

DATE: February 23, 2016

STAFF: Ginny Sawyer, Policy and Project Manager
Ted Shepard, Chief Planner

WORK SESSION ITEM

City Council

SUBJECT FOR DISCUSSION

Short Term Rentals.

EXECUTIVE SUMMARY

The purpose of this item is to provide regulatory options for short term rentals (STRs) located within Fort Collins and update Council on work since the October 2015 work session.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. Does Council support pursuing a regulatory framework for short term rentals?

If yes,

- Which option does Council prefer for Primary Residence STRs?
- Which option does Council prefer for Non-Primary Residence STR?

2. Does Council support proposed next steps?

BACKGROUND / DISCUSSION

Short Term Rental (STR) refers to residential rental agreements for less than 30 days. Short term rentals have always existed and have been a mainstay in resort communities. With the creation and growth of online commerce and savvy technical platforms, the STR market has become much more mainstream and widespread.

Vacation Rentals by Owner (VRBO) and Airbnb are two of the most widely known and used companies supporting the on-line short term rental market, however, many other platforms exist.

Staff and Council have been working to scope and define the potential positive and negative impacts of a growing STR market in Fort Collins over the last year. The first work session was in June 2015 and the direction following included:

- Utilize tools City already has in place
- Better define problem and problem severity
- Develop STR definition and conduct more outreach

The second work session in October 2015 resulted in direction to:

- Create draft regulatory framework\
- Continue public outreach

Defining Short Term Rentals

Through outreach, research, and discussion staff has identified the following unique characteristics of STRs:

- Cater to a single party at a time (not multiple parties like a B&B or hotel)
- STR are not open to the public (can't walk in off the street)

- No signage
- No on-site employees

There are also distinct differences between a STR within a primary residence and those operated in a non-primary residence dwelling. Primary residence STRs would typically have an owner on-site providing neighbors an immediate contact as well as providing the notion of safety and community that come from having a more regular or full-time neighbor. For the purpose of a definition staff is proposing including STRs that are on the same property as a primary residence as well as properties that share a property line with the primary residence.

Non-primary residence rentals may have owners that are in town or out of town but who do not live in or adjacent to the STR.

Regulatory Options

Staff has developed three regulatory options for both primary and non-primary STRs that range from less restrictive to more restrictive. Some details remain vague for discussion.

Primary Residence STR - Including unit on same parcel (i.e. carriage house, accessory dwelling unit), contiguous parcel (house next door), and, as proposed, owners only, no renters without owner permission.

OPTION 1	OPTION 2	OPTION 3
Pay all required taxes Subject to registration upon complaint	Pay all required taxes Pay a one-time registration fee to cover: <ul style="list-style-type: none"> • One-time safety inspection All other contact would be on a complaint basis	Pay all required taxes Annual registration fee to cover: <ul style="list-style-type: none"> • Annual (?) safety inspection • One time zoning inspection Include: (options) <ul style="list-style-type: none"> • Neighbor notification Limit to certain zones

Non-Primary Residence STR - Owner may be in town or out of town

OPTION 1	OPTION 2	OPTION 3
Pay all required taxes Register /registration number Registration could include: <ul style="list-style-type: none"> • Local contact • Parking requirement • Neighbor notification • Other? No more than 3 registrations per person (must be a person)	Pay all required taxes Pay a one-time registration fee to cover: <ul style="list-style-type: none"> • One-time safety inspection • One time zoning inspection (parking) • All other contact would be on a complaint basis Include: (options) <ul style="list-style-type: none"> • Local contact • Parking requirement • Neighbor notification • Prohibit in certain zones • Limit to 30+ day rentals/or certain number of rentals/month • Other? 	Pay all required taxes Annual registration fee to cover: <ul style="list-style-type: none"> • Annual safety inspection • One time zoning inspection Include: (options) <ul style="list-style-type: none"> • Local contact • Parking requirement • Neighbor notification • Limit to zones that allow B&B • Other?

Enforcement

Enforcement policies have not been discussed. Some of the regulatory items are easier to enforce than others and staff acknowledges that occupancy would be the most difficult regulation to enforce.

Staff has made contact with both VRBO and Airbnb. The City's Sales Tax department is currently working with Airbnb to allow the site to collect and remit tax for their hosts. VRBO has indicated a willingness to relay messages to local hosts on their site.

As innovation begets innovation, there are also now companies specializing in STR compliance and Fort Collins has been contacted by these representatives.

Current Status

As stated in previous work sessions, it is difficult to track the exact number of STR activity in Fort Collins or in any community. A best guess, based on information provided by Airbnb (**Attachment 1**) and through research conducted by local stakeholders, puts local STR numbers at about 275-300. This number represents less than 1% of our local housing stock.

