Consensus Planning, Inc

City of Albuquerque Short Term Rental Task Force Best Practice Analysis Research

January 11, 2019

	Austin	Boulder	Colorado Springs	Denver	Kansas City	San Antonio	Santa Fe	Taos
REGISTRATION								
STR Definition	A residential dwelling unit or accessory building Three (3) types identified: • Type 1 (Owner-occupied as primary or secondary residence) • Type 2 (Not owner occupied in a single family or duplex unit) • Type 3 (Not owner-occupied in a multi-family unit) Length of stay is < 30 days	A residential dwelling that serves as a primary residence or accessory unit on the same parcel May not be dwellings owned by the federal government, the state, or any of their agencies or political subdivisions and facilities licensed by the state as healthcare facilities Length of stay is < 30 days An accessory unit may not be rented for more than 120 days in any calendar year; there is not limit on the primary unit	A residential dwelling unit May not be dwellings owned by the federal government, the state or the City, or any of their agencies, or facilities licensed by the state as healthcare facilities Length of stay is < 30 days	A residential dwelling unit The rental property must be used as a primary residence Length of stay is < 30 days	districts must obtain a	Two (2) types identified: • Type 1 (Owner-occupied) • Type 2 (Not owner-occupied) Length of stay is 12 hours-30 days	A primary dwelling unit or accessory dwelling unit in a residentially zoned area Resort units, non-residentially zoned units, and commercially zoned units are also eligible but require registration in addition to permit Length of stay is < 30 days No more than one rental is allowed within a seven (7) consecutive day period	family attached unit,
Host Occupancy Requirements	Owner occupancy is not required	Rental property must be the owner's primary residence or an accessory unit on the same parcel A primary residence means that the owner occupies the dwelling for more than one half of the year	Permits are issued to the owner of the property but may be managed by a third party on behalf of the owner.	Rental property must be a primary residence Property owners and longterm renters (with permission from landlord) may apply for a permit	To be considered owner- occupied, the property must be occupied a cumulative minimum of 270 days per year Carriage houses (or accessory units) may be approved for owner occupied status as along as the principal building is owner occupied	Owner occupancy is not required	Ordinance does not address owner occupancy	Ordinance does not address owner occupancy
Length of Permit or License	1 year	4 years	1 year	1 year	1 year	3 years	1 year Issued on an annual basis per calendar year	1 year

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Registration Submission Requirements	 Application Certificate of occupancy Drivers' license Approved life-safety inspection Proof of payment of city hotel occupancy tax (if applicable) Proof of insurance 	 Application Affidavit of STR license agreement of occupancy limits and requirements Business license Life safety compliance Affidavit of legal residency Two (2) local contacts within 60 minutes of the property 	owner • Proof of sales tax license (not required if the STR is only listed on Airbnb) • Signed statement of	 Application Contact information Tax account numbers Business license Documentation to demonstrate proof of primary residency may be requested 		Leity tinance denartment and	 Application Proof of ownership Site plan (including parking) Business registration Inspection for compliance with zoning, water, and fire Sample neighborhood notification letter 24-hour contact Proof of insurance 	 Contact information for owner and (if applicable) agent Number of bedrooms and occupancy Site plan narrative regarding use Definition of any usual traffic, noise, lighting or other potential disturbances Business permit "Other information as the code administrator or designee deems reasonable necessary to administer this section"
Registration Fees	\$550 \$50 neighbor notification fee is required for first time applicants	\$105 Application must be accompanied by a business license which may be acquired through the STR application for an additional \$25	\$119	\$25 for STR license \$50 for lodgers' tax ID Cost was intentionally kept low to bring all STR operators into a regulatory system	\$259 Hosts in historic districts must apply for a special use permit (\$596)	\$200	\$100 one time application and processing fee \$35 business registration fee \$100 for resort units and non- residential or commercial zones \$325 for accessory dwelling units and residential units	\$300
Renewal Details	Annual \$300 fee	Every four (4) years \$105 fee	I A nnual	Annual No fee specified in ordinance	Annual \$175 fee	\$100 fee Must submit changes or a signed statement affirming that no changes have been made to the property during	Annual permit fee mentioned but not specified in the ordinance Affidavit for compliance with fire regulations must be resubmitted If not renewed by April 15, permit expires and a new application is required	Annual No fee specified in ordinance

