



AGENDA

ASTORIA CITY COUNCIL WORK SESSION

Wednesday, May 10, 2017
9:00 AM
2nd Floor Council Chambers
1095 Duane Street · Astoria OR 97103

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) HOMESTAY LODGING
- 4) ADJOURNMENT

**THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE
HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY
CONTACTING JENNIFER BENOIT WITH THE CITY MANAGER'S OFFICE
AT 503-325-5824**



CITY OF ASTORIA

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COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: May 5, 2017

TO: CITY COUNCIL

FROM: BRETT ESTES, CITY MANAGER

SUBJECT: Home Stay Lodging Work Session Information for 5/10/17

Home Stay Lodging (often referred to as "AirBnB") provides an opportunity for local residents to rent out 1-2 bedrooms in their owner occupied homes for less than 30 days. This form of transient lodging differs from long-term rental units, and requires regulations and enforcement to maintain a strong housing stock for permanent residents. Some residents state they operate home stay lodging units as they enjoy hosting guests, while others state they do it to generate additional income. Other residents have raised concerns about this type of use in residential zoning districts. There has been discussion at City Council meetings regarding this topic. The work session allows for a conversation so staff will be able to establish a policy that fits the needs of our community.

Staff's goal at this work session is to seek direction from Council on if they feel home stay lodging is appropriate for Astoria, and if so, how to best regulate and enforce home stay lodging with our given resources and staffing. Home Stay Lodging is currently regulated by the City's Development Code, City Code, and the Comprehensive Plan.

If Council wishes to prohibit home stay lodging in the future, staff will need to develop necessary code amendments to implement regulations. However, if Council wishes to continue to allow home stay lodging it is staff's recommendation that a permit process be developed.

Staff will be prepared to discuss potential permit process options if desired. In the packet attached is the following documentation to provide some background on home-stay lodging issues:

- Existing homestay lodging unit data including zoning, business license, transient lodging tax data, and required steps for code enforcement
- FAQ flyer on current requirements for establishing home stay lodging
- Sample packet from the Finance Department for setting up Transient Lodging Taxes

May 10, 2017

City Council Work Session: Homes-Stay Lodging

- Current codes relevant to Home Stay Lodging
 - Definitions from Development Code
 - Taxing information from City Code
 - Neighborhood/Area visions from the Comprehensive Plan
- Article from American Planning Association on regulating home stay lodging

By: _____



Nancy Ferber
City Planner

5/3/2017	NAME	HOST	OWNER	LOCATION	PEOPLE	ROOMS	BEDS	BATH	KIT	ENTRANCE	TYPE	ON SITE	PRICE	ADDRESS	ZONE	OTA	TAX	DATE	COMPLIANCE
1	Astoria hilltop bungalow private bed and bath	Jennifer	Jennifer G and Kristian T Fremstad	Central	2	1BR, table	1Q, 2T	P	MFC	P	studio	Y	\$ 79	1421 Jerome	R-1	No	No	?	Needs CUP, OTA, Tax, Parking Plan
2	Garden Path	Peter & Richard	Richard P Bracke and Peter Nevins	Central	2	room	1Q	P	No	P	room+	Y	\$ 90	1233 Grand Ave	R-3	Yes	Yes	7/8/2016	In compliance
3	Uniontown Studio	Kathleen	?	Uniontown	2	1BR, kit, W/D	1Q	P	Full	P	studio	Y?	\$ 95	W Duane/Hume	R-3	No	No	?	Needs CUP, OTA, Tax, Parking Plan, verify entire unit
4	Lichen Room	Melissa	?	Alderbrook	3	1BR, Liv/Din	1Q, 1T	P	No	P	room+	Y	\$ 75	53/Birch	R-2	No	No	?	Needs CUP, OTA, Tax, Parking Plan, verify "private room"
5	Charming Young's	Brenda	?	Bay	1	room	1T	P	Shared	Shared	room	Y	\$ 60	?	?	No	No	?	Need exact address, OTA, Tax, Parking Plan
6	Hilltop Garden	Rosalyn	Rosalyn Edelson	Uppertown	2	room	1Q	P	Shared	Shared	room	Y	\$ 85	4041 Franklin	R-2	Yes	Yes	?	In compliance-verify owner occupied
7	Windwater	Rafael	Rafael Otero	Uppertown	2	1BR, Liv, Din	1K	P	Full	P	apt	Y	\$ 275	172 Duane	R-1	Yes	Yes	12/11/2013	In compliance-verify owner occupied
8	Rwalk Townhouse	Fred	Fred Van Horne?	Mill Pond	8	3BR, 3BA	3Q,1K	3P	Full	P	house	N	\$ 400	437 30th?	C-3	submitted-pending review	pending review	3/1/2017	Review in process-CC&R's limit to 4 night minimum
9	AST Modern Victorian	Suzy	?	Central	2	room	1Q	P	Shared	Shared	room+	Y	\$ 64	767 Lexington?	?	No	No	?	Need exact address, OTA, Tax, Parking Plan
10	Old Home on Bay 1	Kelly	Kelly Olson	Bay	5	2BR, full	2Q, 1S	P	Full	P	apt	N	120?	681 W Marine Drive	C-3	Yes	Yes	1/14/2014	In compliance
11	Old Home on Bay 2	Kelly	?	Bay	5	2BR, full	2Q	P	Full	P	apt	N	120?	?	?	No	No	?	?
12	Private Theater	Darcy	Darcy Cronin	Central	2	room	1Q	P	No	P	room	Y	\$ 75	656 11th Street	R-3	Yes	Yes	2/14/2017	Yes
13	Large Hilltop House	Thomas	?	Central	9	3BR, 2BA, full	1K, 1Q, 1D, 1T, 1S	2P	Full	P	house	N	\$ 175	s. slope-unknown r-3 or r-1	?	No	No	?	cannot advertise entire home, needs OTA, Tax, Parking
14	Fisher Library	Kris	Kris Haefker	Central	2	1BR, sunrm,	1Q	Shared	Shared	Shared	room+	Y	\$ 95	687 12th Street	R-3	Yes	Yes	?	
15	Fisher Drawing	Kris	Kris Haefker	Central	2	room	1Q	Shared	Shared	Shared	room	Y	\$ 85	687 12th Street	R-3	Yes	Yes	?	
16	Fisher Corner	Kris	Kris Haefker	Central	2	room	1Q	Shared	Shared	Shared	room	Y	\$ 85	687 12th Street	R-3	Yes	Yes	?	
17	Historic Retreat	LaRea	?	Uppertown	2	1BR, full	1Q	P	Full	P	apt	N	\$ 99	?	R-3	No	No	?	Needs OTA, Tax, Parking confirmation
18	Col River Private Apt	LaRea	?	Uppertown	2	1BR, full	1Q	P	Full	P	apt	N	\$ 99	?	R-3	No	No	?	Needs OTA, Tax, Parking confirmation
19	Big Blue 2	Berenice&Vic	Berenice Lopez Dorsey	Uniontown	5	3BR, Liv/Din	2Q2T	P	Full	P	apt	N	\$ 180	328 Alameda	R-3	Yes	Yes	8/8/2016	triplex, one unit is owner occupied
20	Classy AST --BB 3	Berenice&Vic	Berenice Lopez Dorsey	Uniontown	2	1BR	1K	P	Full	P	apt	N	150+	328 Alameda	R-3	Yes	Yes	8/8/2016	triplex, one unit is owner occupied