The majority of STRs are located in residential areas with a concentration in the east and west side downtown neighborhoods and in zones that do not allow B & B activity (**Attachments 2.**)

Sales and Lodging Tax

The Fort Collins tax code currently requires any lodging establishment providing services for less than 30 days to pay sales and lodging tax. Since our earlier work sessions more operators are licensed and remitting taxes (94 licenses to date.) The City has not conducted a wide scale education campaign prior to knowing if or what type of regulations may be developed.

Currently, hosts on VRBO are more compliant than those on Airbnb (there are approximately 100 listings on VRBO.)

In 2015, STR remittance totaled:

- \$86,000 in sales tax
- \$45,000 in lodging tax

Scope of Problem and Public Outreach

Since our initial open questionnaire on STR activity and impacts, staff has continued to engage stakeholders and attempt to define the impacts and scope of impacts. Council requested police data at the October work session. While number of calls were collected many addresses were too general (i.e., along College Ave or within a large apartment complex) and it was difficult to draw conclusions. We also did not have a data set with which to compare the call load report.

Staff did a random sampling of almost 300 addresses near reported STRs and mailed those addresses a postcard asking them to take a quick survey. Each postcard contained a distinct password that expired after being entered. The very low response rate was disappointing. (**Attachment 3**)

Staff hosted an open house on February 8, 2016 and presented preliminary options (minor changes have been made based on feedback from the meeting.) The majority of attendees were STR operators. The format incorporated live polling and reports were able to distinguish between operator and neighbor answers.

When ranking regulatory elements by order of importance results showed:

Neighbors

1. Limited Use and Concentration of STRs
2. Parking Requirements

3. Registration of STRs
4. Limited Number of STRs a person may operate
5. Safety Inspections

STR Operators

1. Registration of STRs
2. Safety Inspections
3. Parking Requirements
4. Limited Number of STRs a person may operate
5. Limited Use and Concentration of STRs

Neighbors and owners also had opposing preferences on the regulatory options with neighbors preferring the more restrictive options and operators preferring the less restrictive options.

The messages staff has heard repeatedly from stakeholders are:

- Neighbors (not all) don't like the transient nature of STRs in their neighborhoods
- Operators support reasonable regulations
- Encouragement to address STRs now while the number is small
- Encouragement to let the market demand and the online reviewing system manage the number
- A desire to avoid unintended consequences
- Don't create something onerous, complex and hard to enforce when the problem is relatively small compared to the City as a whole

Other Communities

Staff has highlighted other community actions in previous work sessions. Since October both Denver and Boulder have drafted ordinances. Boulder is in the implementation phase and they have chosen to not allow non-primary resident STRs, however, many ads are still active. Boulder application fee is \$130 and they are not conducting any on-site inspections.

Denver is proposing to prohibit non-primary residence STRs and they are conducting open houses throughout February. The proposed program includes a \$25 annual fee and no on-site inspection.

Next Steps

- Draft regulations based on feedback
- Make proposed ordinance language public for at least 4 weeks
- Solicit feedback and comments on draft regulations/ordinance
- Schedule for regular Council meeting

ATTACHMENTS

1. Airbnb-Fort Collins Data (PDF)
2. STRs and Zones Allowing B&B Use(PDF)
3. Adjacent Property Survey Results (PDF)
4. Work Session Summaries- June 9, 2015 and October 27, 2015 (PDF)
5. Powerpoint presentation (PDF)

Overview of the Airbnb Community in Fort Collins, Colorado, United States

The following page captures the Airbnb community in Fort Collins, Colorado, United States