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Insurance Requirements	Proof of insurance must include declarations, information, or summary pages from policy	Not specified in the ordinance	Not required if reservations	Liability insurance to cover bodily and property damage; licensees certify under penalty of perjury	Liability in the amount of no less than \$300k	Liability insurance in the amount of no less than \$500k and \$1mil aggregate	Proof of insurance must identify property as a rental unit Liability insurance in the amount of no less than \$300k	Not specified in the ordinance
REGULATIONS								
Zoning Restrictions	Allowed in all residential zones	Allowed in all residential zones	Limit one (1) STR within a lawful dwelling and maximum four (4) STR units per property For condominiums or buildings held in similar common ownership, each	Allowed in all residential zones (residential and mixed use) Permitted as a secondary use conducted in a home Mobile homes, RVs, or travel trailers may not be operated as STR units	the same multi-family structure Not allowed in low density single family zones but existing STRs were allowed to be grandfathered into compliance Historic landmarks and	Not allowed in industrial zones Density limits apply to Type 2 (not owner-occupied) STRs: No more than 12% of the block face in single family residential zones may be used for STR No more than 12.5% total of units on a property in commercial or multi-family residential zones may be used for STR No density limits for Type 1 (owner-occupied) STRs	Allowed in all residential zones Resort units, non-residentially zoned units, and commercially zoned units are also eligible but require registration in addition to permit Permits may not be issued for more than two (2) STRs directly adjoining each other on a residentially zoned street No permits will be issued to properties which have covenants that prohibit STRs	Not allowed in areas zoned for agriculture and light manufacturing
Display of Permit	Permit number required on all marketing materials	<u> </u>	Permit number required on all marketing materials	Permit number required on all marketing materials	Permit number required on all marketing materials	Permit number required on all marketing materials	Permit number required on all marketing materials	Permit number required on all marketing materials
Required Inspections	Approved life-safety inspection must be submitted with application	No required inspections	Safety inspection certification must be submitted with application	No required inspections	Must agree to and allow inspection for compliance with fire, public safety, health/sanitation, and other city code compliance upon reasonable notice	Initial inspection is conducted by city development services to verify compliance with codes and ordinances STRs may be subject to an inspection during renewal or if a violation is suspected	Inspection for compliance with zoning, water, and fire conducted by zoning inspector and fire inspector	Must submit proof of fire inspection On-site inspection may be required

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Occupancy Limitations	Less than ten (10) adults at one time or six (6) unrelated adults Property must be in compliance with any limits in the building code	and two (2) additional persons	Topic continues to be discussed by the STR	STR hosts may set their own occupancy maximums There is no city-imposed maximum	Elimited to eight (6) guests	Limits defined by property maintenance code	Two (2) persons per bedroom	Two (2) persons per bedroom Daytime occupancy not to exceed twenty (20) daytime guests for five (5) bedrooms or more
Fire Safety	Renters must be notified on regulations related to burn bans	Fire extinguisher and smoke detectors are required	consult city website	Fire extinguisher and smoke detectors are required		Smoke detectors are required Owner is responsible for obtaining annual independent inspections for fire extinguishers	Portable fire extinguisher must be mounted in a visible location and serviced annually Single station smoke detectors must be provided in all sleeping areas Compliance with fire code requirements is reviewed on an annual basis Ordinance also refers to electrical safety	Not specified in ordinance
Carbon Monoxide	Not specified in ordinance	CO detector is required	Not specified in ordinance	CO detector is required	CO detector is required	CO detector is required	Not specified in ordinance	Not specified in ordinance
Noise Control	No sound equipment that produces sound in excess of 75 decibels at the property line between 10am and 10pm Use of sound equipment that produces sound audible beyond the property line between 10pm and 10am is prohibited	Not specified in ordinance	Tenants shall abide by applicable ordinances	Not specified in ordinance		_	Noise and other disturbances outside of the unit are prohibited after 10:00pm including decks, portals, porches, balconies, or patios	Occupants must comply with noise regulations and will be cited or fined if violated
Signage	Signage is not permitted	Not specified in ordinance	Should the issue arise, the	Only one non-animated, non- illuminated sign is allowed on the property to identify it as a STR	No exterior evidence that the property is being used as a STR is allowed Signage is not permitted	Advertising signs are not permitted but a nameplate, not to exceed one (1) square foot, attached flat to the main structure is permitted	Not specified in ordinance	Signage and other advertising mechanisms are not permitted

