORHOOD. I WANT THEM OUT OF MY NEIGHBORHOOD!!!!
- I've stayed in STR when traveling, it's fine.
- 100% Against Short Term Rentals
- there appears to be one in my block, which has mostly onstreet parking, and creates problems due to overcrowding during rentals.
- I think they can destroy neighborhoods.
- Must have a permit in order to do short term rental, and must comply will all ordinances, rules and regulations. Should have some sort of 3rd strike rule...if receive 3rd complaint incidence, may loose permit. If operating illegally, with no permit, results could be difficult, hefty fine as in \$5000 and closed down.
- I believe that owner occupied short term rentals is a good compromise
- the one on my block is owned by people who do not live in New Orleans, but say that their daughter lives in the house. She does not
- I moved to a residential neighborhood with long term resident owners and renters - I would like to keep it that way
- I think they are good for the city and the city shouldn't tell people what they can do or not sure with something they own and pay property tax on

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:11 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: August 31, 2015: Would SF Prop. F spur Airbnb suits, with neighbor suing neighbor?

**From:** Carol Gniady [mailto:carolgniady@frenchquartercitizens.org]  
**Sent:** Monday, November 30, 2015 4:55 PM  
**To:** CPCinfo  
**Subject:** SF: August 31, 2015: Would SF Prop. F spur Airbnb suits, with neighbor suing neighbor?

<http://www.sfgate.com/business/article/Would-SF-Prop-F-spur-Airbnb-suits-with-neighbor-6472468.php#photo-8550036>

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Would SF Prop. F spur Airbnb suits, with neighbor suing neighbor?  
By Carolyn Said Updated 5:39 am, Monday, August 31, 2015

Airbnb last week launched a barrage of TV and online ads attacking Proposition F, the San Francisco ballot initiative that seeks to curb short-term rentals. Among the company's chief complaints: Prop. F would provide financial incentives for neighbors "to spy on each other and file what could be thousands of lawsuits."

The vacation-rental company will hammer home that theme between now and Nov. 3 through its political committee named SF for Everyone, No on Proposition F. But on the other side, the ballot measure's backers say lawsuits with potentially steep payouts would give the city and other parties a powerful stick to enforce the law. San Francisco's vacation-rental regulations, implemented in February and recently amended, already allow the city, neighbors, building owners and residents, homeowner associations and housing nonprofits to sue alleged violators after filing a complaint with the city and waiting 135 days. If there's no resolution by then, they must notify the city attorney and wait 30 days to see if his office files suit. The city attorney also can sue alleged violators at any time. The existing law says plaintiffs who win lawsuits can receive attorney fees and costs. If San Francisco prevails in court, it can receive civil penalties of up to \$1,000 per day.

But the ballot measure takes it further. It says plaintiffs — including neighbors and nonprofits — who win in court should receive special damages of \$250 to \$1,000 a day on top of attorney fees and costs. It also allows the various parties to sue hosting platforms like Airbnb in addition to individual hosts. The measure says parties cannot file lawsuits until 90 days after lodging complaints with the city. But even if the city is still weighing the evidence or finds that no violation has occurred, the neighbors and others can still sue.

"This will lead to lawsuit vigilantism," said Chris Lehane, Airbnb's new head of global policy and public affairs. "People will be able to fire off lawsuits left and right, as opposed to government playing its role as the umpire. When the umpire calls you out, you're out. That's why we have objective third parties to make decisions. This is an effort to do an end run around city government."

The plan under the ballot measure also seems ripe for abuse by bounty hunters filing multiple shakedown lawsuits, he said, as happened with California's Prop. 65, which regulates toxic chemicals. Regardless of

whether they had violated the law, entities that were sued often paid settlements to avoid the costs of defending themselves in court.

The ballot measure's proponents say they want to help the city act more aggressively — but also that they want to empower others to step up if it fails to do so.

The City Planning Department has said that current regulations are unenforceable, said Dale Carlson, a leader of ShareBetter SF, which backs Prop. F. He says current regulations are toothless and the city is lackadaisical in pursuing violators.

"We firmly believe that if we give the city the tools it says it needs, that enforcement actions will pick up; the city will start doing its job and the private right of action will not be needed," he said.

Planning said it received 187 complaints about short-term rentals in 2014 and 170 this year. It was unable to provide the outcome of those cases by press time. In late June the city sent violation letters to 15 hosts for allegedly turning 73 residential units into full-time hotels. Decisions in those cases are due in early September. Current law requires hosts to register with the city, but only 618 have done so, the planning department said. Airbnb has 4,238 local hosts with 5,459 listings, while HomeAway/VRBO has about 1,000 listings and FlipKey has 359, a Chronicle investigation found.

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~~Rather than a rash of neighbor-vs.-neighbor lawsuits, Carlson thinks the ballot proposal would enable San Francisco to directly target Airbnb and other hosting platforms.~~

"From a standpoint of government efficiency, it makes the most sense for the city to go after Airbnb for all the unregistered listings that it's carrying," he said.

But then why allow neighbors to sue and potentially collect big payouts? Carlson said he remains dubious about how forceful San Francisco's new Office of Short-Term Rental Administration and Enforcement will be.

"If the city sits on your complaint and does nothing, you should have the ability to protect your right to privacy and quiet enjoyment of your home," he said. "If a neighbor has to go to all the trouble of doing all the work the city should otherwise be doing, why shouldn't they be entitled to the same compensation as the city?"

That prospect gives Airbnb hosts chills.

"There are financial incentives to encourage neighbors to try to make money on one another; that's not the neighborhood I want to live in," said David Jacoby. He and his wife Kim rent out a room in their Richmond District house to Airbnb travelers for about nine months of the year, which he said helps them afford the city's escalating costs. The rest of the time, his parents stay there while visiting from Connecticut. The Jacobys are such fans of Airbnb that they appear in the No on F campaign ads with their preschoolers. David Jacoby is thinking about starting a business to help other hosts.

He's particularly concerned that the proposed measures wouldn't provide reimbursement for wrongly accused hosts.

"Accused (hosts) would have to pay to defend themselves, even if they haven't done anything illegal," Jacoby said. "If the defendant (host) wins, the complainant doesn't have to pay their legal fees, even if it was a frivolous lawsuit."

Attorneys say basic economics will prevent frivolous lawsuits.