HOSTS

CURRENT ACTIVE HOSTS

200

AVERAGE HOST AGE

40

ANNUAL EARNINGS FOR A
TYPICAL HOST

\$4,000

GUESTS

INBOUND GUESTS IN THE
PAST YEAR

7,000

AVERAGE LENGTH OF STAY
PER GUEST

3.3 nights

OUTBOUND GUESTS IN THE
PAST YEAR

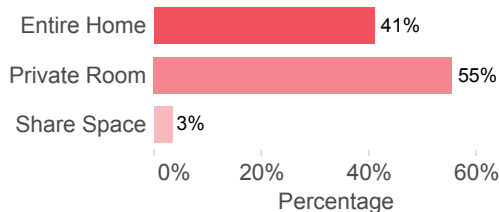
13,000

LISTINGS

NIGHTS HOSTED PER YEAR
FOR A TYPICAL LISTING

54

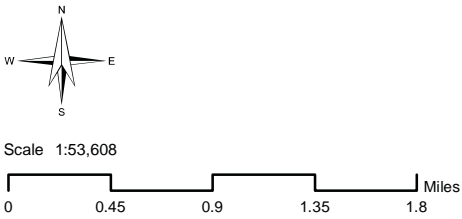
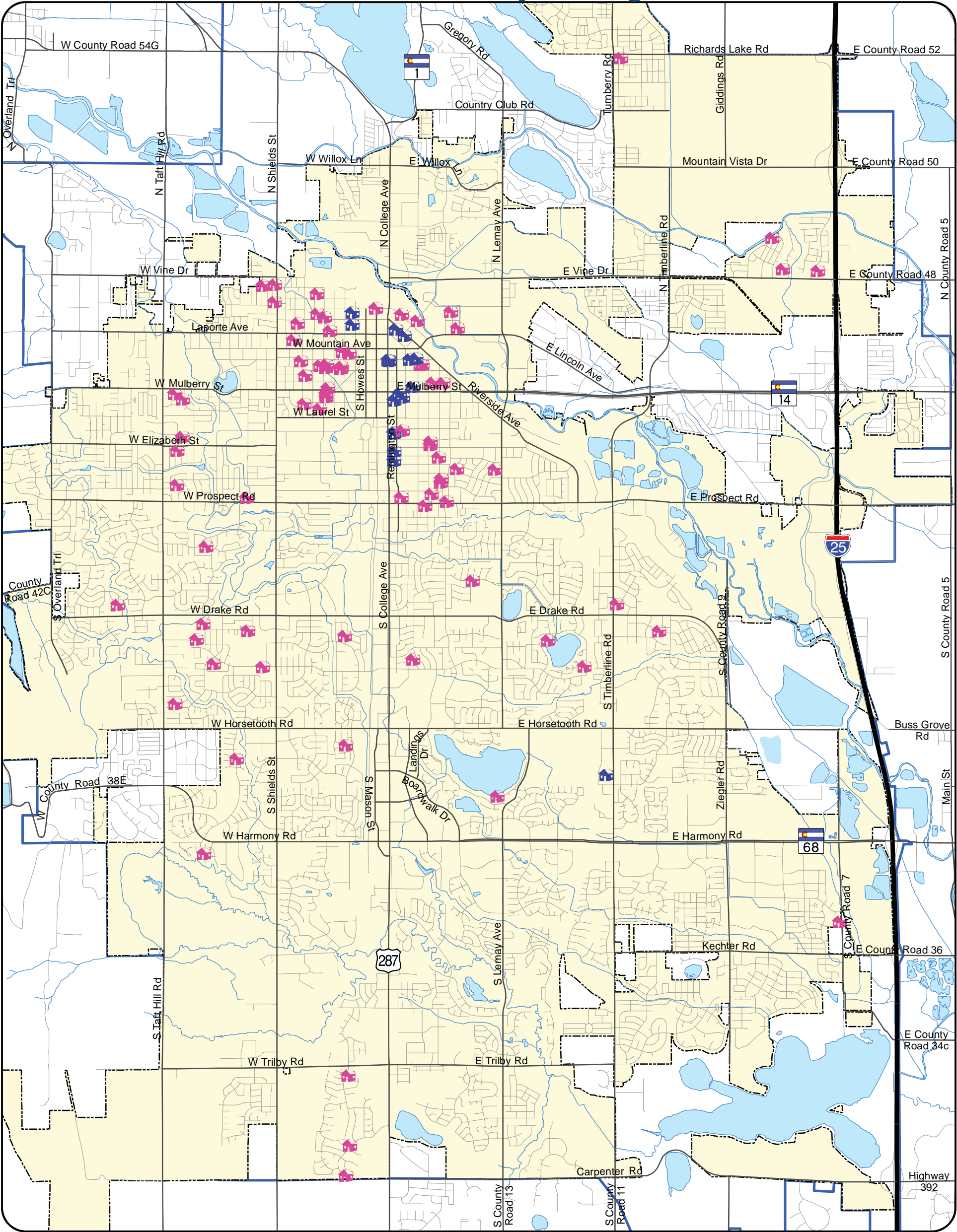
CURRENTLY ACTIVE LISTINGS BY TYPE



Note: All data above is drawn from Airbnb proprietary bookings data. Data based on the one year period preceding November 1, 2015

Short Term Rentals



Allowed use by Zoning



CITY OF FORT COLLINS
GEOGRAPHIC INFORMATION SYSTEM MAP PRODUCTS
These map products and all underlying data are developed for use by the City of Fort Collins for its internal purposes only, and were not designed or intended for general use by members of the public. The City makes no representation or warranty as to its accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement of location of any map features thereon. THE CITY OF FORT COLLINS MAKES NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR PARTICULAR PURPOSE, EXPRESSED OR IMPLIED, WITH RESPECT TO THESE MAP PRODUCTS OR THE UNDERLYING DATA. Any users of these map products, map applications, or data, accepts them AS IS, WITH ALL FAULTS, and assumes all responsibility of the use thereof, and further covenants and agrees to hold the City harmless from and against all damage, loss, or liability arising from any use of this map product, in consideration of the City's having made this information available. Independent verification of all data contained herein should be obtained by any users of these products, or underlying data. The City disclaims, and shall not be held liable for any and all damage, loss, or liability, whether direct, indirect, or consequential, which arises or may arise from these map products or the use thereof by any person or entity.