5/3/2017	NAME	HOST	OWNER	LOCATION	PEOPLE	ROOMS	BEDS	BATH	KIT	ENTRANCE	TYPE	ON SITE	PRICE	ADDRESS	ZONE	OTA	TAX	DATE	COMPLIANCE
21	Charming Home	Warren	Claudine Gregory-Uniontown LLC	Uppertown	6	2BR, full	2Q1S	P	Full	P	house	N	\$ 125	321 w marine	C-3	Yes	Yes	3/23/2017	*note now under Claudine Gregory, have not been renting out since Warren passed
22	Charming 2BR suite	Warren	Claudine Gregory-on behalf of Warren Williams	Central	6	2BR, full	2Q1S	P	Full	P	house	N	\$ 99	321 w marine	C-3	Yes	Yes	3/23/2017	*note now under Claudine Gregory, have not been renting out since Warren passed
23	Mellow Room	Kelly	Kelly Olson?	Central	2	room	1Q	Shared	Shared	Shared	room	Y	\$ 60	?	?	?	?	?	verify address, zoning, parking, OTA, Tax, Occupancy
24	Upscale Riverwalk	Brooke	Brooke and Stephen Myvold	Mill Pond	8	3BR 2.5B	1Q, 1D,2T, 1S	P	P	P	house	N	\$ 300	258 29th	C-3	No	No	?	confirm Columbia Landing CC&R requirements, parking, OTA, tax
25	Art Room	Chris	Chris-woks at Blue Scorcher	Central	2	room	1Q	Shared	Shared	Shared	room	Y	\$ 65	?	likely R-2	?	?	?	Need exact address, OTA, Tax, Parking Plan
26	Charming 2BR	Evolve Vacation	?	Uppertown	6	2BR, 2.5BA	2Q, 1S	P	P	P	apt	N	\$ 149	35th & Irving-ish	likely R-2	?	?	?	"Cheri & Rick Nahstoll of M&N Cleaning Service are the managers for our property at 3391 Irving Ave. Cheri's phone # is 503 791 9115" long term tenants in basement unit? 3rd party rental
27	Spectacular View	Frank & Meg	Frank Linza	Central	6	2BR	1Q, 2T, 1S	P	P	P	House	Y	\$ 190	364 Floral	R-3	Yes	Yes	6/6/2015	In compliance
28	Studio Panoramic	Alexandra	?	Uniontown	3	room	1D, 1S	P	Shared	Shared	room	Y	\$ 85	?	?	?	?	?	needs
29	Quaint & Secluded	Lesley		Central	2	1BR	1Q	P	P	P	apt	Y?	\$ 75	?	?	?	?	?	
30	New Moon Garden	Dwight	Dwight Caswell	Uniontown	2	room	1D or Q	Shared	Shared	Shared	room	Y	\$ 72	457 Alameda Avenue	R-3	yes	yes	7/5/2016	
31	Rview Vintage Coach	Nick	Nick Carrier	Uppertown	4	1BR	2T, 1S	P	P	P	RV	N?	\$ 85	3171 Harrison	R-2				his house=yellow victorian
32	Art House/Light House	Susan	Banyas Susan G Trust	Central	4	2BR, 2BA	2Q, 2T, 1S	P	P	P	house	N	\$ 125	1421 Irving Avenue	R-1	yes 5/6/16	yes	TRT 4/29/2016	
33	Victorian Stay	Kelly	Kelly Olson	Uppertown	5	2BR, 1.5BA	2Q, 1T	P	P	P	apt	Y	\$ 100	3710 Harrison Avenue	R-2	yes	yes	7/14/2015	
34	Victorian Experience	Kathy		Central	2	1BR	1D	P	P	P	apt	Y	\$ 95	?	?	?		?	?
35	Cozy Getaway	Peter		South	4	1BR	1Q, 1S	P	P	P	apt	N?	\$ 70	?	?	?		?	?
36	Serene Bedroom	Yvonne		Uppertown	2	room	1Q	Shared	Shared	Shared	room	Y	\$ 72	3862 Franklin Avenue	R-2	yes	yes	10/7/2013	