"Lawyers won't bring claims that are invalid," said Joe Tobener, a tenants-rights attorney who has filed about a dozen complaints with the city against short-term rentals on behalf of the San Francisco Tenants Union in a bid to return those units to the housing market. He said the city didn't issue a single notice of violation in those cases, which the law at that time required before a lawsuit could be filed.

If Prop. F passes, “The only people who will be pursued are bad actors who are violating the statute,” Tobener said. “It’s expensive to file these claims; you have to hire an investigator and have proof.”

Tobener said potentially large damages are necessary to make it possible for attorneys to invest the time and money in such suits. The city’s penalties for wrongful evictions and illegal rent increases are much higher.

“If you ask an attorney to take a risk on a contingency case, there has to be enough value for them to do that,” he said. Even if those suing prevailed in court against hosts, actual damages would be small for such inconveniences as a few noisy nights or some parking being blocked. San Francisco Superior Court can deny attorney fees if there are no or minimal damages.

Carolyn Said is a San Francisco Chronicle staff writer. E-mail: [csaid@sfchronicle.com](mailto:csaid@sfchronicle.com) Twitter: @csaid

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Carol Gniady  
Executive Director  
French Quarter Citizens, Inc.  
632 North Rampart Street  
New Orleans, Louisiana 70112  
Office: 504-588-2929  
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[www.frenchquartercitizens.org](http://www.frenchquartercitizens.org)

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:11 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: air B n B problems

**From:** Stephan Howard [<mailto:howard.stephan@gmail.com>]  
**Sent:** Monday, November 30, 2015 4:55 PM  
**To:** CPCinfo  
**Subject:** air B n B problems

Just showed an apartment for rent.....was told by person who looked at it that the condo he has been renting is being sold to someone who's going to put in on AirBnB and that he's getting priced out of the rental market....and that he knows people who just go around renting apartments and houses just so they can turn  
~~around and list them on AirBnB~~

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Sure you've heard all these horror stories, but as a landlord, we really get to see this firsthand....

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:11 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rentals

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**From:** jodi poretto [<mailto:jporetto@hotmail.com>]  
**Sent:** Monday, November 30, 2015 4:55 PM  
**To:** CPCinfo  
**Subject:** Short Term Rentals

*Dear City Planning Commission members and staff,*

*As you consider the possibilities for regulatory framework on short-term rentals, I ask simply that you put our neighborhoods first.*

*Short Term Rentals are overwhelmingly concentrated in our city's most historic and vulnerable neighborhoods. We have myriad laws that specially regulate these fragile and significant areas. These laws must continue to protect the residents and stewards of our neighborhoods.*

*Please remember that those who are here for a weekend have different reasons to be here than we do. Neighbors make a neighborhood, and their investments go far beyond a short-term stay. As long as we maintain protection of our neighborhoods as the top priority, we can be sure that regulations will be in the best interests of our city. This will ensure that our residents will thrive, and the visitors will follow.*

*Sincere thanks for your diligence on this overwhelming issue,*

*Jodi Poretto*

Jodi Poretto  
818 Bourbon Street  
New Orleans, LA 70116  
504-558-0784 / cell 504-206-9785

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:11 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short term rental public comment

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**From:** Ben Harwood [<mailto:harwoodb@gmail.com>]  
**Sent:** Monday, November 30, 2015 4:56 PM  
**To:** CPCinfo  
**Subject:** Short term rental public comment

I believe the city should begin its regulation of short term rentals by expanding its current B&B definition to include multi family homes that are owner occupied. Applicants for licenses should be required to undergo building inspection and pay annual licensure fees. B&B licensees should be required to have commercial liability and premises insurance commensurate with the activities permitted by the license they hold.

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Owner occupied licenses should be permitted uses while non-owner occupied licenses should be available as a conditional use with a NPP.

Permitted use Licenses should also be available as a permitted use to individuals OR businesses that renovate vacant blighted buildings that follow the same licensure procedure but are not owner-occupied.

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Benjamin Harwood, MCP LEED AP  
(504) 656-6675  
Sent from my iPhone 6

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:11 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: In Favor of Short Term Rentals

**From:** Peter Doty [<mailto:peteredoty@gmail.com>]  
**Sent:** Monday, November 30, 2015 4:57 PM  
**To:** CPCinfo  
**Subject:** In Favor of Short Term Rentals

Hello,

I believe that Private Home Sharing or Short Term Rentals should be allowed to operate in New Orleans. I own 1 of 8 condos that make up our condo association. Our condos are located on an area of Magazine that is highly traveled and has lots to offer out of town visitors. A number of our owners do not live in their units and rent them long term, while some do not rent them at all because they wish to come and go as they please, which long term renters prevent. The majority of our owners are in favor of Short Term Rentals. We have discussed having the owners that live on-site manage the short term rentals for the owners that do not currently live there. The money that could be generated from short term renting would allow us to contribute to maintenance / improvement cost, while eliminating any assessments that may come about; as well as potentially reducing the annual dues. We have also discussed the potential to improve the interiors of the units (ie. use the money generated to let someone renovate their bathroom/kitchen). Improvements made to 1 unit would benefit all the owners and the additional income would help better preserve our building. We as a whole feel that we should be able to operated our homes as we wish. Our situation is different from other scenarios, but we feel since there are only 8 units (2 buildings each with 4 units) all contained within a fence, that we as an association would be able to rent out some of our units for the betterment of our association while not infringing on others. We feel that our on-site owner presence would prevent any inconvenience to long term renters or close neighbors.

We would be more than willing to register our units, pay permitting fees and contribute a percentage back to the city. I empathize with home owners living next to homes rented out to large groups of rowdy visitors whose main intention is to party. Not all situations are like that. Tourism is a huge part of New Orleans and short term rentals are representative of a free market economy. There is certainly a need, as well as a desire for people visiting to not stay in hotels, but in more comfortable home environments in areas of the city that may not be available otherwise.

I know the majority of owners within our association are in favor on short term rentals, as we have discussed the number of positives we would experience if allowed. I think our scenario is conducive for it based on location, number of units, how our units are contained and our owner representation to prevent guest from inconveniencing others.

I appreciate your time in reading my thoughts. I hope you will take them into consideration.

