

Short Term Rental (STR) Task Force Recommendations and STR Bill Sections Reference Table

This reference table lists each of the recommendations from the STR Task Force. The task force made recommendations on permitting, regulation, and administration. In addition, the report lists the two unresolved issues which the task force did not reach agreement on. The proposed STR bill follows the recommendations of the task force. Note, there are aspects of the task force recommendations that are more administrative in nature and that will be pursued in conjunction with or subsequent to the adoption of the bill.

STR Task Force Recommendation Number	STR Task Force Recommendation	Bill Page Number & Line Number	Bill Section & Notes
2.2 Permitting			
2.2.1	When applying for a permit, STR owners/ operators should provide emergency contact numbers. The permitting process should not differentiate between owner occupied and non-owner occupied units.	Page 3, Line 5	Section 1, Proposed 13-19-6(A)(2). This bill does not differentiate between owner occupied and non-owner occupied units.
2.2.2	The permit process for STRs should be with the Planning Department, Code Enforcement Division.	Page 2, Line 33	Section 1, Proposed 13-19-6(A).
2.2.3	The proof of business registration for each STR operator should be provided to City upon application for a STR permit.	Page 2, Line 11	Section1, Proposed 13-19-5(A).
2.2.4	A permit should be required for each STR property or unit. STR operators of multifamily apartment buildings should permit each unit within the building.	Page 2, Line 7 & Page 2, Line 32	This is covered by both the definition of an STR unit and the permit requirement: Section 1, Proposed 13-19-4 and Section 1, Proposed 13-19-6(A).
2.2.5	Permits for STR units should run for one year; cost should be determined by a fiscal impact study. Annual renewal fees should be less than the first year permit fee.	Page 3, Line 17& Line 22	Section 1, Proposed 13-19-6(B) & (C). A FIA was conducted by the Planning Department in conjunction with the drafting of this bill and informed the proposed fee levels. The FIA recommended a fee of \$90 for ongoing costs. The bill proposes an initial fee of \$120, and a renewal fee of \$90.

2.2.6	The permit should stipulate that the STR owner agrees to comply with City ordinances (e.g., Uniform Housing Code, noise, trash collection, zoning, weed and litter, parking, air quality/no burn nights, etc.).	Page 3, Line 11	Section 1, Proposed 13-19-6(A)(4).
2.2.7	The City should provide a voluntary "Good Neighbor Agreement" that encourages STR operators to notify adjacent neighbors as a courtesy and provide emergency contact numbers. A "Good Neighbor Agreement" should also be distributed to guests listing relevant existing City ordinances that should be followed. It should also provide information on Visit Albuquerque as a courtesy.	Page 2, Line 25	Section 1, Proposed 13-19-5(F). The bill does not require information from Visit Albuquerque as this is a more administrative function. The bill also does not require notice to adjacent neighbors as this proposes it as a courtesy rather than a requirement. Both of these would therefore be handled as part of the administration of the permit.
2.3 Regulation			
2.3.1	STRs should be allowed in all City of Albuquerque residential and mixed-use zones (i.e., R-A, R-1, R-MC, R-T, R-ML, R-MH, MX-T, MX-L, MX-M, MX-H and MXFB).	N/A	An STR is currently considered a type of residential rental. City does not have different rules in the IDO or Uniform Housing Code between owner occupied, long term rentals (e.g. for a year or more) and short term rental (less than 29 days). This bill does not propose to change this. Therefore in zones that allow residential development (e.g. single family dwelling, town house, or multifamily) an STR would be allowed, and in zones where residential development is not allowed, an STR would not be allowed. Because an STR is considered a type of residential rental, the existing regulations for residential properties apply. The STR Task Force did not recommend creating new or different rules for STRs but rather focused on making it clear that the existing regulations apply and on giving Planning and Code Enforcement an extra tool (the permit) to help educate and enforce those rules.

2.3.2	STRs should not be allowed in City of Albuquerque non-residential zones (i.e., NR-C, NR-BP, NR-LM, NR-GM, NR-SU, and NR-PO).	N/A	See above.
2.3.3	There should be no limitation on the number of times an STR unit can be rented.	N/A	This bill does not propose to limit the number of times an STR unit can be rented.
2.3.4	Owner occupancy should not be required and regulations should not differentiate between owner-occupied and non-owner occupied units.	N/A	This bill does not require or discuss owner occupancy versus non-owner occupancy.
2.3.5	STR hosts currently cannot advertise that units are available for special events, in accordance with the Integrated Development Ordinance (IDO).	N/A	This bill does not allow for special events, and does not change the IDO prohibition on special events.
2.3.6	Small, private gatherings (i.e., special events that are not advertised) should be allowed, but overnight stay for the additional guests should not be allowed. There should be no limitation on the number of private gatherings at an STR unit.	Page 3, Line 28	Section 1, Proposed 13-19-7.
2.3.7	STR units should maintain an outward residential appearance.	Page 3, Line 11	Section 1, Proposed 13-19-6(A)(4). An STR is subject to the same regulations as any other residential use, these regulations address both signage and front yard parking which could result in a non-residential outward appearance if the rules did not apply to the STR.
2.3.8	Advertising should not be allowed on STR units within residential zones.	Page 3, Line 11	See above.
2.3.9	The permit should be displayed on the inside of the STR unit.	Page 2, Line 21	Section 1, Proposed 13-19-5(D).
2.3.10	The permit number should be required on all marketing materials.	Page 2, Line 23	Section 1, Proposed 13-19-5(E).
2.3.11	Violation of regulations should result in a civil penalty and penalties should be tiered. The City should consider whether to place a lien on the property for non-payment.	Page 4, Line 3	Section 1, Proposed 13-19-8.
2.4 Administration			
2.4.1	The City should complete a fiscal impact study that includes appropriate staffing level, one time set-up costs (computers, desks, space, phones), software needs, and ongoing costs.	N/A	This administrative action was completed in conjunction with the drafting of this bill.