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Parking	Not specified in the ordinance	required in the zoning district One (1) additional off-street parking space is allocated	Driveways must be utilized first; overflow may be directed to the street where permitted Parking on site in non-driveway areas is prohibited	Not specified in ordinance	Not specified in ordinance	Must comply with city code: minimum one (1) vehicle space per unit, no maximum indicated Yards, public right-of-way, and/or access easements may not be utilized to meet required parking requirement	provided and must meet the	Parking must be entirely on- site in a garage, carport, or driveway STRs in commercial zones may need to submit parking plans
Trash/ Waste Management	Renters must be notified about regulations related to trash	Not specified in ordinance	Owner must maintain weekly trash collection services Outdoor bins must be screened from public view or kept inside a garage or other structure	Not specified in ordinance	Not specified in ordinance	Tenants must be notified via indoor post about trash pick-ups and property cleanliness	Owner must notify tenants about relevant ordinances	Disposal information must be included in renter notification Trash shall not be stored in public view (expect in proper containers)
Available for Party Rental	Weddings, bachelor or bachelorette parties, concerts, sponsored events or any similar group activities other than sleeping are prohibited between 10pm and 7am	Not specified in ordinance	Use of STR for commercial or large social events, like weddings, is prohibited	Rental of a dwelling unit for commercial events (including parties and weddings) is prohibited Private parties are allowed Parties and the presence of party buses on residential streets have been the primary complaint from neighbors to the city	May not be used for receptions, parties, meetings, or similar events	Not available for parties or commercial events	Properties located in residential zones may not be rented for commercial activities or events Gatherings in excess of three (3) times the number of legally allowed occupants is prohibited	STR may be rented for parties but should be in compliance with daytime occupancy limits per building codes

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Sleeping Area Requirements	Not specified in ordinance	Not specified in ordinance	Sleeping areas may not be in non-residential areas within buildings and accessory structures	Not specified in ordinance The city is aware that air mattresses and other temporary beds are used to provide additional sleeping occupancy		Non-compliant areas must remain locked when dwelling is being used and should not be included in max occupancy calculation	In addition to an exit door, each room must have a second exit that leads directly outside Release mechanisms shall be installed on any bars and grills covering doors or windows	Not specified in ordinance
Emergency Contact Requirements	A license holder must identify an individual who lives within the metro area to respond within two (2) hours of an incident or emergency	Itha property much be listed	A 24-hour contact person must be available to respond to complaints and emergencies within one (1) hour	Not specified in ordinance	A 24-hour contact person must be available to respond to complaints and emergencies	-	24-hour contact must be listed on the permit application	Owner or agent must be available to respond to any and all conflicts
Neighbor Notification	Area residents are notified about the STR by the Planning & Development Review Department	A map of licensed STRs is available online	A sample notification letter is available on the city website and features space	Not specified in ordinance Not required but the city is interested in pursuing mandatory notification	All STR owners must notify adjacent property owners	Neighborhood notification is encouraged but not required	Property owner is required to notify neighbors located within 200-feet of the short term rental via mail within 10 days of permit issuance A sample notice is submitted with application	Not specified in ordinance