Best Regards,

Peter Doty

228-363-0824

## Nicholas J. Kindel

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**From:** CPCInfo  
**Sent:** Monday, November 30, 2015 5:11 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rentals in the French Quarter

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**From:** Jennifer McCarthy [<mailto:jmccarthy@paintingwithatwist.com>]  
**Sent:** Monday, November 30, 2015 4:58 PM  
**To:** CPCInfo  
**Subject:** Short Term Rentals in the French Quarter

Good evening,

I moved to the French Quarter in June of 2015, after falling in love with the city's charm and unique character during a visit over Easter. I relocated from Virginia, and after almost 5 months living in the Quarter as a resident, I have embraced and acknowledged the pros and cons. One such con or concern is the short term rental situation, in which some of the beautiful properties in our lovely neighborhood are being rented out at nightly rates. There are constantly different people entering and exiting these locations. There is a lack of respect in a way that one wouldn't encounter with a hotel or regulated establishment. Between the garbage, the excessive noise and the ever-changing clientele, it has even posed some serious safety concerns. One such example is an apartment on my street that is a dedicated "Air BNB" location, and after a rowdy weekend, the window of the door was broken and there was a bloody handprint on the remaining glass and on the ground. People have to understand that these unregulated short term rentals are hurting our neighborhood in more ways than one. There's a lack of familiarity in knowing ones neighbor, and a lack of sense of community since these people don't live here and are merely a brief visitor. When my lease is up at the end of next June, I will certainly have to reconsider whether this is the type of neighborhood where I would like to remain if this situation continues.

I appreciate your time and consideration.

Regards,

Jennifer McCarthy

Copyright & Compliance Paralegal



Home Office

2121 N. Causeway Boulevard

Suite 200

Mandeville, LA 70471

985-626-3292

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:12 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rentals: Please keep New Orleans real

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**From:** Keith Hardie [mailto:keithhardie@yahoo.com]  
**Sent:** Monday, November 30, 2015 4:58 PM  
**To:** CPCinfo  
**Subject:** Short Term Rentals: Please keep New Orleans real

Dear Commission Members:

Maple Area Residents, Inc. opposes the legalization of AirBnB and other forms of short term rentals. Our neighborhoods are not equipped to provide temporary housing to tourists, nor should residents be forced to endure weekly bachelor parties. Local residents create and maintain local culture. Legalization of short term rentals will drive up rents, displace residents, create buildings full of ghost condos, and compromise the culture. Short-term rentals dilute the voting power of neighborhoods, and have already helped reduce the political clout of our most historic neighborhoods, making it harder for residents of those neighborhoods to fight untoward development, eliminating historic housing stock and weakening local culture. Legalizing short-term rentals is the planning equivalent of selling your seed corn. It's a vicious circle that ends in a City with few real residents. If this trend continues, our neighborhood streets will be populated by tourists gawking at each other and looking for the nearest Starbucks, McDonald's, or Red Lobster, without a real local or any real local culture in sight. It has happened in Venice (see article below), and it is happening here now.

In spite of its many problems, most New Orleanians want to remain here, and those who have left or been driven out by storms or real estate speculation want to return. Keep New Orleans local by making room for locals! We are a great City because of the things we have collectively valued, and those things can only be maintained by cohesive neighborhoods.

At previous public hearings, many of those supporting STR's openly admitted that they were already operating illegal units, and most of them had multiple properties. These people have knowingly violated the law in the past, have no hesitation to admit it in a public forum, and should not be rewarded by being grandfathered in. They will not change their spots, and will continue to push the envelope. Give into them now, and they will be back in three years asking for more. Don't sell out the City to a handful of scofflaws who will do anything for a buck, including selling out their own city.

Just say no to STR's!

[Tourism overwhelms vanishing Venice | Europe | DW.COM | 09.11.2012](#)

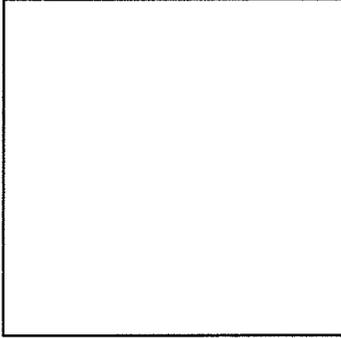
Newsweek article on the hidden cost of ghost condos:  
<http://www.newsweek.com/2015/04/24/hidden-costs-ghost-apartments-322264.html>

Tourism overwhelms vanishing Venice | Europe | DW.COM...  
Venice is a UNESCO World Heritage Site, but ironically, cruise ship tourism is threatenin

g to overwhelm the sinking city. Can a balance be found before it turns int...

View on [www.dw.com](http://www.dw.com)

Preview by Yahoo



## The Hidden Costs of the World's Ghost Apartments

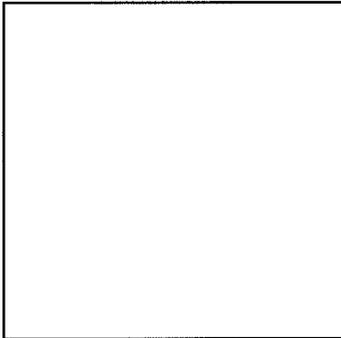
Across the globe, the superwealthy are snatching up palatial apartments and driving up the cost of living.

View on [www.newsweek.com](http://www.newsweek.com)

Preview by Yahoo

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Guardian article on effect of ghost condos on neighborhoods: [‘It’s like a ghost town’: lights go out as foreign owners desert London homes](#)



## ‘It’s like a ghost town’: lights go out as foreign owner...

Absentee owners and the ‘buy to leave’ market are hurting businesses as housing rises up the capital’s political agenda, writes Ed Cumming

View on [www.theguardian.com](http://www.theguardian.com)

Preview by Yahoo

**Keith Hardie, Jr.**  
**[keithhardie@yahoo.com](mailto:keithhardie@yahoo.com)**  
**President, Maple Area Residents, Inc.**  
**(504) 522-6222**  
**(504) 522-6226 (fax)**

## Nicholas J. Kindel

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**From:** CPCInfo  
**Sent:** Monday, November 30, 2015 5:12 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short-term rentals in New Orleans

-----Original Message-----

From: [luckybean@juno.com](mailto:luckybean@juno.com) [mailto:[luckybean@juno.com](mailto:luckybean@juno.com)]  
Sent: Monday, November 30, 2015 4:57 PM  
To: CPCInfo  
Cc: [luckybean@juno.com](mailto:luckybean@juno.com); [iko-iko@juno.com](mailto:iko-iko@juno.com)  
Subject: Short-term rentals in New Orleans