2.4.2	Permit fees should be earmarked for staffing and administration costs related to STR regulations.	Page 3, Line 22	Section 1, Proposed 13-19-6(C).
2.4.3	An STR advisory committee should be established and should convene only when necessary to review or change regulations.	N/A	This is an administrative action that would be established subsequent to the passing of this bill.
2.4.4	The resolution that established the Lodgers' Tax Advisory Board should be amended to add an STR representative.	Page 5, Line 28	Section 3 of the proposed bill amends the Lodgers Tax Advisory Board to include a STR representative.
2.4.5	Appointment to be on the Lodgers' Tax Advisory Board should go through the normal City process.	Page 5, Line 28	The proposed STR representative would follow the normal appointment process, this bill proposes no changes to the appointment process.
2.4.6	The recently passed Senate Bill 106 removed the exemption that allowed STR operators to avoid paying occupancy (lodgers') tax. The City of Albuquerque currently has a voluntary collection agreement with Airbnb for collecting lodgers' tax and hospitality fees from hosts and remitting these fees to the City. The City recently notified Expedia/HomeAway/ VRBO regarding the State Legislation and requested to enter into a similar collection agreement. The new law will apply to all STRs effective January 1, 2020. At the time of writing this report, Expedia/HomeAway/ VRBO have declined to enter into a voluntary collection agreement.	N/A	This was addressed through O-19-71 which amended the Lodgers Tax and Hospitality Fee Ordinances.
2.4.7	STR hosts should be required to file with City Treasury or through a booking platform to pay lodgers' and hospitality taxes beginning in January 2020.	N/A	This was addressed through O-19-71 which amended the Lodgers Tax and Hospitality Fee Ordinances.
2.4.8	The City of Albuquerque should interview companies to assist with address identification, compliance monitoring, enforcement, outreach, and tax collection.	N/A	This is an administrative action. The Planning Department FIA considers what a third party vendor could help with for compliance and the potential costs associated with this.
2.4.9	The City should maintain a map of registered STR locations for enforcement and administrative purposes.	N/A	This is an administrative action for the Planning Department to produce subsequent to the adoption of the proposed bill.
2.5 Unresolved Issues			

2.5 Concentration	<p>Concentration and Spacing:</p> <p>There was discussion at several Task Force meetings regarding the concentration and spacing of STRs in residential neighborhoods. This was considered as a method of protecting neighborhood character and integrity, which is a strong theme contained in the City of Albuquerque Comprehensive Plan. However, there was no agreement amongst the Task Force members regarding any level of concentration or spacing of STRs (see Research Section 3.3 for more information on concentration and spacing). The Task Force received feedback regarding this issue during the public meeting. There was a suggestion to implement separation regulations rather than a maximum percentage allowed. Participants also called for regulating the number of STR units within a building. Concerns about over-saturation were expressed verbally and through written comments, particularly citing the Nob Hill and Old Town areas where there is already a high concentration of STRs.</p>	N/A	The task force came to no conclusions on whether or not to regulate the concentration and spacing of STRs. The proposed bill does address this issue.
2.5 Occupancy	<p>Occupancy:</p> <p>The Task Force also discussed and could not come to an agreement on occupancy requirements for STR units. During the best practices research it was found that some cities simply limit occupancy to 2 people per bedroom and some cities do not regulate occupancy at all. Some of the Task Force members felt that allowing unlimited occupancy could have a negative impact on neighborhood character (e.g., more cars, more noise and disruption, especially when the homes are larger and could accommodate larger groups of visitors). The STR representatives on the Task Force expressed their opinion that they would not want an unlimited number of people in their units as it would accelerate wear and tear of the property. The Planning Department representatives expressed their opinion that it would be difficult to enforce occupancy requirements, but noted that it may help limit how homes are advertised and suggested using the existing standards contained in the Uniform</p>	Page 3, Line 28	Section 1, Proposed 13-19-7, STR Occupancy. The Task Force did not make a recommendation on how to regulate occupancy. However there needs to be some way to measure occupancy, and it is also important that the bill be enforceable and easy to implement. Therefore the bill proposes to measure occupancy via the number of people per bedroom. This is easier for operators to demonstrate, and for Code Enforcement or APD to enforce when there is a complaint, than the Uniform Housing Code. The UHC contains a formula based on habitable floor area which can result in different occupancy numbers for residences with the same number of bedrooms.

	Housing Code as a starting point (see Research Section 3.4 for more information on occupancy).		
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