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Other Neighborhood Protections	Ordinance sets limits on the distance between STRs (set by census tracts) Residents may report violations using 311 services Renters receive notification related to regulations on noise, water, burn bans, and trash	Property must meet minimum regulations on habitability, health, and life- safety according to building codes	emergency contact information, city permit number, and notices on	Overall character of the property may not be changed The property must still look and feel like a residence	Off-site owners must secure consent of 55% of adjacent property owners or apply for a special use permit Residential architecture and appearance of the structure may not be changed to commercial but a separate entry for the STR may be permitted Property owner and rental platform(s) must maintain records regarding complaints from guests, local residents, nuisance activity, or sanitary, health, or life-safety conditions	No additional notes	Permits may not be issued for more than two (2) STR directly adjoining each other on a residentially zoned street	renters "do not create unreasonable noise or
ADMINISTRATION								
Taxes	Required to pay hotel occupancy taxes	Required to pay excise tax of 7.5%	Sales tax license is required	Required to pay lodgers' tax of 10.75%, occupational privilege tax, sales tax (if applicable), business personal property tax, and any others associated with the STR operation Licensee must possess a valid lodgers' tax account	All STR operators must obtain a business license and pay appropriate taxes	Required to pay hotel occupancy taxes	Required to pay all applicable local, state, and federal taxes including lodgers' tax, gross receipts tax, and income taxes	Required to pay lodgers' taxes at a rate of 5% of gross taxable rent Tax information must be submitted during registration

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Tax Reporting & Payment		Tax and licensing division sends tax returns on quarterly basis that are due on the twentieth (20th) of the following month	Not specified in the ordinance	Lodgers' tax returns may be filed on an annual, quarterly, or monthly basis; filing frequencies are based on monthly tax liability Business personal property tax is paid annually Other taxes (including sales) should be paid in accordance with the sales tax license to the treasurer's office Airbnb collects city lodgers' tax on sales but hosts do not need to collect on that or any other platform	Property owner and rental platform(s) must maintain record required by city	Failure to pay within 90 days of delinquency notice will result in revocation of permit Hotel occupancy taxes are released to fund earmarked for tourism efforts	Owner must make all records related to STR operation available to the city Owner/operator must report to the Land Use Department on a monthly basis via a form provided by the city	Must make a report by the 25th day of each month via forms provided by the cashier's office Must provide information to enable town to audit the report, varied by oath
Staffing	Not specified in ordinance	Department: Permit Manager and Code Enforcement Coordinator There is one full time staff	Two (2) new positions were created within the Planning & Development Department: Permit & Program Coordinator and Code Enforcement Coordinator New staff began in January 2019 and are still in training	time employee to oversee STR permitting and enforcement The city has a contract with Host Compliance, a private company that identifies unlicensed STRs, issues citations and notifications,	Department of Planning & Development 's Development Management Division absorbed the workload required to accept and process applications, prepare and maintain list of all STRs, and report violations to the enforcement division The city recently entered into a contract with a private company (unnamed) that identifies unlicensed STRs	application processing Code Enforcement investigates complaints and violations The city recently signed a	Land Use Department staff implements, manages, and enforces the ordinance There is a Santa Fe Short-Term Rental Office Required inspections are conducted by zoning inspector and fire inspector	Not specified in ordinance