To: City Planning Commission members and staff

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I am writing to urge your strong support for our historic neighborhoods as you consider the current debates surrounding the proliferation of short-term rentals in the city. We have lived in the Quarter and Marigny Triangle since 1977. In that time, we have seen a dramatic decline in the population of residents, both homeowners and renters, in favor of a dramatic increase in the number of tourists and visitors to these neighborhoods. The abundance of B&Bs and now illegal short-term rentals has certainly affected our quality of life. The streets are continually busy, yet there are fewer neighbors and familiar faces in the crowds. Visitors contribute to restaurants, bars, and music venues, but they do not support the businesses that provide local people with the necessities for everyday living, such as corner groceries and hardware stores. Short-term rentals artificially inflate the cost of renting or buying a home in older neighborhoods. We often joke, but it is not really funny, that sure, we could sell our house for a huge profit, but where would we move? It has always been the residents who have made older neighborhoods attractive to tourists and visitors. Please consider our needs in your deliberations. Thank you for your consideration.

Patricia A. Sirois  
Laurence T. Eagan  
815 Touro Street  
New Orleans, LA 70116  
504-949-2563

## Nicholas J. Kindel

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**From:** CPCInfo  
**Sent:** Monday, November 30, 2015 5:12 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: short term rentals

**From:** Leslie Wade [<mailto:leswade711@gmail.com>]  
**Sent:** Monday, November 30, 2015 5:00 PM  
**To:** CPCInfo  
**Subject:** short term rentals

Dear City Council: As a property owner (1015 Governor Nicholls) and Orleans Parish voter, I strongly encourage you to maintain the 60-day requirement for short term rentals.

We have a unit in our condo association that has been regularly renting via Vacation Rental by Owner, and we ~~have experienced numerous loud and rowdy guests who diminish greatly the quality of life in our~~ neighborhood.

Also, I feel that the city loses on tax income and that there is unfair competition for short term rentals vis-a-vis Bed and Breakfast establishments and hotels.

Allowing short term rentals would be an AWFUL turn for the Quarter.

best wishes, Les Wade

## Nicholas J. Kindel

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**From:** CPCInfo  
**Sent:** Monday, November 30, 2015 5:12 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short-Term Stays and Changing Cities (an note of support)

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**From:** Adam Newman [<mailto:adamjnewman@me.com>]  
**Sent:** Monday, November 30, 2015 5:00 PM  
**To:** CPCInfo  
**Cc:** Polly Hardie  
**Subject:** Short-Term Stays and Changing Cities (an note of support)

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As a supporter of well-run, regulated short-term rentals, I would like to acknowledge that it's true – acceptance and regulation may well change the city a bit.

But cities change:

1. There is an argument from the opposition that STRs drive people from their homes. Even if true (I think this is marginal in reality except in a few prime neighborhoods who would not support affordable housing anyway) I must say that **if they think that the neighborhoods and houses that they live in (and in fact the city *itself*) didn't at one point drive someone else out, they are sadly mistaken.** Cities move people and nature out of their way.

2. The biggest thing that changed New Orleans for the worse in the 20th century was the automobile. Talk about changing the fabric of neighborhoods – but I bet the entire opposition drives one.

I'm far from accepting that all change is progress, but change CAN be progress, and I believe that regulated STRs can be progressive.

Thank you for your consideration.

.....  
Adam Newman  
Royal St.  
[adamjnewman@me.com](mailto:adamjnewman@me.com)  
504.782.7995

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Monday, November 30, 2015 5:12 PM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Please Support my Short-Term Stay

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**From:** Adam Newman [<mailto:adam@adamnewmanstudio.com>]  
**Sent:** Monday, November 30, 2015 5:00 PM  
**To:** CPCinfo  
**Cc:** Polly Hardie  
**Subject:** Please Support my Short-Term Stay

Dear City Planning Commission,

---

Please allow me to keep my short-term stay guest house thriving – **it is a natural extension of the “Shop Local” movement** that I’ve supported for years, and it makes me proud to be a New Orleanian.

Two years ago, I had the good fortune to purchase the two-bedroom house across the street from mine – for two decades a makeshift "guest house" already, owned by a couple from Baton Rouge who would sometimes visit, and sometimes rent to friends (but mostly the house sat empty). After some renovation, I’ve been using it as a short-term rental, and **this has been one of the most satisfying undertakings of my life – and not just financially. I get to see my city through the eyes of others every day, and it allows me to see things I never would have otherwise.**

Renting the house out – and acting as an engaged ambassador to my city – has allowed me the opportunity to spend time with **some of the most interesting people I’ve ever met, from around the country and around the world.** I’ve made true friends, and have several returning guests. Two of my guests have been so taken with the experience, they have moved to New Orleans and purchased houses here – both unexpectedly.

Originally I rented for long weekends or a week or so, but given the concern about the legality (I was oblivious when I began), I’ve gone to primarily 30-day-and-up stays. I miss the shorter stays a great deal, however. Ironically perhaps, the longer-stays tend to be less excited about being there – they are often put there for work reasons, and are less engaged with me than the short-termer. **Though fully legal, my monthly renters are no more permanent “neighbors” than the short-term guests,** and (with all respect to my better long-term visitors) usually not as fun, pleasant, interesting – or *interested*.

**Most of my neighbors are fully aware of my guest house and those neighbors are fully supportive.** They too interact with my guests, often sharing the courtyard under the twinkle lights in the evening to come say hello. Three of those neighbors within a few blocks rent half of *their* doubles short-term – one a homesteader in the neighborhood who has never had the funds to renovate the heavily dilapidated other side of her double until now.

I am a good neighbor. I keep my street clean. Very clean – more than most people in my neighborhood. Interested in everyone’s well-being and safety, I look out directly at the guest house from my living room desk

much of the day, usually aware of goings-on (**I am hoping that living immediately adjacent to the guest house will come to be seen as just as good as being “Owner Occupied” – the spirit is the same**).

I employ a housekeeper who, until she got hooked up with a few short-stays, was on welfare. I send my guests to local eateries (and sometimes am invited along). I am able to help send my son to college, and I donate charitably.

Most interestingly, I engage my son, who has learned about service in a way he likely wouldn't have otherwise – helping me to wash towels, visit the florist, and make repairs. And he too is exposed to the array of artists, designers, architects, authors, musicians, and academics who have visited.