Legend

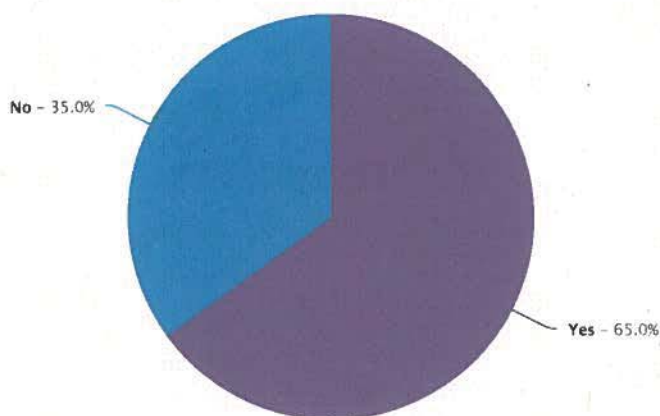
Permitted by Zoning

-  Not in a Permitted Zone - 68
-  In a Permitted Zone - 17



ATTACHMENT 3

1. Are you aware of short term rental activity in any homes or apartments near you?

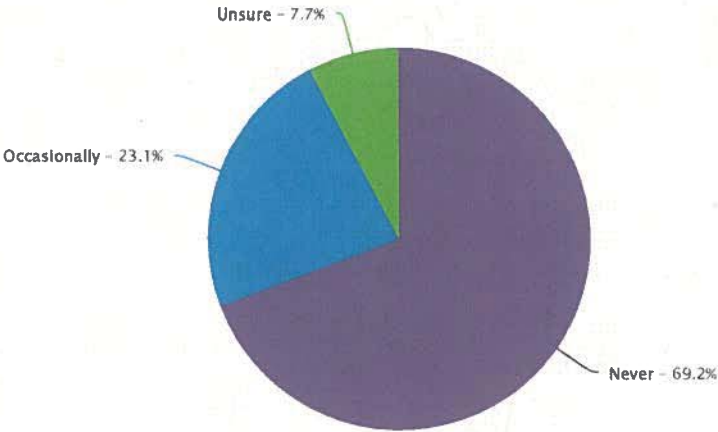


Value	Percent	Count
Yes	65.0%	13
No	35.0%	7
Total		20

2. Thank you for participating and provide any thoughts you want to share on STR activity in the box below.

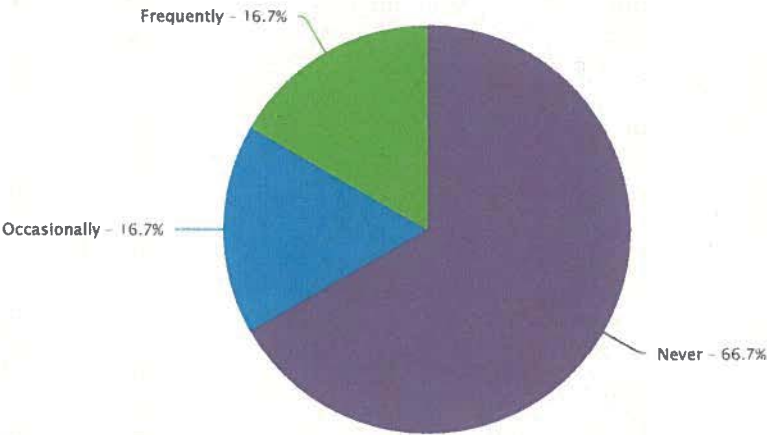
Count	Response
1	STR has a well-known negative impact on the property involved and, by extension, the neighboring properties. I am opposed to increased STR activity in my Old Town neighborhood.
1	I don't mind as long as the property is well-maintained, that short term residents are quiet and respectful of the neighborhood, and that parking is adequate
1	I do not want short term rentals approved for homes or apartments. Too much traffic and decreases security.
1	However, I would like to know if there are any. I have neighbor who is renting out unit above recently built garage but do not know if it is for short term rentals or not.
1	Leave out the regulation and allow landlords to deal with it themselves. The city needs to limit its regulatory powers as much as possible.