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Steering or Advisory Committees	Not specified in ordinance	Not specified in ordinance	A steering committee meets quarterly and will continue to meet Committee consists of city officials and employees, professional STR hosts, and non-professional STR hosts	The Short-Term Rental Advisory Committee (STRAC) meets quarterly to provide guidance and recommendations to Excise and Licenses on administration, enforcement, and other policies pertaining to STR licensing Members of the STRAC consist of short-term rental hosts, non-hosts, neighborhood representatives, industry stakeholders, and city elected officials There are representatives from Airbnb and the Hotel Lobby on the committee but neither attend regular meetings	Interviewee expects that the ordinance will go through another review or update in the next 3 years or so with assistance from an Advisory Committee	A task force was assembled to develop the ordinance but was discontinued The task force was comprised of short-term rental hosts, neighborhood representatives, industry stakeholders, and city elected officials The task force or an advisory committee will reconvene within six (6) or seven (7) months to assess the ordinance and operations thus far The city regularly reviews development ordinances and codes every five (5) years and are scheduled for review in 2020	Not specified in ordinance	Not specified in ordinance
Fees Generated from Application	Not specified in ordinance	IPlanning Denartment	Iaccount for STR operation	Fees are released to the General Fund	Fees are releases to the General Fund	to a Development Services	Revenue from fees are used only to administer, manage, and enforce ordinance	Not specified in ordinance
Application Process Challenges	No notes	Proof of residency has been a challenging requirement for the city; many applicants actually live out of state and try to get around this requirement A notable number of incomplete applications come in on a regular basis; the city has amended forms several times for clarity	Application process opened on January 1, 2019	A recent audit showed that the majority of lodger's tax and identification numbers were invalid (possibly due to confusion) Issues include: multiple people sharing the same numbers, multiple licenses issued to the same applicant, and violations of the primary residence requirement	The city believes that a very small number of operating STRs have applied for a permit (around 10%) Applicants frequently utilize the wrong forms or are confused about the process	The city is currently using paper applications for permits but plans to switch to electronic registration with the assistance of Host Compliance	No notes	No notes

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Enforcement	Code official may deny application for renewal or suspend license for repeat offenders Unlicensed short-term rentals may not advertise; violators could be subject to fines up to \$2000/day	Revocation of rental license is a penalty Violations reported to the	The City Manager, Planning Commission or City Council shall have the authority to initiate nuisance abatement The Manager is authorized to initiate permit suspension or revocation against a property owner by issuing a notice to show cause The Planning Commission shall hold a public hearing on allegations contained in a notice; notice to show cause will be served on the owner no less than ten (10) days prior to the scheduled hearing Violations are considered a criminal offense if not amended in accordance with the ordinance	Director of Excise & Licenses has authority to issue penalties, fines, suspensions, or show-cause hearings Whether or not a violation is considered civil or criminal is at the discretion of the Compliance Program Administrator On January 8, there was a hearing to establish additional rules and disciplinary actions related to STR licenses. City will track and monitor complaints Fines up to \$999/incident License revocation can occur at anytime if STR is in violation	suspended, or revoked in the determination of the City Planning and Development Director or if owner or property does not comply with city ordinances and codes The city has received over 1,000 zoning complaints related to STRs in the last year	Failure to renew within the annual deadline is considered a violation	Land Use Director shall give the owner a written notice of violation and corrective action must be taken within 15 days Permits may be revoked if STR is not in compliance Those operating without permit are subject to penalties, property liens, and/or prosecution The fine for operating without a permit is \$500 and \$250 for each day of expatiation thereafter	Code Administrator has the authority to impose additional conditions, modifications, suspension, and/or revocation of permit and affiliated licenses
Appeal Process	Yes	Not specified in ordinance	Yes	Not specified in ordinance	Not specified in ordinance	Not specified in ordinance	Not specified in ordinance	No
Other	The city plans to discontinue Type 2 rentals (by April 2022)	accessory unit may not be	No meals may be served by owner or agent	Staff estimated that over 60% of his time was spent responding to violations of the primary residency requirement Host not required to be present but must leave a welcome packet Many regulations are not listed in the ordinance because the city did not envision such problems or concerns	No meals or food may be provided The city spent three (3) years in public hearings related to the STR ordinance; the greatest concerns and fears residents had did not come to fruition The city spent a year conducting outreach regarding registration through newspaper and television media outlets A battery powered portable flashlight, lantern or alternative emergency lighting device is required	ordinance The city recommends soliciting feedback from	Real estate agents are required by law to provide prospective buyers a current copy of the STR ordinance STR must meet water conservation requirements including low flow toilets and shower heads, no leaks, and pool/spa covers	No additional notes