I am totally ready to have my guest house regulated and pay appropriate fees and taxes – **I am ready to do my part to support the city financially in a way I couldn't before** (two of my guests have had to have cars repaired from potholes in my neighborhood – they have not come back, unfortunately). And I am totally ready to have my co-hosts regulated as well – poor hosts only serve to make my “industry” look bad. The sharing economy is a reality – let's harness it for good, rather than fostering an inevitable illegal underground.

**A good neighbor does not get in the way of others' right to enjoy their property. I am a good neighbor, and a big part of my identity to my neighbors is that of a gracious host.**

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Thank you for your time and energy.

Adam Newman  
Royal St.  
New Orleans LA 70117

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:43 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: The Best thing to happen to Magazine St

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**From:** Alex Curtis [<mailto:alexanderwcurtis@msn.com>]  
**Sent:** Monday, November 30, 2015 5:56 PM  
**To:** CPCinfo  
**Subject:** The Best thing to happen to Magazine St

Vacation Home rentals has been an awesome economic boost to the merchants on Magazine St. The renters spend money in the area they are renting. They still go downtown for dinner and fun. Tourist LOVE IT!

---

Alex Curtis  
504 810 3774

## Nicholas J. Kindel

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**From:** CPCInfo  
**Sent:** Thursday, December 03, 2015 9:43 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short-term rentals

**From:** Stephen Chesnut [<mailto:stephennchesnut@gmail.com>]  
**Sent:** Monday, November 30, 2015 8:42 PM  
**To:** CPCInfo  
**Subject:** Short-term rentals

I am in favor of short term rentals. They are private contracts between the landowner and the tenant.  
-- Stephen Chesnut

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:44 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: This is my home sharing story

-----Original Message-----

From: Greg Speyrer [<mailto:gspeyrer@gmail.com>]  
Sent: Monday, November 30, 2015 9:25 PM  
To: CPCinfo  
Subject: This is my home sharing story

Dear Executive Director Robert Rivers,

---

As a family that has used Airbnb as guests and as a homeowner using Airbnb services to rent our 2 spare rooms, we would ask that the commission consider the following:

Initial complaints concerning online rental options such as Airbnb revolved around the renting of entire homes by the equivalent of absentee landlords; that is, homeowners who did not live within the same house.

This issue could be resolved by simply requiring homeowners to reside on the premises and requiring Airbnb to assist the city - providing appropriate data - in determining or identifying people in violation of the rule.

Mid to small size hotels, and bed and breakfast operations feel that Airbnb hosts have an unfair cost advantage in that they do not collect taxes, pay permitting/licensing fees, comply with other city B&B regulations, and are not subject to potential inspections.

For each issue:

Require Airbnb to collect required taxes during the reservation process.

Revise city B&B rules; eliminate permitting/licensing fees, inspections, and regulations for small operations renting three or fewer bed rooms if they are affiliated with a hosting service such as Airbnb. Such permits/licenses do little to ensure the quality of host operations. With Airbnb, for example, guests and hosts rate each other after each interaction. Host reviews are readily available to any potential guests. A host will not last long if he develops a bad reputation for service or the quality of accommodations. Airbnb also has an effective resolution process for both hosts and guests that is faster and more responsive than almost any system the city could develop.

Some civic organizations fear over saturation of houses or rooms being available to rent in within an area (street, neighborhood, subdivision, etc.). They would have the city enact regulations to restrict the number of home owners that could rent all are part of their homes.

Resolve the issue, in part, by requiring homeowners to reside on the premises and requiring Airbnb to assist the city - providing appropriate data - in determining or identifying people in violation of the rule. This goes back to the original complaint.

Since the above eliminates entire home rentals, do not place limits on the number of homes that may rent rooms within a certain geographical area. Such a constraint effectively bars citizens the ability to make productive use of their property. It also, deprives citizens the ability to participate in the service economy of the city.

Some may point to an inconsistency in advocating the right of citizens to make productive use of their property and barring absentee landlords or home owners from renting entire homes. A legitimate distinction exist, however, between people who occupy a home, live in the city, and must live and interact with other people in their neighborhood versus those who do not.

Some parties would place a constraint on the total number of days per year that hosts could rent rooms. Other than constraining competition, there is no reasonable basis to place such constraints.

Finally, we believe that services such as Airbnb and participating hosts provides incrementally increases the overall economic activity of the city. People who may not have the ability to pay rates offered by established hotels or B&B operations would not visit the city. Airbnb hosts offer that opportunity; and, with no discernible effect on hotels or other B&Bs.

Thank you for your time in reading and considering this letter.

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Sincerely,

Greg Speyrer

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:44 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: short-term rental regulation

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**From:** Mark Malouse [<mailto:mark.r@malouse.net>]  
**Sent:** Monday, November 30, 2015 9:49 PM  
**To:** CPCinfo  
**Subject:** short-term rental regulation

Firstly, attempted regulation of STRs elsewhere has been a failure. The principals involved see the opportunity to make loads of money virtually tax-free. The claim that they want to be legalized and regulated is just a ploy to gain an appearance of legitimacy so that they can expand even further.

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Although I have had a laissez-faire attitude regarding STRs, my attitude has changed this year. The cons impacting my daily living were isolated and short-lived, such as STR tenants having loud parties late at night and partially or completely blocking my driveway. Now, assessor Williams has decided that all of the land in the Marigny has tripled in value, and the improvements upon them are up for reassessment next year. I understand that property assessments are supposed to reflect fair market value, market values are being artificially inflated by buyers whose sole intention is operation as STRs.

I suggest the following solution that will solve both the problems of illegal STRs and exorbitant tax assessments. Roll back the assessments of owner-occupied and long-term rental properties to last year's values, with perhaps a 10% (as opposed to 300%) increase for appreciation. Concentrate the "lost" millages onto the STR properties, which may very well result in an assessment increase of several-fold. So be it. If the STR operators are willing to pay their fair share, this strategy will hit those deep pockets.

Any scenario that follows looks like a win to me. The STRs could contribute mightily to city coffers, with tourists bearing the brunt of the burden. STR operators could decide that a slimmer profit margin is not worth their while and sell those properties to citizens who want to be homeowners, with some units in doubles being rented out long-term at reasonable rents. If any STR owners fail to pay property tax, they won't be owning those properties much longer, which can then be auctioned off to owner-occupants or long-term rental landlords.

