

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

SEATTLE VACATION HOME, LLC, et al.,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants.

No. 18-2-15979-2 SEA

CITY OF SEATTLE’S MOTION FOR  
SUMMARY JUDGMENT

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## Appendices:

- City of Seattle Ordinance 125490 (enacting SMC ch. 6.600).
- New York City Office of Special Enforcement, ILLEGAL SHORT-TERM RENTALS.
- Fort Myers Beach, Florida, Code of Ords. Div. 32-A.

4. San Francisco Office of Short-Term Rentals, ABOUT SHORT-TERM RENTALS.
5. City of Philadelphia License & Inspections, SHORT TERM HOME RENTAL (2015) (downloaded from <https://www.phila.gov/li/PDF/Limited%20Lodging%20Information%20Flyer.pdf>).
6. San José Municipal Code §§ 20.80.150 – 20.80.170.
7. Austin, Texas Code Department, SHORT-TERM RENTAL FREQUENTLY ASKED QUESTIONS (downloaded from [https://austintexas.gov/sites/default/files/files/Code\\_Compliance/STR\\_FAQ\\_print.pdf](https://austintexas.gov/sites/default/files/files/Code_Compliance/STR_FAQ_print.pdf)).
8. Code of the City of Portland, Oregon ch. 33.207.
9. New York City Comptroller Scott M. Stringer, THE IMPACT OF AIRBNB ON NYC RENTS (April 2018) (downloaded from [https://comptroller.nyc.gov/wp-content/uploads/documents/AirBnB\\_050318.pdf](https://comptroller.nyc.gov/wp-content/uploads/documents/AirBnB_050318.pdf)).

1                                   **I.       INTRODUCTION AND RELIEF REQUESTED**

2           For nearly two years, the Seattle City Council considered the need to regulate short-term  
3 rentals (STRs), which are essentially rooms or dwelling units to rent for fewer than 30 days.  
4 Cognizant of the need to pass measures governing this burgeoning industry—whose growth is  
5 spurred by such internet platforms as Airbnb and VRBO—the Council passed a slate of measures  
6 governing STR licensing, taxation, and land use. The licensing legislation (Ordinance) strikes a  
7 particular balance: it allows STRs, while preserving housing for critical, long-term rental uses  
8 and limiting displacement of at-risk communities, in part by preventing any one licensee from  
9 amassing a large-scale STR enterprise. Plaintiffs challenge the Ordinance on constitutional  
10 grounds.

11           The City respectfully asks this Court for summary judgment because Plaintiffs cannot  
12 meet their substantial burden of proving the Ordinance unconstitutional. The Ordinance survives  
13 scrutiny under the deferential “rational basis” analysis controlling Plaintiffs’ Washington and  
14 federal substantive due process claims and their claim under the Washington privileges and  
15 immunities clause.

16                                   **II.       FACTS**

17           **A.       The City Council, including two of its committees, considered the Ordinance**  
18           **for nearly two years.**

19           The City Council crafted its approach to STRs in a multi-year process. In April 2017,  
20 after over a year of evaluation and drafting, the Seattle Department of Construction and  
21 Inspections issued a Determination of Nonsignificance (DNS) under the State Environmental  
22 Policy Act (SEPA) for a legislative package addressing STRs. Declaration of Aly Pennucci (AP)  
23

1 83–91.<sup>1</sup> In May 2017, the Seattle Short Term Rental Alliance and several STR owners appealed  
2 the DNS to the Seattle Hearing Examiner. Pennucci Decl. ¶ 11.

3 In September 2017, the Council formally introduced three STR bills that separately  
4 addressed licensing, taxation, and development regulations. Pennucci Decl. ¶ 13. *See* AP 221  
5 (Legislative Summary). Only the licensing bill is at issue in this litigation.<sup>2</sup>

6 On September 21, 2017, after reviewing the Committee-recommended version of the  
7 licensing bill, the appellants withdrew their SEPA appeal, noting that version would no longer  
8 adversely affect them. AP 109–112 (pleadings).

9 The Council referred the licensing bill to its Affordable Housing, Neighborhoods and  
10 Finance Committee, which recommended the Council adopt it with amendments. AP 221–222  
11 (Legislative Summary).

12 In November and early December 2017, the Council passed STR tax and development  
13 regulation ordinances, but referred the licensing bill to the Planning, Land Use, and Zoning  
14 Committee for additional work. Pennucci Decl. ¶¶ 20, 23; AP 222 (Legislative Summary). That  
15 Committee ultimately recommended Council passage of an amended licensing bill. AP 222  
16 (Legislative Summary).

17 On December 11, 2017, the Council voted to further amend the licensing bill and pass it  
18 as amended. AP 216–217 (Council meeting minutes).

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22 <sup>1</sup> The exhibits and cover pages to the Pennucci Declaration have been consecutively numbered with the prefix  
“AP\_.” For convenience, this motion refers to the Pennucci exhibits by their “AP” numbers.

23 <sup>2</sup> This motion refers to the final licensing legislation as the “Ordinance,” and attaches a copy as **Appendix 1**.

1           **B.       The Council weighed the benefits and challenges STRs pose.**

2           The Council considered STRs’ advantages and drawbacks. STRs offer many benefits. *See*  
3 *generally* AP 48 (policy brief); AP 94 (staff memo). Property owners who might struggle to  
4 afford their homes can monetize extra space by renting out a basement unit, a spare room, or an  
5 entire home when they are out of town. The rentals offer tourists and other visitors affordable  
6 options, helping to stimulate the local economy.

