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From: Jan Alderton <janetmalderton@gmail.com>
Sent: Thursday, August 12, 2021 5:20 PM
To: Comp Plan Update; San Juan County Council; Lynda Guernsey
Subject: If Short-term Rentals Are Benign, Why...?

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Dear Planning Commissioners and County Councilors,

If Short-term vacation rentals are benign as Jan Scilipoti of **Hosting on the Rock** maintains, why have so many locations severely limited short-term vacation rentals -unless the owner is present on the property?

A list of all the short-term vacation rental restrictions in our U.S.A. would be impossibly long to compile, but some cities with restrictions are described below. I wonder why these cities have gone to such great lengths to limit vacation rentals? And to enforce the regulations with such heavy fines that a website advises potential proprietors to beware. It is not only cities that have cracked down on short-term vacation rentals; tourist destinations in non-metropolitan areas have adopted strict limits as well.

Maybe Short-term Vacation Rentals are not as benign as Jan Scilipoti contends?

Janet Alderton
Deer Harbor
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From: <https://www.millionacres.com/>

Cities where Airbnb operation is substantially limited

Calabasas, California

Under Calabasas Municipal Code section 17.12.175, short-term or vacation rentals of any single-family home or any other property located in the city for less than 30 days is strictly prohibited.

New York City, New York

Under Senate Bill S6340A, it is illegal in New York city to rent an entire apartment or home for fewer than 30 days. When renting out rooms or a portion of the home for 30 days or less, New York City requires the owner to be on site.

Also, if the host has two paying guests staying in the home or apartment for less than 30 days, both guests must have free access to every room and access to each exit in the home or apartment. The host should also note that New York City requires the owner to be on-site when the property is rented out for less than 30 days.

Additionally, if a host decides to rent out a Class A multiple unit dwelling (a dwelling with three or more units), the host is prohibited from advertising the dwelling for a period of less than 30 days. Hosts who violate this ordinance could face a penalty of up to \$7,500.

Honolulu, Hawaii

As with many cities, the city of Honolulu has a very stringent set of rules that govern short-term rental laws. Under CO 19-18 (BILL 89) , the city of Honolulu made it illegal to list a property for less than 30 days on a hosting platform, and the law also allowed appropriate authorities to issue violations fines up to \$10,000 per day for simply listing the property on a short-term rental platform. If you're in Honolulu, it's imperative to pay close attention to how you advertise your short-term rental.

Additionally, short-term rentals fall into two categories: bed and breakfast rentals or transient vacation units. Each category of rental has specific rules and regulations.

Note: this is not an exhaustive list of Honolulu's ordinances. For detailed guidelines, hosts should review [CO 19-18 \(BILL 89\)](#).

Bed and breakfast

The ordinance does not allow more than two guest rooms in a bed-and-breakfast rental with a maximum occupancy of four guests per rental. The ordinance also requires that the host set quiet hours between 10:00 pm and 8:00 a.m.

Additionally, Honolulu requires that the owner/operator remain on the premises during the period of occupancy.

Transient vacation units

The city of Honolulu prohibits transient vacation units (unhosted rentals). Short-term rentals are prohibited by law in non-resort areas unless the host receives a nonconforming use certificate from the local government.

New Orleans, Louisiana

Much like Honolulu, the city of New Orleans has a strict set of rules and regulations governing short-term rentals. At present, short-term rentals are banned in the French Quarter and the Garden District.

The City of New Orleans also limits short-term rentals to homes that are owner occupied and require the owner to get a short-term rental permit before putting the property in use. The city offers two types of permits: a residential short-term rental permit and a commercial short-term rental permit.

Las Vegas, Nevada

Another hot travel destination that has placed substantial limitations on short-term rentals is the city of Las Vegas. Hosts who operate a rental in Las Vegas are required to get a business license in order to operate the property.

Additionally, Las Vegas prohibits the use of short-term rentals for weddings, birthday parties, bachelor/bachelorette parties, and other types of special events. Las Vegas's short-term rental guidelines specifically state that short-term rentals are specifically meant for "sleeping purposes" and must be an owner-occupied residence.

Penalties and fines

Hosts who are found to have violated their city ordinances will be exposed to penalties and fines. The exact amount of the penalty is determined by each city. Hosts should be aware that if they are fined, payments thereof are not tax deductible. Under IRS Code, fines and penalties paid for violations of the law are strictly prohibited. So if you are found in violation of the law, you will have to bite this bullet alone. This is not a deductible expense.