5/3/2017	NAME	HOST	OWNER	LOCATION	PEOPLE	ROOMS	BEDS	BATH	KIT	ENTRANCE	TYPE	ON SITE	PRICE	ADDRESS	ZONE	OTA	TAX	DATE	COMPLIANCE
37	Sparkly Queen	Yvonne	Edwards Mickey Tr/Edwards Yvonne T	Uppertown	2	room	1Q	Shared	Shared	Shared	room+	Y	\$ 76	3862 Franklin Avenue	R-2	yes	yes	10/7/2013	
38	VJ B&B	Veja	Lahti Veja A	South	2	?	?	?	?	?	?	?	\$ 100	1785 5th St	r-2	?	?	?	?
39	Walk to Downtown	Erin	James & Erin Cooley	Central	4	studio	1Q, 1S	P	P	P	studio	Y	\$ 89	194 Commercial Street?	R-3	yes	YES	4/24/2016	Cooley Guest house?
40	Private Entry	Katrina	Katrina Gasser	South	6	studio	1Q	P	MFC	P	studio	Y	\$ 54	774 Alameda Avenue??	R-1	y	y	7/27/2016	CU16-07... Morregass Lodging Could not find on Airbnb
41	Spacious 2BR	Delane	Delance Blackstock	Uppertown	5	2BR	1Q, 3T	P	P	P	apt	Y	\$ 129	2740 Grand Avenue	R-2	y	y	1/25/2016	No geo file for this address?
42	AST Coastal Getaway	Lacy	Pierie Timothy J/Terri	Uniontown	4	studio	1Q, 1S	P	P	P	studio	Y	\$ 120	409 2nd St	R-1	No	y	3/2/2017	CU 17-02
43	Hillside Exchange	Sarah & Andy		Uniontown	4	room	1Q	Shared?	Shared	Shared	room	Y	\$ 60						
44	Lilac Loft	Alyssa	Alyssa Jean Graybeal	South	2	1BR	1Q	P	MFC	P	studio	Y	\$ 85	1667 6 th Street		y	y	6/17/2016	
	Pier 39 First Mate	Floyd		Uppertown	3	studio	1Q	Shared	MFC	P	studio	N	\$ 175			Yes			Confirm date initially approved, parking and taxes being submitted?
	Pier 39 Captain's	Floyd		Uppertown	6	1BR, 1.5BA	1K, 2S	Shared	Full	P	apt	N	\$ 165			Yes			Confirm date initially approved, parking and taxes being submitted?
	Pier 39 Bunkhouse	Floyd		Uppertown	8	2BR, 1BA	2Q, 1F	Shared	Full	P	apt	N	\$ 350			Yes			Confirm date initially approved, parking and taxes being submitted?
	Pier 39 Boat Pullers	Floyd		Uppertown	4	studio	1Q	Shared	FC	P	studio	N	\$ 165			Yes			Confirm date initially approved, parking and taxes being submitted?
	note: minimum 30 days only; rates range from \$2660 to \$2950																		

Home-Stay Lodging Codes

Comprehensive Plan	4
Development Code.....	6
City Code	9

Comprehensive Plan

CP.015.General Land and Water Use Goals.

1. *It is the primary goal of the Comprehensive Plan to maintain Astoria's existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City's neighborhoods. It is the intent of the Plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area.*
6. *The Plan establishes the goal of encouraging development which the City is capable of servicing. New industry or housing development should be permitted if public facilities such as sewer, water, police and fire protection, and schools, are capable of accommodating increased demand. New development should make an equitable contribution to the future upgrading of public facilities and services.*

CP .020 Community Growth-Plan Strategy

6. *The City encourages historic preservation generally, and the restoration or reuse of existing buildings. However, these structures must be improved in a timely manner.*

Area Descriptions & Policies .030--.105

.035 West End

The quiet residential character of the west end will be protected through the City's Development Code.

.037 CP.037. Port-Uniontown Overlay Area

Promote development that complements the surrounding areas of Downtown and the West End.

- a. *Promote development that complements the surrounding areas of Downtown and the West End.*

.058 Gateway Overlay Area Policies

- c. *promote new land uses complementary to the riverfront and existing development, particularly visitor oriented uses and high density housing*

.070 Uppertown Area

The predominantly residential character of the area upland of Marine Drive/Lief Erikson Drive will be preserved.

.085 Alderbrook Area Policies

5. *Except for small neighborhood commercial and tourist commercial zones, the area along Lief Erikson Drive will remain residential.*

Housing: CP.220(6) concerning Housing Policies states that

“Neighborhoods should be protected from unnecessary intrusions of incompatible uses, including large scale commercial, industrial and public uses or activities.”

CP.215. Issues and Conclusions.

1. *Vacancy Rates.*
2. *Demolition Versus Rehabilitation*
3. *Rehabilitation Program*
4. *Housing for the Elderly..*
5. *Low and Moderate Income Housing*
6. *Manufactured Housing.*
7. *Deficit of Residential Buildable Lands*

CP.218. Housing Goals.

CP.220. Housing Policies.

CP.223. Housing Tools and Actions.

CP.225. Housing Implementation

Recommendations.

1. *Building Inspection/Code Enforcement*
2. *Housing Rehabilitation Program.*
3. *Historic Properties Rehabilitation Program.*

4. *South Slope Housing Development Program.*

Economic Development

Section CP.206(1), Economic Development Goal 7 and Goal 7 Policies, *“Goal: Encourage successful home-based businesses”* states that the City will *“Encourage home occupations, cottage industries and activities which have little impact on the surrounding neighborhoods through the City’s Development Code.”*

The ability to have an occasional guest allows a home owner to continue living in the home and earn additional income from the transient lodging. While economic hardships are not criteria for review for Conditional Use Permits, the Comprehensive Plan encourages *“private development such as retail, restaurants, commercial services and transient lodging” CP.200 (4).*

This type of use is transient lodging, not a “vacation rental” that would have a larger impact to the neighborhood or housing stock.