The only criticism I can foresee is a claim to not know which properties are being used as STRs, which is also the bait being waved to promote legalization. I can tell you which properties within a one-block radius of my home are STRs. Just put out a property tax abatement bounty program and they will all be identified quickly.

Mark Malouse

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:44 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: ST rentals

-----Original Message-----

From: kerrie ramsdell [<mailto:kerrie333@hotmail.com>]  
Sent: Monday, November 30, 2015 10:10 PM  
To: CPCinfo  
Subject: ST rentals

I am a proud airbnb host and love what this economy has allowed me to do financially as a single female. I initially created a space for my father who had a stroke, but he did not comply w his MD and continued to work. So, I now had this in-law type suite and someone suggested I use Airbnb to rent out. I had rented out prior to room mates, particularly after Katrina bc I wanted to help out due to low housing stock. But, after many years I realized I wanted more of my own space yet also the opportunity to limit how much I rented so I could have family or friends (rather than a room mate).

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I love the people I've met, the financial stability it has afforded me, and the ability to showcase lots of local small businesses in the neighborhood. These guests have been great for the city and tourism and I am totally happy to pay my fair share of taxes/fees. I'm not taking extra housing stock bc I live on premises (it's a single home) and love the benefits of ST renting. It allows for more middle class travelers to enjoy this great city and to get a feel for the wonderful neighborhoods they may not otherwise get to stay in.

Marigny resident.

Sent from my iPhone

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:44 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: short term rentals

**From:** Byron Fortier [<mailto:spain913@gmail.com>]  
**Sent:** Monday, November 30, 2015 10:20 PM  
**To:** CPCinfo  
**Subject:** short term rentals

Much more stringent regulation needs to be developed for short term rentals.

~~STR's should be limited to properties where the owner lives on site. Absentee owners who buy up properties to max out their profit are a blight on neighborhoods. They inflate both real estate values and rental rates to the detriment of actual residents and citizens.~~

And especially in neighborhoods like Marigny, STR's tend to draw "partiers" who don't care how much disruption they cause or how much noise they make. After all, they don't live there!

Even owner-occupied rentals should be limited in number. There is a tipping point in a neighborhood where the volume of transient residents begins to define its character, and you don't really have any "neighbors".

STR's also discourage businesses from locating in neighborhoods, aside from bars and restaurants. We have been waiting a long time for a supermarket in Marigny, and I believe that STR's are not the customer base that a supermarket requires.

STR's should be taxed as hotels and legal B&B's are now.

Thank you for your consideration of these points.

Byron Fortier  
913 Spain St., NOLA 70117

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:44 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: This is my home sharing story

-----Original Message-----

From: Name Withheld [<mailto:midcitybnb@gmail.com>]  
Sent: Monday, November 30, 2015 11:43 PM  
To: CPCinfo  
Subject: This is my home sharing story

Dear Executive Director Robert Rivers,

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My husband and I recently purchased our dream home in New Orleans. Well, it's our soon to be dream home. We have a whole lot of construction that we want to do to make it fit our family. Being able to rent it for a week here and there makes it possible for us to cover our costs in between doing all the improvements. We live in another apartment across town but could never carry the cost of both homes. We can rent it out now for a few weeks and then do some of the remodeling and then rent it again for a festival.

We wouldn't be able to do this with a long term renter and we aren't wealthy enough to cover the full cost of a home we aren't living in. We have a toddler so living in a house while it is having construction done isn't really the best idea either.

We love New Orleans. This has been our home for almost 2 combined decades. We care about keeping the city beautiful and genuine. We care about minimizing gentrification and protecting historic neighborhoods and houses. We also care about building the home our family will live in for decades to come. Airbnb and other home sharing sites make that possible.

As a bonus we love hosting people in our home. We know the city depends on tourists and we really enjoy being the ones to show them around town; Get them off bourbon street and out to enjoy the rest we have to offer. Most often those that stay with us wouldn't visit New Orleans as traditional hotel tourists. They want a genuine in home experience with locals as guides and they want amenities like full kitchens and bicycles and driveway parking that a hotel just can't provide. They want their family reunion to be all in one home, not spread over hotel rooms. We offer a different service than just a hotel- it isn't competition, it is a compliment. That means more tourists in total and a better future for the city. We would like to always keep a small apartment or spare room in our home that we could rent in this way. Not so much for income, though that certainly helps, but for the experience. To expose our kids to people from all over the world. To get to share our beautiful city with others. We want to be hosts, not landlords. Airbnb, and sites like it, allow us to do this in a safe way. Their guests are verified and we are insured against damages.

If the city decided that it was going to enforce a ban on this practice in New Orleans I am sure that to a certain extent it will simply create a black market. People will use less safe sites like craigslist and the city will miss out on the tax income. We would be more than happy to pay appropriate taxes to the city for the income we earn on this property. It isn't a business for us, just a way to break even, but we still would prefer to be above board on all the transactions. Having the city in limbo about how they will handle short term rentals makes it impossible for young families like ours to make long term plans. My family would likely have to sell our beautiful home as we just won't have the ability to rent it in between the phases of construction.

Please understand that I am withholding my name as I am unsure of the legal ramifications of discussing a short term rental property. The email address I have listed does forward to me but I do not wish to share my actual name or the address of this property for obvious reasons. The phone number listed is a google voice number that routes to my phone as well. Please feel free to contact me.

Sincerely,

Name Withheld

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:44 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rentals

-----Original Message-----

From: Christopher G. Allen [<mailto:chris@historicNOLAapartments.com>]  
Sent: Tuesday, December 01, 2015 6:28 AM  
To: CPCinfo  
Cc: Stacy S. Head; DistrictC; Jason R. Williams  
Subject: Short Term Rentals

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Gentlemen:

I am writing in regards to your upcoming vote on short term rentals. As an owner of 17 buildings in New Orleans' Historic Districts, and as a businessman who has invested over \$10,000,000 in Purchasing and renovating historic structures in New Orleans, I urge you to crack down on short term rentals. We have several tenants who, over the last couple years, have been kicked out of their previous apartments so the owners could make more on illegal short term rentals.

