

MOTION

NO. M- 18-194

CITY HALL: May 24, 2018

BY: COUNCILMEMBERS GISLESON PALMER, GIARRUSSO, BANKS AND WILLIAMS

WHEREAS, the Council of the City of New Orleans has adopted a series of ordinances to define, categorize, and regulate Short Term Rentals (STR), which became effective April 1, 2017; and

WHEREAS, over a year has passed since these initial regulations have become effective, providing sufficient data to analyze STR laws to determine community impact; and

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

WHEREAS, the prior City Council submitted a motion for a Short Term Rental Study, via M-18-86, which has led the CPC to undertake a thorough study, but the existing Council desires to provide additional guidance to the CPC and tailor the study scope prior to the finalization of a complete STR study; **NOW THEREFORE**

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That M-18-86 is hereby rescinded.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct a study on the

existing Short Term Rental regulations in the Comprehensive Zoning Ordinance, and the correlating requirements in the City Code, to determine if modifications are warranted. In the course of study and review, the CPC should analyze similarly situated cities' regulations, including on platform accountability, to guide potential amendments, including but not limited to:

- The City of Charleston, which utilized the creation of a “Short Term Rental Overlay Zone” to limit the locations and neighborhoods whereby an STR license can be obtained;
- The City of Nashville, which has only two categories of STR, STR-owner-occupied and STR-not-owner-occupied, and limits STR-not-owner-occupied to commercial areas;
- The City of Austin, which is phasing out “type 2” licenses (i.e. not owner occupied and not associated with an owner-occupied principal residential unit) by April 1, 2022; and
- The City of Savannah, which limits STR to mixed-use zoning districts.

Upon a review of similarly situated cities and New Orleans' STR data – including on the administration, use, and impacts of the STR program, both city-wide and by neighborhood – the Council desires a study/review of the City's existing codes to receive recommendations if any amendments to these codes are needed, including but not limited to: changes to the STR categories (definitions); revisions to permissible/prohibited zoning categories; updates to the fee structure to more adequately address housing affordability; possible remedies to the illegal operation of STRs; adopting the use of parcels, as opposed to municipal addresses, in issuing permits and licenses; and additional/new prohibitions, if needed, including capping measures (such as limiting the number of licenses or creating restrictions based on block-face, spacing, or census tract), compliance standards, the use of homestead exemptions in issuing permits and

licenses, and any applicable regulations that may be available relative to the internet platforms that provide STR listings.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct and complete the study within 120 days of the passage of this motion and conduct the public hearing within 60 days of the passage of this motion.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of conducting a public hearing and study on the regulation of Short Term Rental in the City of New Orleans as provided herein, the City Planning Commission and staff are directed and granted the flexibility to expand the scope of the study and make any and all legal and appropriate recommendations deemed necessary in light of study, review, and public testimony resulting from this motion.

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

YEAS:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.