Conditional Use Permits
Section 11.020(B.1) states that *“the Planning Commission shall base their decision on whether the use complies with the applicable policies of the Comprehensive Plan.”*

Development Code

Definitions: Section 1.400

Bed and Breakfast: *Any transient lodging facility which contains between three (3) and seven (7) guest bedrooms, which is owner or manager occupied, and which provides a morning meal.*

Dwelling: *One or more rooms designed for permanent occupancy by one family.*

Family: *An individual, or two or more persons related by blood, marriage, legal adoption, or guardianship, living together in a dwelling unit, and no more than 4 additional persons, who need not be so related, who live together as a single household unit*

Home Stay Lodging: *A tourist accommodation with no more than two (2) bedrooms available for transient rental, and which is owner occupied. Such facilities may or may not provide a morning meal.*

Hotel: *Any structure or portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging or sleeping purposes, and includes hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, bed and breakfast establishment. Hotel also means space in mobile home or trailer parks, or similar structure of space or portions thereof so occupied, provided such occupancy is for less than a 30-day period.*

Inn: *A transient lodging facility with up to 11 guest bedrooms, which is owner or manager occupied, and which provides a morning meal. Inns may conduct associated business activities on an occasional basis, such as wedding receptions, club meetings and luncheons, conferences, and reunions.*

Motel: *Same as "Hotel".*

Transient: *Any individual who exercises occupancy or is entitled to occupancy in a hotel for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. Any such individual so occupying space in a hotel shall be deemed to be a transient until the period of 30 days has expired, unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, or the tenancy actually extends more than 30 consecutive days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this ordinance may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.*

Zones Allowed for Transient Lodging: Development Code 2.015-2.992

Bed & Breakfast

Outright Use: C-2, C-3, S-2A, HR, LS,

Conditional Use: R-1, R-2, R-3, C-4, A-2, A-2A, A-3 in existing bldg, S-2, MH, AH-MP

Home Stay Lodging

Outright Use: R-2, R-3, C-2, C-3, HR,

Conditional Use: R-1, C-4, A-3 in existing bldg, MH,

Hotel/Motel

Outright Use: C-2, C-3, S-2A, HR,

Conditional Use: C-4, A-2, A-2A, S-2,

Inn

Outright Use: C-2, C-3, S-2A, HR, LS,

Conditional Use: R-1, R-2, R-3, C-4, A-2, A-2A, A-3 in existing bldg, S-2, MH, AH-MP

Restaurant as an Accessory Use to an Inn

Conditional Use: R-2, R-3, HR, AH-MP

Vacation Rental: The term “vacation rental” is not separately defined, but is classified as a “hotel/motel” in that the building is not owner/manager occupied and is “a building in which lodging is provided for guests for compensation.” They are allowed where hotel/motels are allowed: outright in: C2, C3, S2A; Conditional Use in: C4, S2

Conditional Use Permit (CUP) Criteria

11.030 Basic Conditional Use Standards.

A. Before a conditional use is approved, findings will be made that the use (except for housing developments) will comply with the following standards:

1. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the use.

2. An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.

3. The use will not overburden water and sewer facilities, storm drainage, fire and police protection, or other utilities.

4. The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

5. The use contains an appropriate amount of landscaping, buffers, setbacks, berms or other separation from adjacent uses.

B. Housing developments will comply only with standards 2, 3, and 4 above.

Parking Requirements Development Code Section 7.100:

Use Categories	Minimum Parking per Land Use (Fractions are rounded up to the next whole number.)
Single-family Dwelling, including manufactured homes on individual lots, and attached dwellings such as townhomes and condominiums	2 spaces per dwelling unit
Two-family Dwelling (Duplex)	2 spaces per dwelling unit
Accessory Dwelling (second dwelling unit on a single-family lot)	1 additional space for the accessory dwelling unit
Multi-family Dwelling including Group Housing	1.5 spaces per dwelling unit with more than one bedroom; 1.25 spaces per dwelling unit limited to one bedroom, or one bedroom group housing units; Calculation is based on specific number of each type of units within the complex.
Bed and Breakfast, Home Stay Lodging , Inn	1 additional space for each bedroom used for transient lodging Plus spaces required for associated uses such as assembly areas or restaurant.
Hotels, Motels, and similar uses	1 space per guest room. See also, parking requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.

City Code

8.045- 8.45.18 Transient Room Taxes

Tax Imposed. For the privilege of occupancy in any hotel on or after January 1, 2002, each transient shall pay a tax in the amount of 9 percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city, which is extinguished only by payment by the operator to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. The operator shall enter the tax on his records when the rent is collected, if the operator keeps his records on the cash accounting basis, and when earned if the operator keeps his records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services, commodities, other than the furnishings of rooms, accommodations and space occupancy in mobile home parks or trailer parks.” [Section 8.045.2 added by Ordinance No. 75-05, passed June 2, 1975; amended by Ordinance No. 81-04, passed May 18, 1981; and Ordinance No. 90-07, passed April 16, 1990; amended by Ordinance No. 01-13, passed November 19, 2001.]

See packet attached with Transient Room Tax forms

Homestay Lodging and Short-term Rental Policy Frequently Asked Questions (FAQ)

Astoria only allows “vacation rentals” in commercial zones, such as hotels/motels. This helps prioritize housing stock in residential areas for long-term residences, and limits the number of second homes in town that can often remain vacant. The City has policies that allow specific short-term rentals, such as “AirBnB” options.

Common terms to understand homestay lodging (Development Code Section 1.400)

- Homestay Lodging: *a tourist accommodation with no more than two bedrooms available for transient rental, and which is owner occupied. Such facilities may or may not provide a morning meal.*
- Hotel/Motel: *a building in which lodging is provided for guests for compensation.*
- Accessory Dwelling Units (ADU) *An accessory dwelling unit is one additional subordinate or auxiliary living unit in an existing large, older house. A dwelling with an accessory dwelling unit is distinguished from a duplex by the retention of the appearance as a single-family dwelling. (Added by Ordinance 04-10, 11/1/04).*
- Bed & Breakfast: *any transient lodging facility which contains between three and seven guest bedrooms, which is owner or manager occupied, and which provides a morning meal.*

What about AirBnB and VRBO?

These are advertising platforms used for listing short-term rentals or vacation homes. Many people list their rentals on these sites, but they must meet the City codes and requirements. Not all listings are legal rentals.

What does Astoria allow for short term rentals?

Astoria allows homestay lodging and bed & breakfast establishments under certain conditions and in particular zones. The following must be addressed for each establishment:

1. The home must be owner-occupied, and owners must be on-site when they have guests/renters
2. Owners must submit transient lodging taxes with the City’s Finance Department
3. Owners must submit a business license prior to advertising or having guests/renters
4. The site must meet off-street parking requirements

Where is homestay lodging allowed?