3. Police activity:



Value	Percent	Count
Never	69.2%	9
Occasionally	23.1%	3
Frequently	0.0%	0
Always	0.0%	0
Unsure	7.7%	1
Total		13

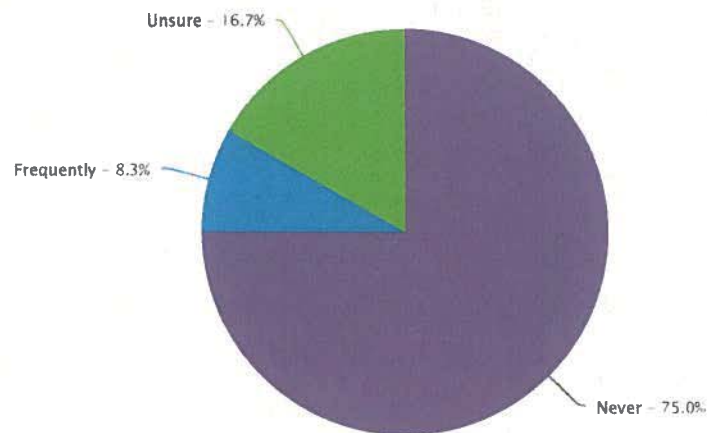
3. Parking issues:



Value	Percent	Count
Total		12

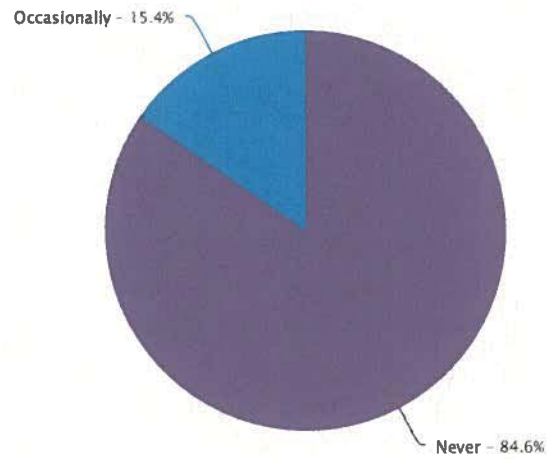
Value	Percent	Count
Never	66.7%	8
Occasionally	16.7%	2
Frequently	16.7%	2
Always	0.0%	0
Unsure	0.0%	0
Total		12

3. Over-occupancy:



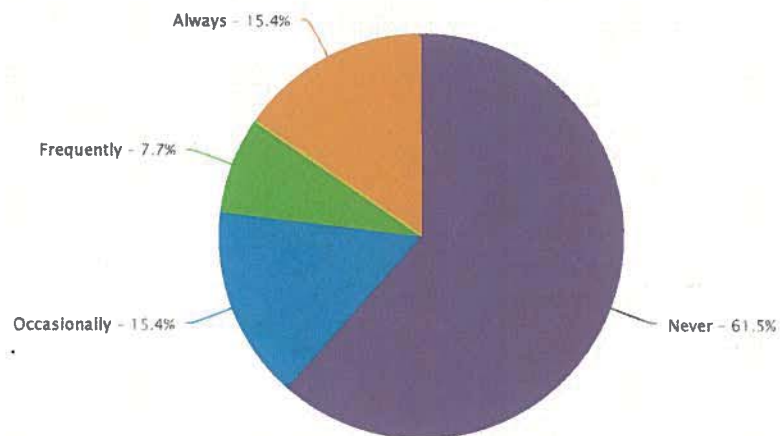
Value	Percent	Count
Never	75.0%	9
Occasionally	0.0%	0
Frequently	8.3%	1
Always	0.0%	0
Unsure	16.7%	2
Total		12

3. Concern for your safety:



Value	Percent	Count
Never	84.6%	11
Occasionally	15.4%	2
Frequently	0.0%	0
Always	0.0%	0
Unsure	0.0%	0
Total		13