7           STRs also present significant challenges. Absent regulation, they represent what is  
8 essentially untaxed commercial activity, creating a competitive advantage over traditional  
9 commercial lodgings and depriving local government of a source of revenue. *See* Erich Eiselt,  
10 *Airbnb: Innovation and Its Externalities*, 55(6) MUNICIPAL LAWYER 6, 7 (Nov./Dec. 2014).  
11 When STRs are in noncommercial neighborhoods unaccustomed to transient residents,  
12 permanent residents often complain of noise, trash, traffic, crime, and a shortage of respect. *See*,  
13 *e.g.*, Patricia E. Salkin, *Vacation Rentals*, 3 AM. LAW. ZONING § 18:72.50 (5th ed. 2018); Eiselt  
14 at 7; Norman Williams, Jr. and John M. Taylor, 2 AMERICAN LAND PLANNING LAW § 57A:1  
15 (rev. ed. 2018).

16           Crucially, STRs exacerbate affordable housing shortages by removing full-time dwelling  
17 units from the market and reducing the housing supply. *See, e.g.*, Dayne Lee, *How Airbnb Short-*  
18 *Term Rentals Exacerbate Los Angeles’s Affordable Housing Crisis: Analysis and Policy*  
19 *Recommendations*, 10 HARV. L. & P. REV. 229, 230 (2016); Salkin, § 18:72.50; James A. Allen,  
20 *Disrupting Affordable Housing: Regulating Airbnb and Other Short-Term Rental Hosting in*  
21 *New York City*, 26 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 151, 154, 165–66 (2017).  
22 Focusing on the impact of one major STR platform, Airbnb, a recent report by the New York  
23 City Comptroller found that “[f]or each one percent of all residential units in a neighborhood

1 listed on Airbnb, rental rates in that neighborhood went up by 1.58 percent,” and “[b]etween  
2 2009 and 2016, approximately 9.2 percent of the citywide increase in rental rates can be  
3 attributed to Airbnb.” New York City Comptroller Scott M. Stringer, THE IMPACT OF AIRBNB ON  
4 NYC RENTS, 2–3 (April 2018). **App. 9.**

5 STRs’ affordable housing impact is a particular concern for Seattle, which has witnessed  
6 significant STR growth while struggling with a shortage of long-term housing. AP 49 (policy  
7 brief); AP 94 (staff memo). For the two years ending in February 2017, STR listings for entire  
8 homes grew by an average of 80 percent per year. *Id.* Analyses in 2016 and 2017 of Airbnb  
9 listings in the City echoed this conclusion, finding:

- 10 ☐ Airbnb has enjoyed tremendous growth in Seattle—an annual growth rate of nearly 63  
11 percent over one 17-month period.
- 12 ☐ As of August 2017, Airbnb listed 4,829 whole units (ones that could be used for long-  
13 term housing), accounting for 69 percent of its Seattle listings.
- 14 ☐ Hosts managing multiple units are growing more quickly than those managing only one  
15 unit, with multiple-unit hosts operating 56 percent of all units.
- 16 ☐ Based on those trends, one analysis predicted at least 1,000 – 1,600 long-term housing  
17 units in Seattle could be converted or built as short-term rentals from 2016 through 2019.
- 18 ☐ Areas where households are at high risk of displacement have high or steady growth in  
19 STR whole-unit Airbnb listings, raising the prospect of speculative STR investment in  
20 gentrifying neighborhoods and threatening the stability of immigrant, refugee, and  
21 minority communities at risk of displacement.

22 AP 11–12 (third-party policy brief); AP 115–116 (third-party letter).  
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1           **C.       The Council pursued consistent goals for regulating STRs.**

2           The Council pursued a consistent set of policy objectives through its STR regulations.  
3           The Council’s primary goal was to balance the benefits of STRs for property owners and visitors  
4           against the challenges STRs pose to the affordability of housing and the risk of increased  
5           displacement for vulnerable communities. AP 35 (staff memo); AP 47–48 (policy brief); AP 93–  
6           94 (staff memo); AP 97 (bill summary); AP 148 (staff memo); AP 203–04 (Summary and Fiscal  
7           Note). The availability of affordable long-term rental options is particularly important to the  
8           City, which anticipates 120,000 new residents by 2035. AP 148 (staff memo). Council staff  
9           memoranda indicated the balance would favor long-term rentals, casting the proposed legislation  
10          as “seek[ing] to balance the benefit of allowing owners to capture some income from short-term  
11          rentals while preserving the bulk of longer-term rentals to provide housing for permanent  
12          residents.” *Id.* Accord AP 94 (staff memo).

13          The Council also pursued two secondary goals. *See generally* AP 50, 52, 54 (policy  
14          brief). Accord AP 35 (staff memo); AP 93 (staff memo); AP 97 (bill summary). One was to  
15          provide a level playing field for individuals and companies in the short-term rental market. This  
16          entailed making STR operators obtain licenses and pay taxes just like operators of bed and  
17          breakfasts, and reducing the regulatory burdens on bed and breakfasts to bring them in line with  
18          the new STR regulations. The other secondary goal was to protect the rights of owners, guests,  
19          and neighbors.

20          As evidenced by the suite of City STR ordinances, the Council’s multi-faceted approach  
21          to STRs tied together licensing, development regulation, and taxing strategies. There was no one  
22          solution, only alternatives to weigh and balance. This was especially true for the licensing  
23          strategy, for which Councilmembers considered a range of issues. For example:



- 1       ☐ License on-line STR platforms or only STR operators? AP 35 (staff memo).
- 2       ☐ Limit the number of nights a unit may be used as an STR? *Id.*
- 3       ☐ Cap the number of STRs allowed in any one neighborhood or building? AP 37–38
- 4               (staff memo).
- 5       ☐ Limit the number of STRs any one owner may operate? Allow a person to operate
- 6               an STR only in their primary residence? AP 36–37 (staff memo). Limit STRs only
- 7               beyond the owner’s permanent residence? AP 36 (staff memo); AP 114 (third-
- 8               party letter). Loosen those limits for owners who operate existing STRs? AP 124
- 9               (staff memo).
- 10       ☐ Exempt all units in any area designated by the City as an Urban Center? AP 99
- 11               (staff memo).
- 12       ☐ “Grandfather” existing units? All of them? AP 36–37 (staff memo); AP 124 (staff
- 13               memo). Only those STRs the owner can prove cannot be returned to long-term
- 14               market use? AP 114, 120 (third-party letter). Only in the Urban Centers in and
- 15               around downtown? AP 54 (policy brief); AP 93 (staff memo). Only in a portion of
- 16               downtown? AP 216 (Council meeting minutes).