Short Term Rentals	Permitted Zones	Bedrooms	Notes
Homestay Lodging	R-1 (Conditional Use), R-2, R-3	1-2 bedrooms	Owner occupied
Bed & Breakfast	R-2/R-3 Conditional Use	3-7 bedrooms	Owner or manager w/ breakfast served
Motels, Hotels, & Bed & Breakfast	Commercial Zones only	No limit	No owner occupied requirement

How much parking is required? What is off-street parking?

One space per bedroom in addition to two spaces required for the single family dwelling. These spaces must be “off-street”-located within the property boundary (in a driveway, or garage). Parking spaces must be 9.5’ x 20’ or 8.5’ x 16’ for compact cars. “On-street” spaces cannot count towards meeting the parking requirement



Are variances granted to meet the parking requirement? Variances to parking standards may be allowed but must meet requirements outlined in codes 7.062 and/or 12.404.

Can I have an accessory dwelling unit and homestay lodging on the same property? As of January 2017, both are permitted in certain residential zones. There is a proposal that will prohibit homestay lodging in ADUs. The City Council is expected to review the proposal in 2017.

What else do I need to do to operate a homestay lodging facility?

Meet with City Staff to verify adequate off-street parking and zoning. Then pay the business license fee, and set up transient tax submission with the Finance department.

Do I need a business name for my homestay lodging?

No. This is optional. Some homeowners choose to set up the homestay as a separate business entity from the household.

Will AirBnb collect and distribute motel taxes on behalf of a client?

The City is working with AirBnb to do just that. However, until such time an agreement is reached, homeowners are responsible for collecting and remitting motel taxes to the City’s Finance Department.

Do I have to notify my neighbors to operate homestay lodging?

If the proposal is a conditional use, public notice is sent to neighbors and a public hearing is scheduled. Otherwise, it’s voluntary, but strongly encouraged to notify immediate neighbors to prevent potential conflicts.

Does the City require or offer a safety inspection program? The City does not require a safety inspection program. However, the Astoria Fire Department (503-325-2345) can do voluntary inspections to verify smoke/carbon monoxide detectors, fire extinguishers, proper egress, tsunami maps, and first aid.

Who do I contact if I have questions?

Community Development Department
1095 Duane Street Astoria, OR 97103
(503) 338-5183 planning@astoria.or.us



CITY OF ASTORIA
1095 Duane Street
Astoria, OR 97103
(503) 325-5821
(503) 325-2997 - Fax
www.astoria.or.us

For Official Use Only:

License Number: _____

Receipt Number: _____

OCCUPATIONAL TAX APPLICATION

Name of Business: _____

Proprietor: _____ TIN or SS#: _____

Business Address: _____

City: _____ State: _____ Zip: _____

(Local Location Must Include Written Approval to Locate on the Premises)

Mailing Address (include City, State, & Zip): _____

Residence Address (include City, State, & Zip): _____

Business Telephone: _____ Home Telephone: _____

E-mail Address: _____ Type of Business: _____

Type of Business: _____

Brief Description of What Your Business Will Do: _____

Business New to Area? ____ Yes ____ No Renewal? ____ Yes ____ No

Has the character of your business changed in the last year? ____ Yes ____ No

If yes, please explain Briefly: _____

You are hereby notified that payment of a tax, fee or charge does not entitle a business to operate in any particular location. All ordinances of the City (including Fire, Planning, Zoning Building Codes, etc.) must comply with, in addition to any taxes or fees paid for the privilege of conducting a business within the City limits. In addition, short-term rentals may be subject to a transient room tax. **Occupational Tax is due January 1 of each year.** Late fees apply after February 1. They are subject to a penalty of 10% per month for each month they remain unpaid.

** Number of Individuals Employed: _____ Fee Per Schedule: \$ _____

1 = \$ 35.00

2 = \$ 47.50

3 or more = see fee schedule

** Includes owner, officials, full-time and part-time employees as determined by the schedule

hereby affirm that the above information is true to the best of my knowledge and belief.

Signature: _____ Date: _____

Title: _____

Official Use Only:

Zoning _____

Year Paid _____

Late Fee _____

OCCUPATIONAL TAX FEE SCHEDULE

AVERAGE	TAX
1	\$ 35.00
2	\$ 47.50
3	\$ 60.00
4	\$ 72.50
5	\$ 85.00
6	\$ 97.50
7	\$ 110.00
8	\$ 122.50
9	\$ 135.00
10	\$ 147.50
11	\$ 156.25
12	\$ 165.00
13	\$ 173.75
14	\$ 182.50
15	\$ 191.25
16	\$ 200.00
17	\$ 208.75

AVERAGE	TAX
18	\$ 217.50
19	\$ 226.25
20	\$ 235.00
21	\$ 241.25
22	\$ 247.50
23	\$ 253.75
24	\$ 260.00
25	\$ 266.25
26	\$ 272.50
27	\$ 278.75
28	\$ 285.00
29	\$ 291.25
30	\$ 297.50
31	\$ 302.50
32	\$ 307.50
33	\$ 312.50
34	\$ 317.50

AVERAGE	TAX
35	\$ 322.50
36	\$ 327.50
37	\$ 332.50
38	\$ 337.50
39	\$ 342.50
40	\$ 347.50
41	\$ 352.50
42	\$ 357.50
43	\$ 362.50
44	\$ 367.50
45	\$ 372.50
46	\$ 377.50
47	\$ 382.50
48	\$ 387.50
49	\$ 392.50
50	\$ 397.50

NOTE: For individuals in excess of 50, the license fee shall be \$397.50, plus \$2.50 per individual.

The number of individuals carrying on a business includes proprietors, officers, partners, and associates actively engaged in such business and the individuals employed regularly or on a part-time basis. Individuals employed by an owner or proprietor of a business who work entirely outside the corporate limits of the City shall not be counted,

To calculate the number of individuals: take the total number of full-time employees and average the number of part-time employees to equal the time of a full-time employee.

* Example: If your business is a sole proprietor with only 1 owner working and employing 2 part-time individuals, the total number of individuals employed would be 2 and the fee would be \$47.50

** Example: If your business has 2 owners, 3 full-time employees and 3 part-time employees, the total number of individuals employed would be 7 and the fee would be \$110.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

2017

Re: City of Astoria Transient Room Tax

Attached are three items relating to the City of Astoria's 9% transient room (motel) tax:

1. A registration form
2. A copy of Astoria Code sections 8.045 through 8.045.18 which sets out the provisions of the room tax
3. Blank copy of the monthly reporting form

When you complete and return the registration form, the City will issue you Certificate of Authority to collect the tax on behalf of the City.