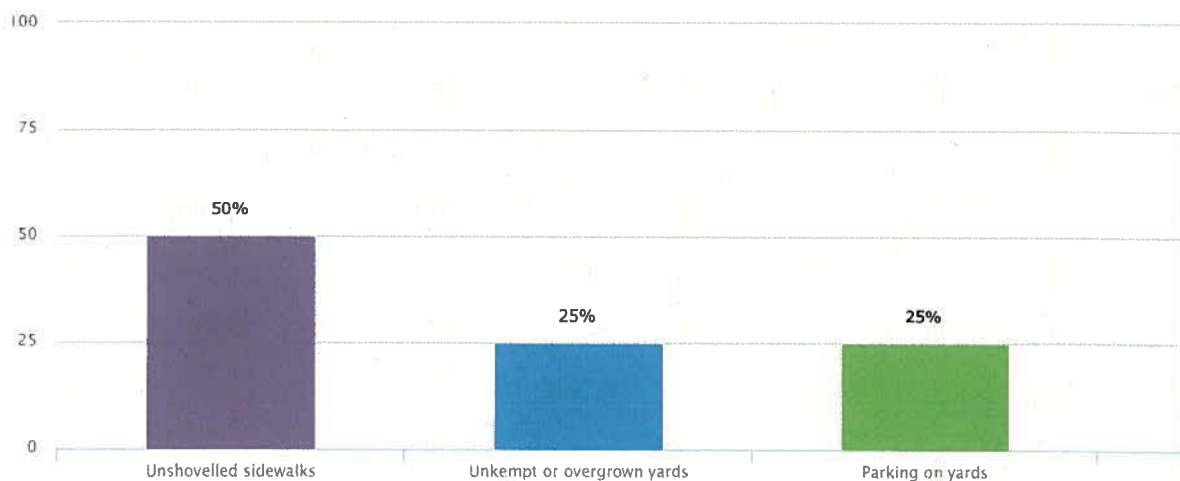
3. An increase in traffic:



Value	Percent	Count
Never	61.5%	8
Always	15.4%	2
Occasionally	15.4%	2
Frequently	7.7%	1
Unsure	0.0%	0
Total		13

Value	Percent	Count
Never	61.5%	8
Occasionally	15.4%	2
Frequently	7.7%	1
Always	15.4%	2
Unsure	0.0%	0
Total		13

3. Any of the following nuisance issues (check all that apply):



Value	Percent	Count
Unshovelled sidewalks	50.0%	2
Unkempt or overgrown yards	25.0%	1
Dirt yards	0.0%	0
Parking on yards	25.0%	1
Other - Write In	75.0%	3
Total		4

Responses "Other - Write In"	Count
Left Blank	17
A general lack of respect for the neighborhood	1
fingethiw	1

Responses "Other - Write In"	Count
high turn over creates instability in the neighborhood - this is where people live, having a constant churn is stressful.	1

3. Please share any additional information regarding the above questions

Count	Response
1	No problems whatsoever!
1	Non-owner occupied short term rentals lack any oversight for their customers, or enforcement of rules that they may have, if they have any. This results in frequent parking issues, and noise issues because the customers have their own interests in mind, and not those of the neighborhood. short term rentals are being used as not only places to stay, but as event locations. Non owner occupied short term rentals draw in more people than those who are staying there, often for parties and gatherings further exacerbating parking, occupancy and noise issues.
1	The neighborhoods are better maintained because the owners need to have satisfied and repeat customers.
1	I live next door to a STR--no problems except a dog barking once. I talked to owner--problem solved.
1	I am aware of two nearby properties that have been rented as STRs. There have been no issues, most likely because the property owners are responsible and good neighbors to begin with.
1	Renters leave outdoor lights on constantly that shine into our bedroom, fill up the parking in front of our house, fill up our trash can, and drag motorcycle, etc. through our yard/garden. The dog is constantly concerned because he doesn't recognize anyone, and we've got strangers looking through our windows all the time as they walk to their rental, or asking us how to get into their rental.

4. As the City considers regulating STRs what thoughts/ideas would you like to share?

Count	Response
1	Don't regulate this.
1	i support STR & there are enough city codes & laws to enforce community issues
1	none
1	I think STRs are a great thing and they help out both the homeowner as well as the guest. It provides supplemental income to someone who may not need the extra space/rooms on a daily basis as well as provides the guest a unique, affordable and comfortable experience here in our great town.
1	STRs MUST have adequate off-street parking. Additionally, STRs kill the neighborhood. These people contribute nothing to the neighborhood, and if anything, are disruptive. Not to mention, they're displacing both long-term renters and prospective homeowners. We think housing for productive, long term members of the community should be prioritized over the profits of a few. Our rent has doubled in the last five years, and our income has not, and this sort of thing is part of the problem. We absolutely will be moving if these trends continue -- please don't interpret this as an attempted threat, we just want nothing to do with a town that doesn't care about the middle class that makes it what it is. We really don't want to see our community turn into a resort.
1	Weekly or monthly required rentals might tend to eliminate some problems that others are having. One or two night stays means plenty of turnover and increased chances of problems. I have more problems with the student rental in our neighborhood than the STR!