17       The Council passed the Ordinance—adding chapter 6.600 to the Seattle Municipal Code

18 (SMC)—after sifting through these options. *See App. 1* (Ordinance). At its core, the Ordinance

19 imposes a two-STR limit. It requires every STR operator to obtain a license, which entitles the

20 licensee to offer one unit as an STR in addition to offering the licensee’s primary residence as an

21 STR. SMC 6.600.040.B (**App. 1** at 6–8). The Ordinance limits each STR operator to one license.

22 SMC 6.600.070.A.1 (**App. 1** at 10). The Ordinance defines “operator” broadly to encompass an

23 individual, business entity, and any principal or governing member of any business entity.

SMC 6.600.030 (**App. 1** at 5, under “short-term rental operator”). It bars a person from being a principal or spouse of a principal in more than one license. SMC 6.600.070.A.2 (**App. 1** at 10).<sup>3</sup>

The Council considered a range of “grandfathering” proposals to allow existing operators to continue operating more than two STRs. For example, one proposal would have allowed all existing STRs anywhere in Seattle to continue operating. AP 176, 185–186, 192, 194 (staff memo describing “Amendment 3”). Another would have focused “grandfathering” in the Downtown, Uptown, and South Lake Union Urban Centers. *See generally* AP 123–145 (staff memo). The Ordinance ultimately included two “grandfathering” provisions:

1. a licensee with existing STR units may continue to operate two of them in addition to (after a year of operation) a third STR if the additional unit is the licensee’s primary residence; and
2. a licensee with existing STR units in a portion of the Downtown Urban Center (south of Olive Way and north of Cherry Street) or in a certain type of building in the First Hill/Capitol Hill Urban Center may continue to operate all of those existing units, plus: one additional unit; or up to two additional units if one is the licensee’s primary residence.

SMC 6.600.040.B.1 – B.3 (**App. 1** at 6–7).

“Urban Centers” are a creature of the City’s Comprehensive Plan, which is required by the Growth Management Act. *See* RCW 36.70A.040; AP 2–4 (Comprehensive Plan).<sup>4</sup> The “grandfathered” portion of the Downtown Urban Center generally corresponds to what the Plan

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<sup>3</sup> This is the Ordinance’s sole reference to marital status.

<sup>4</sup> The Ordinance refers to the 2016 version of the Comprehensive Plan to establish the “grandfathered” areas. SMC 6.600.040.B.2 – B.3. **App. 1** at 6–7. The entire 2016 version is available at <https://www.seattle.gov/opcd/ongoing-initiatives/comprehensive-plan> (under “Project Documents”).

designates as the City’s Commercial Core, which serves as a “tourist and convention attraction” and “regional hub of cultural and entertainment activities.” AP 5, 7 (Comprehensive Plan).

**D. Plaintiffs challenged the Ordinance.**

Plaintiffs are Andrew Morris, a married individual who claims to own portions of twelve properties that could be used as STRs, and a management company incorporated by Mr. Morris and his wife that claims to list and manage STRs. Complaint at 9, 10, 22–23, and 25. Plaintiffs seek declaratory and injunctive relief, claiming the Ordinance violates: the due process clauses of the U.S. and Washington Constitutions by limiting the number of STRs a licensee may operate; and the privileges and immunities clause of the Washington Constitution by “grandfathering” existing STRs only in certain areas and including spouses in the STR operator license. *Id.* at 8–10.

**III. EVIDENCE RELIED UPON**

The City relies on the Ordinance, the Declaration of Aly Pennucci, the Appendices to this motion, and the other pleadings and papers on file with the Court for this action.

**IV. ISSUES**

1. A law not implicating a federally recognized fundamental right is subject to deferential “rational basis” review under the Washington and federal due process clauses. The Ordinance implicates no fundamental right. Does the Ordinance—which balances the benefits of STRs for property owners and visitors against STRs’ impacts on housing affordability and the risk of increased displacement for the City’s vulnerable communities—satisfy “rational basis” review?
2. Unless a law implicates a fundamental right of state citizenship, it is also subject to “rational basis” review under the privileges and immunities clause of the Washington Constitution. The Ordinance implicates no fundamental right of state citizenship as defined by the Washington Supreme Court. Does the Ordinance also satisfy rational “basis review” for privileges and immunities purposes?

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## V. ARGUMENT

A legislative enactment is “presumed constitutional, and the party challenging it bears the burden of proving it is unconstitutional beyond a reasonable doubt.” *In re Det. of Herrick*, 190 Wn.2d 236, 241, 412 P.3d 293 (2018). “Legislative bodies have extensive authority to make classifications for purposes of legislation” and a “city council has the same powers of classification as the Legislature.” *KMS Fin. Servs., Inc. v. City of Seattle*, 135 Wn. App. 489, 498, 146 P.3d 1195 (2006).

Summary judgment is appropriate where the moving party demonstrates there is no material fact and they are entitled to judgment as a matter of law. CR 56(c). Once a moving party meets its burden to show there is no genuine issue as to any material fact, the nonmoving party must set forth specific facts rebutting the moving party’s contentions and disclosing the existence of a genuine issue as to a material fact. *Id.* Conclusory statements and speculation will not preclude a grant of summary judgment. *Elcon Const., Inc. v. Eastern Wash. Univ.*, 174 Wn.2d 157, 169, 273 P.3d 965 (2012).