The tax is collected by the operator when guests pay their bill. The tax is remitted to the City on a monthly basis. The monthly reporting form can be located on the City's website at www.astoria.or.us, go to Forms and Permits, scroll down to the Finance heading and click on the Transient Room Tax Report. The City suggests that you put the collected tax in reserve so that timely remittance can be made. Penalty and interest charges apply to past due payments.

Also attached is the Occupational Tax/Business License application and fee schedule. An occupational tax license is required when operating a business in the city limits of Astoria.

Please contact me if you have any questions about this information.

Sincerely,

Sue Dohaniuk
Operations Supervisor
City of Astoria - Finance Department



CITY OF ASTORIA
1095 DUANE
ASTORIA, OR 97103

Phone: (503) 325-5821
Fax: (503) 325-2997

Transient Room Tax Registration

Date _____

1. _____
Owner's Name
2. _____
Residence Address Residence Phone # _____
3. _____
Business Name Business Phone # _____
4. _____
Business Address Number of Rooms _____
5. _____
Mailing Address (if different)
6. How long have you owned or operated this business? _____

6 (a): Name of manager: _____

7. If you own more than one business subject to the City of Astoria Transient Room Tax, please complete this section:

<u>Name of Business</u>	<u>Number of Rooms</u>	<u>Business Address</u>	<u>How Long Owned</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

8. Circle Type of Organization: Individual Partnership Corporation

8 (a): Names of partners or corporate officers:

<u>Name</u>	<u>Title</u>	<u>Complete Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please note:

Astoria Code section 8.045.11 of the Transient Room Tax ordinance provides that a security deposit not to exceed twice the operator's estimated average monthly liability, or \$5,000, whichever is the lesser, may be required for the period in which tax returns are filed. This security deposit, if required, may be in the form of cash, bond or other security deemed proper by the Tax Administrator (Finance Director).

Signature and Title

CITY OF ASTORIA
RETURN ON TRANSIENT ROOM TAX

1095 Duane Street, Astoria, Oregon 97103
(503) 325-5821

File #: _____ Reporting Month: _____ No. of Rooms: _____

(Please Note: The due date of this return is no later than the 15th day following the reporting month)

PLEASE BE SURE THAT THIS FORM IS FILLED IN COMPLETELY AND CORRECTLY. PENALTIES AND
INTEREST CHARGES MAY BE APPLIED TO DELINQUENT RETURNS.

Change of Address must be filed and reported immediately with the Finance Director. If the business is disposed of or is suspended, a closing return must be filed immediately at the Finance Department, City Hall, and the tax due must be paid. No change of ownership can be recorded until this is done.

Checks, drafts, postal notes and money orders in the exact amount of the tax due are accepted by the Finance Department only as an agent of the taxpayer and do not constitute payment until cleared. The Finance Department assumes no responsibility for loss in transit.

Remittance: To avoid penalty, be sure that proper remittance is enclosed. MAKE CHECKS PAYABLE TO CITY OF ASTORIA.

-
1. TOTAL GROSS RENT \$ _____
1(a) Total Number of Rooms Rented for Which Tax was Collected During Period _____
Less: Allowable Deductions:
2. Rent by Month \$ _____
3. Military/Food Allowance \$ _____
4. Total Allowable Deductions (Lines 2 & 3) _____
5. Taxable Rents (Line 1 minus Line 4) _____
6. TAX - **9 percent** of Line 5 (effective 1/1/02) _____
7. Add Excess Tax Collected _____
8. Total of Lines 6 and 7 _____
9. Collection Fee - 5 percent of Line 8 _____
10. TOTAL TAX DUE (Line 8 less Line 9) _____
11. Penalty _____
12. Interest _____
13. Adjustment for Prior Penalty, Interest, Overpayment or Shortage... .. _____
14. TOTAL TAX, PENALTY AND INTEREST
(Line 10 plus Lines 11, 12, minus Line 13) OR
(Add Line 13 if reporting shortage) _____

I DECLARE, UNDER PENALTY OF MAKING A FALSE STATEMENT, THAT, TO THE BEST OF MY
KNOWLEDGE AND BELIEF, THE STATEMENTS HEREIN ARE CORRECT AND TRUE.

Signed _____ Title _____

Transient Room Taxes

8.45 The term "ordinance" in the following sections refers to sections 8.045.1 to 8.045.18 of the Astoria Code.

8.45.1 **Definitions.** Except where the context otherwise requires, the definitions given in this section govern the construction of this ordinance.

- (a) "Hotel" means any structure or portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, bed and breakfast establishment. Hotel also means space in mobile home or trailer parks, or similar structure of space or portions thereof so occupied, provided such occupancy is for less than a 30-day period. *[Subsection (a) amended by Ordinance No. 90-07, Section 1, passed April 16, 1990.]*
- (b) "City council" means the city council of the city of Astoria, Oregon.
- (c) "Occupancy" means the use or possession, or the right to the use or possession for lodging or sleeping purposes of any room or rooms in a hotel, or space in a mobile home or trailer park or portion thereof.
- (d) "Operator" means the person who is the proprietor of the hotel in any capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this ordinance and shall have the same duties and liabilities as his principal. Compliance with the provision of this ordinance by either the principal or the managing agent shall be considered to be compliance by both.
- (e) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (f) "Cash accounting" means the operator does not enter the rent due from nt on his records until rent is paid.

8.045.1 added by Section 1 of Ordinance No. 75-05, passed June 2, 1975.]