We have cracked down on these rentals in our units - we had a tenant who rented their Marigny apartment for \$1,500 a week while we charged them \$950 a month. We strive to keep our rents down while offering top service to our clients. We could make more money renting all our 53 units short term, but what would we be doing to the neighborhoods we have invested so much in? We would be destroying the foundation our investments are built on by weakening the communities around our properties.

As a native New Orleanian and resident of the Quarter, I have invested in our historic neighborhoods to help ensure their future and the future of my City. Please do your part, as I have done, and make short term rentals are only allowed in owner occupied structures. The Marigny, Bywater and the Quarter are the most vulnerable to destruction caused by pushing residents out for visitors. Our RESIDENTS make our neighborhoods. Lets all do our part to make sure that continues. Otherwise we are left with a hollow facade of the City we love and cherish.

Christopher G. Allen  
President, Historic Investments, LLC  
[www.historicNOLAapartments.com](http://www.historicNOLAapartments.com)

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:44 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Re- Short Term Rental

**From:** Marina Costopoulos [<mailto:smcamarina1@aol.com>]  
**Sent:** Tuesday, December 01, 2015 8:57 AM  
**To:** CPCinfo  
**Subject:** Re- Short Term Rental

I am in favor of the short term rental. The VCPORA is making a big deal over nothing. This is a great revenue path for both the city and home owner. The old guard of the French Quarter needs to stop acting like spoiled children and step aside and allow progress to proceed forward. I live at 728 Gov. Nicholls St. and my neighbors are doing short term rental. There has not been any problems what so ever with the weekend or weekly tenants.

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Alot of the tourist want to stay in a home rather than a hotel. They love the "NEW ORLEANS" experience and I don't blame them. Our city, Welcomes all, whether you stay in a hotel, B and B or rent someone's dependency. It is all about the experience, therefore, the tourist has the right to select what type of accomodations they want. They are paying the tab!

Respectfully,

Marina Costopoulos  
728 Governor Nicholls St  
New Orleans, LA 70116

504 525 4178

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:44 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: short term rental info-- email didn't go thru yesterday

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**From:** [Carrie@BedandBreakfastbycarrie.com](mailto:Carrie@BedandBreakfastbycarrie.com) [mailto:Carrie@BedandBreakfastbyCarrie.com]  
**Sent:** Tuesday, December 01, 2015 1:54 PM  
**To:** CPCinfo  
**Subject:** short term rental info-- email didn't go thru yesterday

Hello- somehow this email didn't go through yesterday, my apologies. Here is my input- I have been in this business for 11 years, and have done private home rentals in 3 cities, and ~~was part of the committee to legalize it in Austin TX. I now live here in NOLA. I have a LOT of~~ experience in this business. Here are some items that I think are valuable, and may not have been said yet.

1- A POSSIBLE SOLUTION FOR MULTI UNIT PROPERTY THAT IS NON OWNER OCCUPIED: HAVE 1 FULL TIME TENANT LIVE ON THE PROPERTY, AND THE OTHER UNITS CAN BE SHORT TERM. THIS ALSO GOES ALONG WITH THE PROPRTY HAVING AN ON CALL MANAGER IF ANYTHING IS NEEDED, AND OWNER'S #.

2- A TRAINING PRGM IS CREATED FOR PRIVATE HOME RENTAL OWNERS FOR OCCUPIED AND NON-OCCUPIED-- PEOPLE NEW IN THE BUSINESS CAN LEARN MUCH NEEDED INFO ABOUT HOW TO WORK WITH THE NEIGHBORS, SAFETY ITEMS, TAKING CARE OF A 100+ YR OLD HOME, DEALING WITH CUSTOMERS, BEING INSURED PROPERLY, HOW TO DEAL WITH FESTIVAL WEEKENDS, AND MUCH MORE!! (i want to create this prgm, and lead it)

3- ONE THING I DO IS FOR ANY FESTIVAL WEEKEND, I CALL UP EVERY CUSTOMER AND REMIND THEM OF MY RULES FOR NO NOISE AFTER 10PM, AND TELL THEM THAT THEY MAY HAVE TO LEAVE IF THEY DON'T COMPLY. I HAVE RULES FOR NO ONE UNDER 25 YRS OF AGE CAN RENT, NO BACHELOR PARTIES-- MAKES A HUGE DIFFERENCE FOR NEIGHBORS' SATISFACTION WITH ME.

3- A RANDOM SURVEY OF INTERVIEWS WITH NEIGHBORHOODS-- GET THE PUBLICS OPINION BY PEOPLE KNOCKING ON DOORS AND ASKING WHAT THEY THINK..... I HAVE BEEN PLEASANTLY SURPRISED BY NEIGHBORS COMMENTS.

thank you SO much for all your efforts to gather information. I am happy to help in any way to have this be a strong workable program for New Orleans.

**Carrie Altemus**  
**Carrie's Cool Properties**  
**512.517.4776 direct**  
**888.608.4613 fax**

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:45 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rentals

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**From:** Cook, William E [<mailto:wcook@tulane.edu>]  
**Sent:** Tuesday, December 01, 2015 2:38 PM  
**To:** CPCinfo  
**Subject:** Short Term Rentals

Afternoon!

I would like to voice my opinion on short term rentals in New Orleans. I am a resident of the Bywater and every morning (especially on weekends) it is incredibly easy to see how many houses are being used for AirBnB rentals. It is almost like a parade of rolling suitcases... without the fun of throws! The exodus is incredible and there are many times that I see "occupants" leaving both sides of doubles. Any regulations should start with yoking a rental property to a resident owner and set limits to the number of nights available. I dread the idea of the Bywater turning into a carbon copy of the quarter with blocks of empty houses only filled with temporary renters who have no investment (monetary or emotional) in the neighborhood.

Thank you,

Bill

Bill Cook  
ADIS | Development | Tulane University

1555 Poydras Ave., New Orleans, LA 70112  
E: [wcook@tulane.edu](mailto:wcook@tulane.edu) | P: 504.314.7123

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:45 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rental Public Comment

**From:** Curtis Laub [<mailto:curtislaub@gmail.com>]  
**Sent:** Tuesday, December 01, 2015 4:09 PM  
**To:** CPCinfo  
**Subject:** Short Term Rental Public Comment

To the City Planning Commission:

I am for some kind of regulation of the short term rentals that have become popular in our city and around the world. The big problem with short term rentals is when houses or apartments are used for them exclusively, ~~taking the units out of service as housing stock. Housing affordability is one of the major issues in our city~~ today, and we must put short term rentals in check to make sure our housing stock is used primarily for residences, not visitors.