This Court should grant the City’s motion because Plaintiffs cannot meet their burden under the deferential “rational basis” analysis, and the City is entitled to judgment as a matter of law.

**A. Plaintiffs’ due process and privileges and immunities claims are subject only to the “rational basis” analysis.**

Because the Ordinance implicates no fundamental right under federal or state law, this Court must assess Plaintiffs’ claims—that the Ordinance violates federal and Washington substantive due process guarantees and Washington’s privileges and immunities clause—under the “rational basis” analysis.

1                   **1.       Where a challenged law implicates no fundamental right, the U.S. and**  
2                   **Washington Supreme Courts apply the “rational basis” analysis to**  
3                   **substantive due process claims.**

4                   **a.       Courts evaluate due process claims involving economic and**  
5                   **property interests under the “rational basis” analysis.**

6                   When evaluating a substantive due process claim under the U.S. Constitution, federal  
7                   courts first ask whether the challenged law implicates a federally recognized fundamental right.  
8                   A law like the Ordinance, which affects only economic interests, implicates no fundamental right  
9                   under federal substantive due process law. *E.g., Yagman v. Garcetti*, 852 F.3d 859, 867 (9th Cir.  
10                  2017); *Samson v. City of Bainbridge Island*, 683 F.3d 1051, 1058 (9th Cir. 2012).

11                  Where no fundamental right is involved, federal courts have long applied a “rational  
12                  basis” analysis to federal substantive due process claims. *E.g., Lingle v. Chevron U.S.A., Inc.*,  
13                  544 U.S. 528, 540–42, 125 S. Ct. 2074, 161 L. Ed. 2d 876 (2005); *Williamson v. Lee Optical of*  
14                  *Okla., Inc.*, 348 U.S. 483, 487–88, 75 S. Ct. 461, 99 L. Ed. 563 (1955); *U.S. v. Carolene*  
15                  *Products Co.*, 304 U.S. 144, 152–54, 58 S. Ct. 778, 82 L. Ed. 1234 (1938); *Nectow v. City of*  
16                  *Cambridge*, 277 U.S. 183, 187–88, 48 S. Ct. 447, 72 L. Ed. 842 (1928); *Village of Euclid v.*  
17                  *Ambler Realty Co.*, 272 U.S. 365, 395, 47 S. Ct. 114, 71 L. Ed. 303 (1926); *Yagman*, 852 F.3d at  
18                  867.

19                  The Washington Supreme Court applies the same analysis as federal courts, *Amunrud v.*  
20                  *Board of Appeals*, 158 Wn.2d 208, 223, 143 P.3d 571 (2006), because the due process clauses of  
21                  the Washington and U.S. Constitutions are identical. *Compare* Const. art. I, § 3 with U.S. Const.  
22                  amend. V and U.S. Const. amend. XIV. The Washington Supreme Court “has repeatedly iterated  
23                  that the state due process clause is coextensive with and does not provide greater protection than  
                  the federal due process clause.” *Nielsen v. Washington State Department of Licensing*, 177 Wn.  
                  App. 45, 52 n.5, 309 P.3d 1221 (2013). The Court reviewed the two clauses under the *Gunwall*

1 factors and concluded the Washington Constitution provides no greater protection than the  
2 federal due process clause. *State v. Manussier*, 129 Wn.2d 652, 679, 921 P.2d 473 (1996).<sup>5</sup>  
3 *Accord State v. Shelton*, 194 Wn. App. 660, 666, 378 P.3d 230 (2016). Because the Washington  
4 due process clause imposes no greater restrictions on government action than does the federal  
5 clause, Plaintiffs’ Washington due process claim must be evaluated under the federal “rational  
6 basis” analysis.

7 **b. Plaintiffs invoke the discredited “undue oppression” analysis.**

8 In their complaint, Plaintiffs invoke a discredited, 19th-century “undue oppression”  
9 substantive due process analysis. Complaint at 8–9. *See, e.g., Presbytery of Seattle v. King*  
10 *County*, 114 Wn.2d 320, 330, 787 P.2d 907 (1990) (relying on *Lawton v. Steele*, 152 U.S. 133,  
11 14 S. Ct. 499, 38 L. Ed. 385 (1894), for the “undue oppression” analysis). Although the Court  
12 applied the “undue oppression” analysis for over two decades (*see Viking Properties, Inc. v.*  
13 *Holm*, 155 Wn.2d 112, 130–31, 118 P.3d 322 (2005); *Cougar Business Owners Ass’n v. State*, 97  
14 Wn.2d 466, 477, 647 P.2d 481 (1982)), “undue oppression” was never an expression of a unique  
15 Washington constitutional provision—it was a misstatement of the federal analysis. Again,  
16 Washington has always maintained that the due process clauses of the U.S. and Washington  
17 Constitutions are coextensive. *See Manussier*, 129 Wn.2d at 679; *Shelton*, 194 Wn. App. at 666;  
18 *Nielsen*, 177 Wn. App. at 52 n.5. “Undue oppression” was not a declaration of state  
19 constitutional independence. It was an error.

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<sup>5</sup> *Gunwall* established the multi-factor framework through which Washington courts address whether to apply an  
23 independent analysis because a clause of the Washington Constitution provides more protection than an analogous  
clause in the U.S. Constitution. *See State v. Gunwall*, 106 Wn.2d 54, 720 P.2d 808 (1986).

1 The death knell of Washington’s mistaken “undue oppression” analysis came in *Amunrud*  
2 in 2006. To resolve a due process claim under the U.S. and Washington Constitutions, *Amunrud*  
3 signaled a return to the “rational basis” analysis:

4 The dissent erroneously claims this court must *also* evaluate whether the  
5 challenged law is “unduly oppressive on individuals,” citing as primary authority,  
6 *Lawton v. Steele* . . . (1894) . . . . However, as explained above, the appropriate  
test for the court to apply under a rational basis inquiry is whether the law bears a  
reasonable relationship to a legitimate state interest.