8.45.2 **Tax Imposed.** For the privilege of occupancy in any hotel on or after January 1, 2002, each transient shall pay a tax in the amount of 9 percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city, which is extinguished only by payment by the operator to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. The operator shall enter the tax on his records when the rent is collected, if the operator keeps his records on the cash accounting basis, and when earned if the operator keeps his records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services, commodities, other than the furnishings of rooms, accommodations and space occupancy in mobile home parks or trailer parks." *[Section 8.045.2 added by Ordinance No. 75-05, passed June 2, 1975; amended by Ordinance No. 81-04, passed May 18, 1981; and Ordinance No. 90-07, passed April 16, 1990; amended by Ordinance No. 01-13, passed November 19, 2001.]*

8.45.3 **Collection of Tax by Operator: Rules for Collection.**

- (a) Every operator renting rooms or space for lodging or sleeping purposes in this city, the occupancy of which is not exempted under the terms of this ordinance, shall collect a tax from the occupant. The tax collected or accrued by the operator constitutes a debt owed by the operator to the city.
- (b) In all cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until credits are paid or deferred payments are made. Adjustments may be made for uncollectibles.
- (c) The tax administrator shall enforce provisions of this ordinance and shall have the power to adopt rules and regulations, approved by the city manager, not inconsistent with this ordinance, as may be necessary to aid in the enforcement.
- (d) For rent collected on portions of a dollar, fractions of a penny of tax shall not be remitted. *[Section 8.045.3 added by Section 3 of Ordinance No. 75-05, passed June 2, 1975.]*

registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be non-assignable and nontransferable, and shall be surrendered immediately to the tax administrator upon the cessation of business at the location named or upon its sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable, and shall be prominently displayed therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy.

Said certificate shall, among other things, state the following:

- (1) The name of the operator.
- (2) The address of the hotel.
- (3) The date upon which the certificate was issued.
- (4) "This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of the transient lodgings tax ordinance of the city of Astoria by registration with the tax administrator for the purpose of collecting from transients the lodging tax imposed by said city and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the city of Astoria. This certificate does not constitute a permit." *[Section 8.045.6 added by Section 6 of Ordinance No. 75-05, passed June 2, 1975.]*

8.45.7 Due Date: Returns and Payments.

- (a) The tax imposed by this ordinance shall be paid by the transient to the operator at the time that rent is paid. All amounts of such taxes collected by any operator are due and payable to the tax administrator on a quarterly basis on the 15th day of the following month for the preceding three months, and are delinquent on the last day of the month in which they are due. The tax administrator has authority to classify and/or district the operators for determination of applicable tax periods, and shall notify each operator of the due and delinquent

8.45.8 Penalties and Interest.

- (a) Original delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this ordinance prior to delinquency shall pay 10 percent of the amount of the tax due in addition to the amount of the tax.
- (b) Continued delinquency. Any operator who has not been granted an extension of time for remittance of tax due, and who failed to pay any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent, shall pay a second delinquency penalty of 15 percent of the amount of the tax due plus the amount of the tax and the 10 percent penalty first imposed.
- (c) Fraud. If the tax administrator determines that the nonpayment of any remittance due under this ordinance is due to fraud or intent to evade the provisions thereof, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalties stated in Subsections (a) and (b) of this section.
- (d) Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this ordinance shall pay interest at the rate of 1 percent per month or fraction thereof without proration for portions of a month, on the amount of the tax due exclusive of penalties from the date on which the remittance first became delinquent, until paid.
- (e) Penalties merged with tax. Every penalty imposed and such interest as accrues under the provisions of this section shall be merged with and become a part of the tax herein required to be paid.
- (f) Petition for waiver. Any operator who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated; provided, however, the operator may petition the city council for waiver and refund of the penalty or any portion thereof, and the city council may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof. *[Section 8.045.8 added by Section 8 of Ordinance No. 75-05, passed June 2, 1975.]*

- (b) Fraud; refusal to collect; evasion. If any operator shall fail or refuse to collect said tax or to make, within the time provided in this ordinance, any report or remittance of said tax or any portion thereof required by this ordinance, or makes a fraudulent return or otherwise wilfully attempts to evade this ordinance, the tax administrator shall proceed in such manner as he may deem best to obtain the facts and information on which to base an estimate of the tax due. As soon as the tax administrator has determined the tax due that is imposed by this ordinance from any operator who has failed or refused to collect the same and to report and remit said tax, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this ordinance. In case such determination is made, the tax administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years of the discovery by the tax administrator of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return. Any determination shall become due and payable upon receipt of notice, and shall become final within 20 days after the tax administrator has given notice thereof; provided, however, the operator may petition for redemption refund if the petition is filed before the determination becomes final as herein provided.
- (c) Operator delay. If the tax administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the city will be jeopardized by delay, or if any determination will be jeopardized by delay, he shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount to be determined, as herein provided, shall be immediately due and payable, and the operator shall immediately pay such determination to the tax administrator after service of notice thereof; provided, however, the operator may petition, after payment has been made, for redemption and refund of such determination if the petition is filed within 20 days from the date of service of notice by the tax administrator. *[Section 8.045.9 added by Section 9 of Ordinance No. 75-05, passed June 2, 1975.]*

8.45.10 Redeterminations.

- (a) Any person against whom a determination is made under Section 8.045.9, or any person directly interested, may petition for a redetermination and redemption and refund within the time required in Section 8.045.9. If a petition for redetermination and refund is not filed

- (b) At any time within three years after any tax or any amount of tax required to be collected becomes due and payable, or at any time within three years after any determination becomes final, the tax administrator may bring any action in the courts of this state, or any other state, or of the United States, in the name of the city, to collect the amount delinquent, together with penalties and interest. *[Section 8.045.11 added by Section 11 of Ordinance No. 75-05, passed June 2, 1975.]*

8.45.12 **Lien.** The tax imposed by Sections 8.045.1 to 8.045.17, together with the interest and penalties therein provided, and advertising costs which may be incurred when the same becomes delinquent, as set forth herein, shall be and, until paid, remain a lien from the date of its recording in the lien docket of the city and superior to all subsequent recorded liens on all real and tangible personal property, used in the hotel of an operator within the city of Astoria, and may be foreclosed on and sold as may be necessary to discharge said lien. A lien shall be recorded by the tax administrator or his deputy whenever the operator is in default in payment of said tax and the lien is ordered by a resolution of the city council. The lien shall be entered in the lien docket with separate amounts for tax and penalty. Interest shall commence from the date of entry in the lien docket. Interest shall accrue on the tax portion of the lien at 1 percent per month or fraction thereof without proration for portion of month.