Count	Response
1	The restriction of 5000 sq ft per dwelling should be lowered so more old town residents can convert carriage houses to STRs on their property. This would be a simple resolution to the city's desire to have more infill in the old town area. There should be off street parking provided.
1	As an advocate of the sharing economy, both my husband and I strongly support STRs. We have used them as travelers, and by making travel more affordable, they have allowed us to stay in locations we would otherwise avoid. They also allow us to meet the locals, and often afford a more enjoyable experience. Having said that, I certainly understand that if neighbors have complaints about noise or other issues, these issues need to be addressed, and that they should pay the appropriate taxes so the city does not lose revenue that might have otherwise come from hotels. I have heard that in some areas, there have been a problem with STRs that are not owner occupied because people go there to party. I am unaware of issues with that in Fort Collins.
1	The City needs to focus on understanding the nuances and differences between owner occupied STR's and Property owners/landlords who illegally use STR's to maximize their own monthly profit. Based on the survey questions, responses of the respondent, and their proximity to an STR, it would be easy to extrapolate whether they lived near and owner occupied STR or the latter. People who stay at an STR are looking for a more intimate experience of the community they are visiting. They view their host as a happy to assist concierge and appreciate feeling like they have an insiders view on the best places to hike/bike/wine/dine. The money they save by staying at an STR as opposed to a chain hotel is deposited straight back into FoCo businesses during their stay.
1	Generally people (myself included) who utilize STRs are looking for attractive, well-maintained properties in desirable areas. This encourages property owners to maintain and properly manage the units. I would not like to see overly bureaucratic and burdensome regulations restrict a property owner's utilization of his/her property. Should problems arise, there are probably numerous ordinances which could be applied.
1	It is CRITICAL to differentiate between owner occupied short term rentals, and non-owner occupied short term rentals. Non-owner occupied rentals lack oversight, and enforcement of any rules or regulations, if the business operator even has any for their customers. Non-owner occupied short term rentals breakdown the community. When you live next to long-term renters and home owners you are free to have whatever type of relation you wish with your neighbors...good, bad, hostile, friendly, etc. When you live next to a non-owner occupied str, there is no one to have a relationship with. Moreover, you are expected to participate in the operator's hospitality business, or overlook bad behavior from their customers. Remote owner operators expect you to not detract from their customer's experience because they are paying a lot of money to live next door for 2 days. Neighbors can no longer have a relationship with the people who live next door. They cannot ask the people next door to keep the noise of the party down because both the paying customer and the operator will become livid that you are infringing on their vacation experience. This creates a breakdown between neighbors, and destroys the stability of our neighborhoods.

Source Countries



City Manager's Office
City Hall
300 LaPorte Ave.
PO Box 580
Fort Collins, CO 80522
970.221.6505
970.224.6107 - fax
fcgov.com

MEMORANDUM

DATE: June 12, 2015

TO: Mayor Troxell and Councilmembers

FM: Ginny Sawyer, Project and Policy Manager *gls*
Ted Shepard, Chief Planner *TS*

TH: Darin Atteberry, City Manager *D m for D.d.*
Kelly DiMartino, Assistant City Manager *KD*

RE: June 9, 2015 Work Session Summary: Short Term Rental Activity (STR)

Staff provided a high level overview of short term rental activity and issues in Fort Collins, including a brief web demo of both VRBO.com and Airbnb.com. All Councilmembers were present with Mayor Troxell participating by phone.

Themes of the discussion centered on:

- Utilizing tools the City already has to address short term rentals, including pursuing sales tax licenses and tax remittance;
- Clarifying the "problem" and problem severity;
- Supporting STR definition creation and additional outreach.

Next Steps

Staff will:

- Create and distribute an online survey targeted to both STR operators and neighbors.
- Work on STR definition creation and possible definition revisions for Hotel/Motel and Bed and Breakfast.
- Conduct more thorough research of both VRBO.com and Airbnb.com to better understand STR activity (how many nights per/year or month), number of ADA compliant STRs, and number of whole house rentals vs owner-occupied rentals.
- Continue to contact known STR operators to ensure tax remittance.
- Meet with both Visit Fort Collins and the Affordable Housing Board.

A Public Engagement Summary is attached.



City Manager's Office
City Hall
300 LaPorte Ave.
PO Box 580
Fort Collins, CO 80522
970.221.8505
970.224.6107 - fax
fcgov.com

MEMORANDUM

DATE: October 28, 2015

TO: Mayor Troxell and Councilmembers

FM: Ginny Sawyer, Project and Policy Manager *GS*
Ted Shepard, Chief Planner

TH: Darin Atteberry, City Manager *DA*
Kelly DiMartino, Assistant City Manager *KD*

RE: October 27, 2015 Work Session Summary: Short Term Rental Activity (STR)

Staff provided a more detailed review of STR activity in Fort Collins. Information included percent of housing stock estimated to be engaged in STR activity, results from an informal questionnaire and research from other communities. Council member Horak was unable to attend.

Themes of the discussion centered on:

- Defining the problem to be solved; and
- Protecting neighborhood livability.