7 *Amunrud*, 158 Wn.2d at 226 (footnote omitted). *See also id.* at 211 (explaining the claim was  
8 under both constitutions). *Amunrud* ruled that imposing an “undue oppression” analysis “would  
9 require us to overturn nearly 100 years of case law in Washington” and return Washington law to  
10 the long-rejected *Lochner* era “in which elected legislatures were viewed as having limited  
11 power (police power) to enact laws providing for health, safety, and welfare of their citizens.” *Id.*  
12 at 227–28 (citing *Lochner v. New York*, 198 U.S. 45, 25 S. Ct. 539, 49 L. Ed. 937 (1905)).  
13 Stressing the need for deference, *Amunrud* warned: “A return to the *Lochner* era would . . . strip  
14 individuals of the many rights and protections that have been achieved through the political  
15 process.” *Id.* at 230.

16 Although *Amunrud* did not expressly overrule Washington’s “undue oppression” case  
17 law, the Washington Supreme Court has employed only “rational basis” since *Amunrud*. *E.g.*,  
18 *Dot Foods, Inc. v. State, Dept. of Revenue*, 185 Wn.2d 239, 372 P.3d 747 (2016); *In re Detention*  
19 *of Morgan*, 180 Wn.2d 312, 324, 330 P.3d 774 (2014). The Washington Court of Appeals has  
20 also used the “rational basis” analysis since *Amunrud*. *E.g.*, *Haines-Marchel v. Washington State*  
21 *Liquor & Cannabis Bd.*, 1 Wn. App. 2d 712, 741–42, 406 P.3d 1199 (2017), *rev. denied*, 191  
22 Wn.2d 1001, 422 P.3d 913 (2018), *cert. denied*, \_\_ S. Ct. \_\_, 2019 WL 1318639 (2019); *Shelton*,  
23 194 Wn. App. at 666–67; *Nielsen*, 177 Wn. App. at 53. But it has also mistakenly invoked the

1 “undue oppression” analysis. *E.g.*, *Greenhalgh v. Department of Corrections*, 180 Wn. App. 876,  
2 892, 324 P.3d 771 (2014); *Cradduck v. Yakima County*, 166 Wn. App. 435, 446–451, 271 P.3d  
3 289 (2012); *Bayfield Resources Co. v. Western Wash. Growth Mgmt. Hearings Bd.*, 158 Wn.  
4 App. 866, 881–888, 244 P.3d 412 (2010).

5 The Washington Supreme Court recently took review of two cases on this issue. The  
6 Court accepted direct review of a case challenging a different City ordinance under the  
7 Washington due process clause, and the U.S. District Court for the Western District of  
8 Washington, in a separate case challenging yet another City ordinance, certified to the  
9 Washington Supreme Court the question of what analysis to apply to a Washington substantive  
10 due process claim. *Yim v. City of Seattle*, Wash. Supreme Ct. No. 95813-1; *Yim v. City of Seattle*,  
11 Wash. Supreme Ct. No. 96817-9 (certification from the U.S. District Court for the Western  
12 District of Washington). The Court will hold argument on both cases on June 11, 2019.  
13 Nonetheless, this Court should apply the “rational basis” analysis, as the Washington Supreme  
14 Court has since 2006.

15 **2. Where, as here, a challenged law implicates no fundamental right, the**  
16 **Washington Supreme Court applies the “rational basis” analysis to**  
**privileges and immunities claims.**

17 Article I, section 12 of the Washington Constitution provides: “No law shall be passed  
18 granting to any citizen, class of citizens, or corporation other than municipal, privileges or  
19 immunities which upon the same terms shall not equally belong to all citizens, or corporations.”  
20 This is the Washington analogue of the federal equal protection clause of the 14th Amendment to  
21 the U.S. Constitution.

22 Washington courts apply the Washington and federal clauses in the same way in some  
23 cases, but differently in others. Article I, section 12 provides greater protection than the 14th



1 Amendment only if the challenged law involves a privilege or immunity. *Ockletree v.*  
2 *Franciscan Health Sys.*, 179 Wn.2d 769, 776, 317 P.3d 1009 (2014) (applying the analysis  
3 established in *Grant Cty. Fire Prot. Dist. No. 5 v. City of Moses Lake*, 150 Wn.2d. 791, 812, 83  
4 P.3d 419 (2004) (*Grant County II*)). “If there is no privilege or immunity involved, this leaves  
5 only the question of whether the challenged statute violates the equal protection clause of the  
6 federal constitution.” *Ockletree*, 179 Wn.2d at 776 n.4 (citing *American Legion Post No. 149 v.*  
7 *Department of Health*, 164 Wn.2d 570, 608, 192 P.3d 306 (2008)).

8 The Ordinance implicates no fundamental right under article I, section 12. Plaintiffs  
9 complain of two aspects in the Ordinance: (1) its STR limits and “grandfathering”; and (2) its  
10 requirement that an individual be a principal or a *spouse of a principal* in only one operator  
11 license. Statutes may authorize a class to do or obtain something without implicating a  
12 “privilege” or “immunity” within the meaning of article I, section 12; “privileges and  
13 immunities” include only those fundamental rights that belong to the citizens of Washington by  
14 reason of such citizenship. *Id.* The rights under article 1, section 12 are derived from the concept  
15 of “fundamental rights” under the Privileges and Immunities Clause of Article IV of the U.S.  
16 Constitution:

17 the right to remove to and carry on business therein; the right, by usual modes, to  
18 acquire and hold property, and to protect and defend the same in the law; the  
19 rights to the usual remedies to collect debts, and to enforce other personal rights;  
the right to be exempt, in property or persons, from taxes or burdens which  
the property or persons of citizens of some other state are exempt from.