The lien shall be enforced as provided in Sections 2.185(3) to 2.185(5) of this code. *[Section 8.045.12 added by Section 12 of Ordinance No. 75-05, passed June 2, 1975; and amended by Ordinance No. 79-02, passed February 5, 1979.]*

8.45.13 **Refunds.**

- (a) Refunds by the city to the operator. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator under this ordinance, it may be refunded; provided, a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount collected or paid may be refunded, or may be credited on any amount then due and payable from the operator from whom it was collected or by whom paid; and the balance may be refunded to such operator, his administrators, executors or assignees.

the tax, and may investigate the business of the operator in order to verify the accuracy of any return made or, if no return is made by the operator, to ascertain and determine the amount required to be paid.

- (d) Confidential Character of Information Obtained. City will comply with the Public Records Law of the State of Oregon relating to the confidentiality of and allowable disclosure of records, reports or returns submitted pursuant to this transient room tax ordinance.
[Subsection 8.045.15(d) repealed and replaced by Ordinance No. 10-10, passed November 1, 2010.]

Section 8.045.15 added by Section 15 of Ordinance No. 75-05, passed June 2, 1975; amended by Ordinance No. 87-10, passed May 18, 1987]

- 8.45.16** **Appeals to City Council.** Any person aggrieved by any decision of the tax administrator may appeal to the city council by filing notice of appeal with the tax administrator within 20 days of the serving or the mailing of the notice of the decision given by the tax administrator. The tax administrator shall transmit said notice of appeal together with the file of said appealed matter to the council, who shall fix a time and place for hearing such appeal from the decision of the tax administrator. The council shall give the appellant not less than 20 days' written notice of the time and place of hearing of said appealed matter. Action by the council on appeals shall be decided by a majority of the members of the council present at the meeting where such appeal is considered. *[Section 8.045.16 added by Section 16 of Ordinance No. 75-05, passed June 2, 1975.]*

8.45.17 **Violations; Criminal and Civil Penalties and Remedies.**

- (a) Failure to Register or Report. It is unlawful for any operator or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the tax administrator or to render a false or fraudulent return. No person required to make, render, sign or verify any report shall make any false or fraudulent report with intent to defeat or evade the determination of any amount due required by this ordinance. Any person willfully violating any of the provisions of this ordinance shall be subject to the penalties provided in Section 1.010 of this Code.
- (b) Nonpayment – Civil and Criminal Remedies and Penalties. An operator who, having collected transient room tax, and failing to remit them to the City, may, in addition to the penalties and lien imposed by

No. 87-10, passed May 18, 1987; Ordinance No. 90-07, section 3, passed April 16, 1990; Ordinance No. 91-15, passed June 17, 1991; Ordinance No. 92-05, passed July 6, 1992; Ordinance No. 93-06, passed July 19, 1993; Ordinance 95-07, passed May 15, 1995; Ordinance No. 95-11, passed July 17, 1995; Ordinance No. 99-12, passed July 6, 1999; Ordinance No. 02-08, passed June 17, 2002; and Ordinance No. 04-09, passed October 18, 2004.]

Planning February 2017

VIEWPOINT

What to Do About Airbnb

By Ulrik Binzer

The dramatic rise of Airbnb and other short-term rental and home-sharing websites has rightly caused cities across the country to turn to regulation to mitigate negative side effects like noise, trash, parking, and traffic, as well as more serious issues like impacts on affordable housing and neighborhood character.



Unfortunately, enforcing such rules using traditional code enforcement techniques has proven challenging. Identifying illegal rentals is difficult and time-consuming, and with no easy way to verify rental activity, cities struggle to make sure owners play by the rules and pay their fair share of lodging and hotel taxes. Even more unfortunate, many cities are enacting blanket bans to supposedly "avoid" these difficulties.

To ban or not to ban Airbnb is the wrong question. Last year, my hometown of Tiburon, California, debated exactly that. Proponents of a ban wanted to protect the town's character, fearing it would draw bachelor parties or spring breakers. Those against it argued that those fears were baseless and that increased tourism benefited residents and the local economy.

As a close follower and contributor to the debate, I soon found myself on a committee appointed to study possible ways to regulate these types of rentals and propose a plan for enforcement. As a long-term Airbnb user and host myself — I'd been renting my house out for years whenever my family vacationed — I was familiar with the many benefits of these services. But as a home owner in a residential neighborhood, I fully appreciated neighbors' concerns about noisy and disruptive short-term rentals.

I spent countless hours researching how other municipalities approached this issue, and found that banning short-term rentals is an extremely unrealistic and shortsighted strategy. Unrealistic because the convenience, comfort, and low cost of home sharing can't be ignored; hosts will simply hide their activities. Shortsighted because, with proper regulation and enforcement, citizens and communities can benefit from the increased tourism and tax dollars as opposed to diverting resources away from other priorities to enforce all-out bans.

There is a better way. Instead of bans, cities can enact innovative, enforceable policies that address the negative consequences of short-term rentals while maximizing economic and community benefits. Cities like Denver, Los Angeles, and Vancouver, British Columbia, are doing just that. While the specifics vary, the underlying idea is the same: Explicitly identify the unwanted behaviors and negative consequences of short-term rentals, and devise specific, practical policies to mitigate them.

With the advancements in big-data technology it is now possible to enforce such policies, and identify addresses of short-term rentals to bring them into compliance with local rules. Dozens of municipalities including Truckee, California; Durango, Colorado; Asheville, North Carolina; and Islamorada, Florida, already use such tools and have seen double-digit improvements in compliance and revenue. This allows these cities and counties to double down on enforcement to

further ensure that short-term rental operators stay within the designated zones, pay their fair share of taxes, and are accountable and respectful of neighbors.

Planners and local communities need to reframe the Airbnb conversation. Instead of "to ban or not to ban?" we should be asking how our communities can reap the many benefits of home sharing while at the same time ensuring that everyone acts in a responsible and neighborly way. The regulatory and enforcement best practices are out there. Let's use them and come up with short-term rental policies that actually work.