Specific Meeting Follow-up:

- Sales Tax staff has clarified that there are currently 85 STR operators licensed. The licensing process is free, easy, can be completed online, and does not require renewal. The penalty for operating without a license is 10% of tax due and interest of 1% for each month late.
- Staff did take the raw questionnaire data and removed all duplicate IP addresses (of which there were 69.) This did not result in any significant change in results.
- Police Services and Neighborhood Services will search known STR addresses for any calls/complaints.

Next Steps

Staff will:

- Provide the Commission on Disability and the Human Relations Commission the Council materials and inquire if they wish to discuss/weigh in on STR activity.
- Complete work on STR and Bed and Breakfast definitions. Take to Planning and Zoning Board.
- Create draft regulatory framework, including concentration options, for Council consideration (Work Session Q1 2016.)
- Continue public outreach efforts.



City Council Work Session

**Short Term Rentals (STRs)
February 23, 2016**

Questions and Direction Sought

1. Does Council support pursuing a regulatory framework for short term rentals?

If yes,

- Which option does Council prefer for Primary Residence STRs?
- Which option does Council prefer for Non-Primary Residence STR?

1. Does Council support proposed next steps?

- STRs: Airbnb and VRBO are the most common platforms
- Initial complaints and Council questions in 2013-14
- June 9, 2015 - Council Work Session; direction:
 - Utilize tools City already has in place
 - Better define problem and problem severity
 - STR definition and more outreach
- October 27, 2015 – Council Work Session; direction:
 - Create draft regulatory framework
 - Continue public outreach
- February 23, 2016 – Council Work Session
 - Regulatory options will be presented

To distinguish between B & Bs and other lodging accommodations the following STR traits have been identified:

- Cater to a single party at a time (not multiple parties like a B&B or hotel)
- STR are not open to the public (can't walk in off the street)
- No signage
- No on-site employees

- Separately define “Primary Residence” and “Non-Primary Residence” short term rentals:
 - Primary: Receive mail or other proof, includes carriage house or other accessory dwelling units, contiguous parcel dwelling. Owners only.
 - Non-Primary: Owner may be in town or out of town
- Highlight distinguishing features
- Adjust other definitions if necessary

Proposed Regulatory Options

- 3 options ranging from more lenient to more restrictive
- Each option distinguishes between Primary and Non-primary residence units
- Some details are left vague for input and discussion

Primary Residence Options

OPTION 1	OPTION 2	OPTION 3
<p>Pay all required taxes</p> <p>Subject to registration upon complaint</p>	<p>Pay all required taxes</p> <p>Pay a one-time registration fee to cover:</p> <ul style="list-style-type: none"> • One-time safety inspection <p>All other contact would be on a complaint basis</p>	<p>Pay all required taxes Annual registration fee to cover:</p> <ul style="list-style-type: none"> • Annual (?) safety inspection • One time zoning inspection <p>Include: (options)</p> <ul style="list-style-type: none"> • Neighbor notification <p>Limit to certain zones</p>

Non-Primary Residence

OPTION 1	OPTION 2	OPTION 3
<p>Pay all required taxes</p> <p>Register /registration number</p> <p>Registration could include:</p> <ul style="list-style-type: none"> • Local contact • Parking requirement • Neighbor notification • Other? <p>No more than 3 registrations per person (must be a person)</p>	<p>Pay all required taxes</p> <p>Pay a one-time registration fee to cover:</p> <ul style="list-style-type: none"> • One-time safety inspection • One time zoning inspection (parking) • All other contact would be on a complaint basis <p>Include: (options)</p> <ul style="list-style-type: none"> • Local contact • Parking requirement • Neighbor notification • Prohibit in certain zones • Limit to 30+ day rentals/or certain number of rentals/month • Other? 	<p>Pay all required taxes</p> <p>Annual registration fee to cover:</p> <ul style="list-style-type: none"> • Annual safety inspection • One time zoning inspection <p>Include: (options)</p> <ul style="list-style-type: none"> • Local contact • Parking requirement • Neighbor notification • Limit to zones that allow B&B • Other?

Regulatory Priorities

Neighbors (some not all)	STR-Operators
<ol style="list-style-type: none">1. Limited Use and Concentration of STRs2. Parking Requirements3. Registration of STRs4. Limited Number of STRs a person may operate5. Safety Inspections	<ol style="list-style-type: none">1. Registration of STRs2. Safety Inspections3. Parking Requirements4. Limited Number of STRs a person may operate5. Limited Use and Concentration of STRs

- Draft regulations based on feedback
- Make proposed ordinance language public for at least 4 weeks
- Solicit feedback and comments on draft regulations/ordinance
- Schedule for regular Council meeting

Questions and Direction Sought

1. Does Council support pursuing a regulatory framework for short term rentals?

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