20 *Grant County II*, 150 Wn.2d at 813 (quoting *State v. Vance*, 29 Wash. 435, 458, 70 P. 34  
21 (1902)).<sup>6</sup> The Complaint identifies no privilege or immunity. The Ordinance implicates none.

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22 <sup>6</sup> See *Saenz v. Roe*, 526 U.S. 489, 524 (1999) (Rehnquist, J., dissenting) (discussing the applicable privileges under  
23 U.S. Const. Art. IV, § 2, cl. 1). The privileges and immunities clause in Article IV of the U.S. Constitution provides:

1 The Washington Supreme Court has “rejected the notion that the privileges and  
2 immunities clause is violated anytime the legislature treats similarly situated businesses  
3 differently.” *Ockletree*, 179 Wn.2d at 781; *See also Association of Wash. Spirits and Wine*  
4 *Distributors v. Washington State Liquor Control Bd*, 182 Wn.2d 342, 361–62, 340 P.3d 849  
5 (2015) (the Court has “rejected attempts to assert the right to carry on business when a narrower,  
6 nonfundamental right is truly at issue”); *Am. Legion Post #149*, 164 Wn.2d at 608 (a law that  
7 does not “prevent any entity from engaging in business” implicates no privilege). This is in  
8 contrast to a law that expressly or functionally prevents one from engaging in business *at all*.  
9 *E.g., Ralph v. City of Wenatchee*, 34 Wn.2d 638, 642–43, 209 P.2d 270 (1949) (restrictions on  
10 nonresident photographers, rendering them functionally unable to do business).

11 The Ordinance does not prohibit Plaintiffs from doing business; it simply subjects them  
12 to business regulations of the sort routinely upheld by Washington courts. There is no  
13 fundamental right to operate an unlimited number of STRs regardless of their geographic  
14 location or to put one’s property to its most profitable use free of regulation.

15 The Ordinance’s requirement that an individual be a principal or a *spouse of a principal*  
16 in only one operator license also implicates no fundamental right under article I, section 12. The  
17 right to marry Plaintiffs invoke has never been recognized as a fundamental right under this  
18 provision. Indeed, much of the Supreme Court’s article I, section 12 jurisprudence has narrowed  
19 the classification of the rights asserted. *Assoc. of Wash. Spirits*, 182 Wn.2d at 362 (citing *Grant*  
20 *County II*, 150 Wn.2d at 815).

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21  
22  
23 “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.” The  
clause essentially prevents one state from denying certain fundamental rights to citizens of a different state, based on  
their status as a nonresident. *See Saenz*, 526 U.S. at 501.

1           Regardless, the right to marry is not implicated here. Rejecting a similar substantive due  
2 argument, the Court of Appeals recently held the statutory inclusion of one’s spouse in an  
3 individual’s business license (as a true party in interest for a retail marijuana distribution) did not  
4 violate the fundamental right to marry. *Haines-Marchel*, 1 Wn. App. 2d at 737–38. *See also City*  
5 *of Bremerton v. Widell*, 146 Wn.2d 561, 579, 51 P.3d 733 (2002) (the fundamental right to marry  
6 was not implicated by such government action as the IRS marriage penalty, loss or reduction of  
7 governmental benefits based on marital status, and transferring employees under an antinepotism  
8 policy). *Haines-Marchel* concluded that requiring the inclusion of a spouse on the license  
9 application did “not interfere with the right of [the plaintiff] to marry or remain married to the  
10 person of her choosing,” so it did “not place a ‘direct and substantial’ burden on the right of  
11 marriage . . . .” 1 Wn. App. 2d at 738. The same is true here. Unless a regulation constitutes “a  
12 direct or substantial interference with the right of marriage,” the regulation implicates no  
13 fundamental right to marry. *Widell*, 146 Wn.2d at 579 (quoting other case law).

14           Because the Ordinance implicates no article I, section 12 fundamental right, review is  
15 limited to “rational basis,” as under the federal equal protection clause. *Ockletree*, 179 Wn.2d at  
16 776 n.4. And because “rational basis” review is essentially identical under the due process and  
17 equal protection clauses, this Court should dismiss both of Plaintiffs’ claims if it finds a rational  
18 basis for the Ordinance. *See A.J. California Mini Bus, Inc. v. Airport Comm’n of the City & Cty.*  
19 *of San Francisco*, 148 F. Supp. 3d 904, 914 (N.D. Cal. 2015) (“Functionally, the rational-basis  
20 test is the same for due-process and equal-protection claims.”) (citing *Munoz v. Sullivan*, 930  
21 F.2d 1400, 1404–05 & n.10 (9th Cir. 1991)).

1           **B.     Because the Ordinance is rationally related to legitimate governmental**  
2           **interests, it survives the “rational basis” analysis.**

3                   **1.     Plaintiffs cannot meet their significant burden of proof under the**  
4                   **deferential “rational basis” analysis.**

5           Plaintiffs cannot meet their burden of proving beyond a reasonable doubt that the  
6           Ordinance fails under the “rational basis” analysis, which is the “most relaxed form of judicial  
7           scrutiny.” *Amunrud*, 158 Wn.2d at 223. That analysis defers “to legislative judgments about the  
8           need for, and likely effectiveness of, regulatory actions.” *Lingle*, 544 U.S. at 545. The analysis  
9           stems from the long-held belief that, unless a plaintiff can show a law lacks a rational foundation,  
10          “the people must resort to the polls not the courts.” *Williamson*, 348 U.S. at 488 (quoting *Munn*  
11          *v. State of Illinois*, 94 U.S. 113, 134 (1876)). A court must presume a law is valid unless a  
12          plaintiff meets the exceedingly high burden of proving it advances no governmental purpose.  
13          *Samson*, 683 F.3d at 1058; *North Pacifica LLC v. City of Pacifica*, 526 F.3d 478, 484 (9th Cir.  
14          2008). Plaintiffs cannot carry that substantial burden, especially given that “a court may assume  
15          the existence of any necessary state of facts which it can reasonably conceive in determining  
16          whether a rational relationship exists between the challenged law and a legitimate state interest.”  
17          *Amunrud*, 158 Wn.2d at 222.