That said, I think it is beneficial for people to be able to rent out their units once or twice a year if they are out of town, for example during Mardi Gras or Jazz Fest.

My suggestion is to tie the ability to short-term lease one's dwelling unit to the homestead exemption for owners (or use a similar process to verify residence), and limit renters to one account per person, to ensure that those who are renting their dwellings short term are actually living in those units. Also, each unit should be limited to perhaps 6 short term rentals every year. On top of that, we need to make sure short term rentals are taxed like hotels or B&Bs. Ideally this would be done at the higher level, so that booking websites such as AirBnB are charged rather than people using their services.

We need a lot more affordable housing in this city, and we need to make sure the stock we already have is used for housing, not for short term visitors.

Thanks for your diligence on this issue.  
Curtis Laub

## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:45 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: Short Term Rentals

-----Original Message-----

From: Kurt Klebe [<mailto:kurtklebe@gmail.com>]  
Sent: Tuesday, December 01, 2015 7:08 PM  
To: CPCinfo  
Subject: Fwd: Short Term Rentals

>

> To Whom It May Concern,

>

> As you consider guidelines for new short term rental policies there are some very important things to consider. First the more onerous the guidelines the more difficult it will be to enforce. Cities across the World have tried and failed to implement outright bans or very restrictive night limits. The end result is that people continue to list their properties and no city has the recourse to try and combat it. Some cities have chosen to go the other direction like Philadelphia, Chicago, Paris, Rio and those cities have embraced short term rentals, and have put themselves at the forefront of a Worldwide emerging trend. This is the new economy and millions upon millions of people now prefer AIRBNB or VRBO to staying in a hotel. New Orleans would be very unwise to miss this growing trend.

>

> The opposition to short term rentals is not based on anything factual. Yes there are bad actors out there, and those folks should be fined and or lose their permit (should permits become a part of the equation) but in reality it is no different than a long term renter that is constantly an issue (or a long term home owner). STR properties are almost always immaculately maintained as the entire system is set up on reviews. Bad reviews and you are done for. Home prices are not rising due to STRS and this has been back up by an article from an MIT professor. Home prices are a function of supply and demand and right now in NOLA the demand far outweighs supply for the top neighborhoods.

>

> Short term rentals are being used by groups and families for weddings, birthday parties, family reunions, anniversaries, etc...These types of travelers are outstanding for our local economy and far better than the college guys coming down to stay in the quarter with 4 guys to a hotel room. They are spending top dollar in our restaurants, shops, concerts, etc... If we do not provide an opportunity for groups to rent whole houses we will lose all of this business to Nashville, Austin, Vegas, etc....

>

> The city needs money. There is not an easier way known to me for the city to raise money than to tax short term rentals and sell permits. There is very little money in AIRBNB shared rooms but rather the big tax dollar and permitting fees would come from whole house rentals. Rentals that are run professionally that provide guests to our city with a five star experience. There are many people who would be put out of work or who would be hurt economically if whole house rentals were banned. Corner coffee shops, local bars, mom and pop restaurants, cleaning folks, landscapers, contractors, would all take a major and entirely unnecessary hit.

>

> I am all for regulation. I believe you must do your part to offer a safe, well done, home with insurance not unlike a hotel or BNB. Density is an issue and should be addressed. However to single out whole house rentals is a bad idea for

the city going forward. Create a permitting process that is not complicated but ensures safety and insurance, sell those permits, tax the rentals and let's join the progressive cities that are reaping great rewards from the sharing economy.

>

> Kurt Klebe

>

> President

> Summit NOLA

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## Nicholas J. Kindel

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**From:** CPCinfo  
**Sent:** Thursday, December 03, 2015 9:45 AM  
**To:** Nicholas J. Kindel  
**Subject:** FW: short term rentals

**From:** Laura Manning [<mailto:laurabrigid@gmail.com>]  
**Sent:** Wednesday, December 02, 2015 12:57 PM  
**To:** CPCinfo  
**Subject:** short term rentals

Hello,

I live in the Marigny. It used to feel like a neighborhood. It now feels empty. And consequently feels less safe, less welcoming, and less like a neighborhood is supposed to feel. ~~There is a significant decrease in people caring for the community, protecting property, and just being 'present.'~~ This is very, very noticeable.

I do not mind - at all - if people want to rent out a small space or room IF they, too, are PRESENT and living IN the house. I also don't mind if people want to rent out their homes - while they are not there - for, say, a number of allotted days to make some extra cash during busy seasons (fourteen days, for example, could be allowed to cover Mardi Gras and jazz fest).

But to lose an entire neighborhood to people not invested in their homes, their neighbors, their community, the collective quality of life that makes up pleasant, safer, human existence ONLY so these few can make a buck (some of whom while not even living in the state)...that's not why ANYone is moving to New Orleans, that's not why the cultural scene has enticed COUNTLESS numbers of young, educated minds and workers to the area, and that's not what is going to keep the area - ultimately - afloat. It's a false, smoke and mirrors, quick-schemed, and ultimately untenable approach to neighborhood building, safer communities, property upkeep, tax collection, and general income to the area.

It's also profoundly scarier these days. Yes, I know we're down police officers. But the fact that no one is even AROUND - on their porches, inside their homes - has an affect on things. A neighborhood is definitional a place of NEIGHBORS.

I'm not certain how aware anyone is of just how MANY spaces used to go to year round rentals/residents but I very much am under the impression that 'those in charge' have NO idea how impressive this phenomenon has actually become.

One last point: The ONLY reason visitors come to New Orleans is BECAUSE of the little guy and what the little guy does. Tourism here is, ultimately, ONLY successful because of the city's cultural landscape - it's music, dance, food, and architecture. Otherwise it's Metairie - and we all know how attractive and alluring a destination THAT is.

Thank you for listening,

Laura Manning

PS - (Warning: This is pure rant): The five story monstrosities going up along Press? Terrible idea. Terrible. I didn't even know about them until it was too late. It's as though City Hall thinks beauty and quality of life isn't the whole point of life. Money matters. But the people that money serves matter more. I'm all for building in those blocks. But not a mall/apartment mall. Absolutely - one hundred percent - out of touch with design, feel, purpose, quality of life, culture, and why people come here; to visit or to live.

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