

## Adam Zack

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**From:** Ingrid Gabriel  
**Sent:** Tuesday, July 13, 2021 10:22 AM  
**To:** Vacation Rental Comments  
**Subject:** FW: moratorium or caps on vacation rental permits. Please submit for public record  
**Attachments:** Letter to Orcasonian as sent to council pdf.pdf

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**From:** Linda Bannerman <lindaj@teleport.com>  
**Sent:** Friday, July 9, 2021 3:15 PM  
**To:** Council Public Comment <councilpc@sanjuanco.com>  
**Cc:** Cindy Wolf <cindyw@sanjuanco.com>; Christine Minney <christinem@sanjuanco.com>; Jamie Stephens <jamies@sanjuanco.com>  
**Subject:** RE: moratorium or caps on vacation rental permits. Please submit for public record

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members,

As the meeting scheduled for July 12 approaches, I have been giving thought to the likely proposals to extend the moratorium on issuing vacation rental permits and/or establishing CAPs on same. I intend to speak at that meeting but I will be referencing materials I wish to provide you prior to the meeting in hopes you will examine them. I include them here along with the comments I intend to make publically at the meeting as I am hopeful your having this written access to them as well will aid you in making the right decision.

At the end of the last council meeting, Ms. Wolfe made a comment I will address specifically first. She said *something* like: waiting 6 months to place CAPS, she feared, is too long because "our workers don't have any place to live." This assumption that a "crisis" in an inventory of affordable housing would be addressed by CAPing vacation rentals is a false claim. Here is part of a letter I will be submitting to the Orcasonian, The Sounder, some social media, and perhaps other venues which provides you with refutation of that assumption and the dangers of adopting CAPS.

Here I repeat two important links in that letter I urge you to read and to make public. They are websites detailing Nantucket's approach to addressing the affordable housing shortage. I would like you to notice that, though the solutions are comprehensive, there is not ONE mention of vacation rentals nor short term rentals. That is because Nantucket has studied this issue empirically and has found that limiting short term rentals will gain no ground whatsoever in mitigating a shortage of vacation rentals.

<https://www.housingnantucket.org/workforce-housing-pdf/>

<https://www.housingnantucket.org/about/>

Note that ceasing the blaming of vacation rentals is not a suggestion that we do nothing. Quite the opposite. Let's get to work and focus our efforts on solutions that will work instead.

Ms. Wolfe, I kindly ask, can we finally put this myth to rest?

The false flag of the affordable housing issue is but one example of a bigger mistake I believe council and those who advocate for moratoriums and CAPs would be making should these policies be implemented. It is wrong-headed and dangerous because it puts the cart (a solution) before the horse (the problems).

As my letter above states, I urge council to reject a moratorium because one moratorium after another is just a ban. If the county does extend the moratorium, then do so only under the following conditions, which should be done in either case, extension or not:

Task standing committees to take a wholistic look at the causes of each issue rather than to argue about whether or not the binary strategy of allowing or disallowing vacation rentals is a good idea. . For example, are we worried about affordable housing? Then the committee that has worked hard on affordable housing already would take a wholistic rather than a piecemeal look at whether or not there is such a shortage here, to what extent, for which populations, and what is affordable anyway, and then set about solutions that match the data. Affordable housing is a problem much bigger than the tiny amount STRs contribute. Thus, the focus should be on comprehensive solutions rather than on demonizing STRs. Is the problem water? The committee to study water would examine use by everyone and find solutions that address all causes. Is the problem party houses? Maybe a committee would take up solutions to that because party houses are a problem created by friends and family and locals also. Or perhaps this committee would look at neighborhood charm. That would include several things like party houses, parking, trespassing, and neighbor disputes, but the focus would be on finding the extent of the problem and why rather than on a committee or workgroup to study VRs and STRs, thereby painting them as the culprits.

Such an approach would also sidestep the dangers of implementing the ill-informed and ineffective policy of CAPs. CAPs, as my letter explains, would likely lead to costly and protracted litigation over property rights and would further divide our community.

Change the focus. Do not even mention the words vacation or short term rentals in the names of these studies and committees, as that is a solution approach rather than a problem approach. In this way, find the broad causes for the problems,

based upon empirical data, so that our solutions actually have a shot at improving our community. Nantucket did that. And you know what? Vacation rentals are not even regulated now because Nantucket figured it out. . . . vacation rentals are not the problem.

With great regard for the work that you do,  
Linda Bannerman  
Owner, Sea Forever Guest House  
Member: Hosting on the Rock

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The greatest perk, among countless others, that comes from loving someone right now, just exactly as they are, instead of waiting for them to change, is that you get to love someone right now.

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My name is Linda Bannerman and I live on Orcas Island. I also own a vacation rental . I'm writing today to respond specifically to the claim that vacation rentals drain the inventory of affordable housing in San Juan County, and elsewhere for that matter.