18                   **2.     Limiting the number of an operator’s STRs is rationally related to**  
19                   **preserving housing units for longer-term use.**

20          The City Council established a rational set of goals: primarily to balance the  
21          opportunities and challenges STRs pose (especially STRs’ impact on long-term housing  
22          affordability and availability) and secondarily to level the playing field with bed and breakfast  
23          operators and protect owners, guests, and neighbors. The Council considered a range of  
alternatives to advance those goals before ultimately settling on the Ordinance, which allows a  
homeowner to share their home and one additional property as STRs and “grandfathers” some

1 existing units. This approach does not allow what Plaintiffs prefer—to amass an unlimited  
2 number of dwelling units, removing them from the housing market and converting them into  
3 STRs. But a law is not irrational simply because it manifests policy choices a plaintiff disfavors.

4 Nor is there a singular rational answer to regulating STRs. Cities and states around the  
5 nation have adopted a range of approaches:

6 ☐ In New York City, STR operators may not rent their entire home for fewer than 30 days,  
7 but may have two guests stay in their home for fewer than 30 days if the operator is  
8 present and every guest has access to every room and exit. New York City Office of  
9 Special Enforcement, ILLEGAL SHORT-TERM RENTALS. **App. 2.**

10 ☐ Fort Myers Beach, Florida allows the STR of a unit in its single-family residential zone  
11 only once in any calendar month and for not less than one week at a time, exempting  
12 certain areas and properties that demonstrated STR use before 2003. Fort Myers Beach,  
13 Florida, Code of Ords. Div. 32-A. **App. 3.**

14 ☐ San Francisco requires anyone operating a dwelling unit as an STR to be a permanent  
15 city resident in that unit and rent for no more than 90 nights each year when not also  
16 present in the unit. San Francisco Office of Short-Term Rentals, ABOUT SHORT-TERM  
17 RENTALS. **App. 4.**

18 ☐ Philadelphia allows the STR of a unit for up to 90 days each year without a permit,  
19 requires a permit and owner occupancy of the unit for STR from 90–180 days each year,  
20 and prohibits STR of the unit for more than 180 days each year. City of Philadelphia  
21 License & Inspections, SHORT TERM HOME RENTAL (2015). **App. 5.**

- 1       ❑ San José, California allows STR of a unit for up to 180 days each year without a host  
2       present, and year-round with a host present. San José Mun. Code §§ 20.80.150 –  
3       20.80.170. **App. 6.**
- 4       ❑ Austin, Texas imposes advertising requirements, sets occupancy limits, limits the  
5       distance between STRs, limits noise and music, prohibits certain types of gatherings, and  
6       will eventually eliminate STRs in residential areas. Austin, TX Code Department,  
7       SHORT-TERM RENTAL FREQUENTLY ASKED QUESTIONS. **App. 7.**
- 8       ❑ Santa Monica, California bans the STR of an entire residential property, but allows the  
9       STR of a private room within a host’s home if the host is present. *Rosenblatt v. City of*  
10      *Santa Monica*, 2017 WL 1205997 at \*1 (C.D. Cal. 2017).
- 11      ❑ Jackson, Wyoming allows STRs only in certain districts. James Stumpf, *Striking the*  
12      *Balance: How States Can Protect Both STR Advocates and Opponents*, 28 DEPAUL J.  
13      ART, TECH. & INTELL. PROP. L. 194, 202 (2018).
- 14      ❑ Portland, Oregon allows STRs as an accessory to a “Household Living” use, with  
15      regulations depending on the number of bedrooms rented. It generally requires the  
16      resident to occupy the dwelling unit for at least 270 days each calendar year. Code of the  
17      City of Portland, Oregon ch. 33.207. **App. 8.**
- 18      ❑ Some states have adopted STR laws. Arizona and Idaho impose limits on local STR  
19      regulations. Salkin, § 18:72.50. The Washington Legislature recently passed (although  
20      the Governor has yet to act on) SHB 1798, which would require STR operators to collect  
21      and remit taxes, comply with safety requirements, and maintain insurance and would  
22      require each STR platform to register with the Department of Revenue and provide  
23      certain information to operators who use that platform.

1 Seattle's answer to the issues STRs pose falls in the middle of this spectrum. The City  
2 eschews a limit on the number of nights a unit may serve as an STR, does not require operators  
3 to live in all of their STRs all or part of time, and permits the rental of an entire unit. But the City  
4 requires STR operators to obtain a license and limits the number of STRs licensees may operate.  
5 Given the diversity of answers other jurisdictions provide for the complex policy issues STRs  
6 pose, Plaintiffs cannot carry their burden of proving the City's approach is irrational.

7 **3. The Ordinance's "grandfathering" provisions are rationally related to**  
8 **other City Council goals.**

9 Plaintiffs also cannot prove the Ordinance's "grandfathering" provisions fail the "rational  
10 basis" analysis. Again, the Council considered a range of approaches, none of which was  
11 irrational. Plaintiffs' ultimate gripe with the "grandfathering" provisions is that they did not go  
12 far enough to include all of Plaintiffs' STRs. But "[i]t is well established that legislative bodies  
13 have very broad discretion in establishing classifications for economic and social legislation."  
14 *Forbes v. City of Seattle*, 113 Wn.2d 929, 944, 785 P.2d 431 (1990). A classification does not  
15 fail "rational basis" review because it is not made with "mathematical nicety" or because in  
16 practice it may "result in some inequality." *Am. Legion Post #149*, 164 Wn.2d at 609 (internal  
17 quotes omitted). Without this discretion, zoning itself would not be possible.