There is very little impact that vacation rentals have on the affordable housing inventory. An "affordable dwelling" and a vacation rental are almost always different products. This is borne out by various empirical studies. While anecdotal experiences can be useful for triggering deeper examination, empirical studies are essential when one wishes to proceed with policy and must not substitute for empirical data. The LA Study, The San Francisco Study and studies done by Nantuckett are prime examples of empirical studies that dispel the myth that vacation rentals deplete availability of affordable dwellings.

Affordable housing is increasingly in short supply in lots of places, no doubt, notably even in places where there are few or no vacation rentals. But the reasons are numerous. On Orcas (and other tourist destinations, especially island ones like Nantucket), housing prices are high, period. We live in a beautiful place. People with money build expensive homes here and buy here and this raises the relative value of homes. Because we are on an island, we can't rely on a freeway for our workers to commute here from less expensive areas so the demand for affordable housing in our concentrated area is higher. Wages for workers here might be equal to or higher than off-island communities, but when pitted against higher home values and higher cost of goods, wages are not high enough to buy or rent homes. It is also imperative to have an accurate definition of "affordable." If one has a family of four, needs four or five bedrooms, insists on keeping their three dogs and a cat and are looking for something under \$1,000, the problem is not a lack of an affordable dwelling but rather an unrealistic understanding of what might be possible. Landlord-Tenant laws have become more and more tenant friendly so those who might invest in an LTR are turning away from this venture because providing an LTR can cost a landlord a great deal of money with just one bad experience. It is much more difficult for a home owner to manage LTR behavior than it is to manage the behavior of a vacation renter. Homes owned by off island folks are often rented seasonally so that the homeowner can come to visit or can offer the home to friends and family. They choose to pay the mortgage by renting seasonally but would never choose to rent year-round. Others have invested in their home here while living off island and rent it to afford to move into it one day when they retire. These homes would not be part of the affordable housing inventory either. So, you see, it would be futile to attempt to solve the affordable housing problem, assuming there really is one, by putting CAPS on vacation rentals. In fact, doing so would contribute to lessening affordable housing for middle-income families who can only afford to live in this expensive community by making a modest income from their vacation rental.

But here's the rub. Should we proceed with implementing CAPs, failing to address the affordable housing issue is not the only fall-out. We might, unwittingly, bring about serious negative consequences. The first has already happened and is on-going in communities like Conway and Portsmouth, New Hampshire; Nantucket; South Lake Tahoe; and Hayward, WI. That fall-out is expensive court battles over property rights, draining county coffers. This is because if you adopt CAPs, you have to figure out how to disperse the allowed remaining permits. And every which way one turns to do this results in someone being left out. Discriminate allowing of how people use their property to secure some income is unconstitutional. Doug Whittiker, an expert hired to study these issues here in San Juan County, warned of this in the recent panel discussions. Another negative fall-out might be the economic cost to businesses on our islands, and these businesses supply jobs for our workers. If we have CAPs or a moratorium, one thing that could happen is a slow erosion of the number of VRs we currently have. The fewer VRs, the fewer need for housecleaners, gardeners, construction workers. . . unexpected economic erosion. Ironic, isn't it? In an attempt to provide affordable housing for our workers, we would be doing so by taking away

their jobs. Another negative fall-out is that we would be attempting to replace highly regulated housing with far less regulated housing. VRs are required to inspect septic systems annually, hold renters to trespassing rules, hold renters to quiet hours, maintain occupancy limits , provide neighbors with a 24/7 contact if there is a problem, and much more. They are incentivized to keep landscapes charming and houses in good repair. No other housing is so regulated. And we here on the islands are already in the midst of a disappointing negative consequence: a divided community becoming even more so.

I urge the council to:

1. Reject CAPs in order to avoid expensive litigation and a divided community.

2. Reject an extension of the moratorium because one moratorium after another is just a ban. If the county does extend the moratorium, then do so only under the following conditions, which should be done in either case, extension or not: Make a firm commitment to empirically study each issue raised by those opposing vacation rentals. Task our hard working commissions, committees, and working groups to STUDY the problems, not to argue about whether or not the binary strategy of allowing or disallowing vacation rentals is a good idea. Change the focus. Do not even mention the words vacation or short term rentals in the names of these studies as that is a solution approach rather than a problem approach. In this way, find the broad causes for the problems, based upon empirical data so that our solutions actually have a shot at improving our community. Nantucket did that. Here is a link to their work on solving the affordable housing problem. It's worth a good read. And you know what? Vacation rentals are not even mentioned because Nantucket figured it out. . . . vacation rentals are not the problem.

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And this specifically goes into detail about their ambitious and effective endeavors:

<https://www.housingnantucket.org/about/>