18 The downtown "grandfathered" area is consistent with legitimate City interests. Relaxing  
19 limits on STRs roughly within the Commercial Core is consistent with the Comprehensive Plan's  
20 goals of having that area serve as a tourist and convention attraction and a regional hub of  
21 cultural and entertainment activities. *See* AP 5 (Comprehensive Plan). It is also compatible with  
22 the Council's goals of limiting STRs' external impacts on neighbors—amid the hubbub of the  
23 Commercial Core, those impacts are less acute. *See, e.g.*, AP 93, 94 (staff memo); AP 97 (bill  
summary).

1 The First Hill “grandfathering” is also rational. It was not part of the original bill subject  
2 to the Hearing Examiner SEPA appeal. *See* AP 59–81 (SEPA bill). It initially appeared in the  
3 version introduced in September 2017. *See* AP 97 (summary of the introduced bill). The  
4 appellants withdrew their appeal shortly after that version was introduced, noting the bill would  
5 no longer adversely affect them. AP 109–110. Given that the Council may not act on legislation  
6 pending an Examiner SEPA appeal, SMC 23.76.062.D,<sup>7</sup> and particularly given that this Court  
7 may assume any necessary, reasonably conceivable fact when applying the “rational basis”  
8 analysis, *Amunrud*, 158 Wn.2d at 222, the First Hill “grandfathering” provision served a  
9 legitimate interest in removing an obstacle to enacting the Ordinance. Courts have found it  
10 rational for a legislative body to shape legislation to resolve or avoid litigation from particular  
11 parties. *See, e.g., Lundeen v. Canadian Pacific R. Co.*, 532 F.3d 682, 690–91 (8th Cir. 2009)  
12 (“even assuming Congress meant to target one particular event or specific pending litigation, it  
13 could do so without violating the constitution so long as it had a rational basis for doing so”);  
14 *Continental Coal, Inc. v. Cunningham*, 553 F. Supp. 2d 1273, 1279 n.2 (D. Kan. 2008) (local  
15 board of commissioners was not irrational when it treated one party in one way to settle a  
16 lawsuit, but did not accord that same treatment to the plaintiff); *Miles v. Idaho Power Co.*, 116  
17 Idaho 635, 637–46, 778 P.2d 757 (1989) (passing legislation to settle disputes is rational and  
18 does not violate equal protection guarantees).

19 **4. Including a spouse on an operator license is rationally related to**  
20 **preserving housing units for longer-term use.**

21 The Ordinance also helps preserve housing for critical, long-term rental uses and limit  
22 displacement of at-risk communities, in part by preventing any one licensee from amassing a

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23 <sup>7</sup> The SMC is available on-line: [https://library.municode.com/wa/seattle/codes/municipal\\_code](https://library.municode.com/wa/seattle/codes/municipal_code).



1 large-scale STR enterprise. Including a spouse on an operator license serves that goal by  
2 reducing the number of potential licensees and preventing a marital community—who often own  
3 property as such—from essentially double-dipping.

4 Tying spouses together for a business license is rational. The Court of Appeals upheld  
5 under the “rational basis” analysis a state regulation of marijuana businesses that resulted in the  
6 denial of a license based on the criminal history of a spouse of a member of the limited license  
7 company that sought the license. *Haines-Marchel*, 1 Wn. App. 2d at 716–17, 737–38. *Haines-*  
8 *Marchel* compels the same result here.

9 **5. The Ordinance would also satisfy “reasonable grounds” review.**

10 Finally, even if the Ordinance granted a privilege or immunity within the meaning of  
11 article I, section 12, it would still be constitutional. In such a case, the second step of the analysis  
12 under article I, section 12 is whether a “reasonable ground” exists for granting a privilege or  
13 immunity. *Assoc. of Wash. Spirits*, 182 Wn.2d at 359–60. This remains a modest level of  
14 scrutiny. To meet the reasonable ground test, a distinction in a law need only be based on “real  
15 and substantial differences bearing a natural, reasonable, and just relation to the subject matter of  
16 the act.” *Ockletree*, 179 Wn.2d at 783.

17 The Ordinance satisfies this test for the same reasons it satisfies “rational basis” review.  
18 Any distinctions in the Ordinance are reasonable. The classifications advance the stated goal of  
19 preserving long-term housing stock by limiting the number of STRs a licensee may operate and  
20 expanding the license to include other parties of interest to the license. This includes spouses—a  
21 reasonable component of the Ordinance, given the primary-residence aspect of the two-property  
22 limit and the reasonable likelihood spouses would share a primary residence. *See*  
23 SMC 6.600.040.B (**App. 1** at 6–8). The licensing requirements will also protect the livability of

1 residential neighborhoods, a secondary goal of the Ordinance, while allowing exemptions to the  
2 two-STR limit, primarily for existing STRs in confined areas, including the downtown  
3 commercial core. *Id.*

4       Where, as here, a city studies competing policy considerations and draws distinctions to  
5 advance legitimate regulatory objectives, the resulting regulation passes the “reasonable  
6 grounds” test. *Ventenbergs v. City of Seattle*, 163 Wn.2d 92, 105, 178 P.3d 960 (2008) (finding  
7 reasonable grounds under article I, section 12, where the City decided “to limit the number of  
8 contractors so that it could establish uniform delivery standards, while at the same time  
9 promoting competition”); *Int’l Franchise Ass’n, Inc. v. City of Seattle*, 803 F.3d 389, 411 (9th  
10 Cir. 2015) (finding reasonable grounds under article I, section 12, where the City “determined  
11 that franchisees have material advantages over non-franchisees that affect their ability to absorb  
12 increases in the minimum wage—a distinction related to the ordinance’s subject matter”).

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## 2 VI. CONCLUSION

3 Plaintiffs' challenges to the Ordinance are subject to "rational basis" review, and easily  
4 satisfy that standard. The City respectfully asks this Court to uphold the Ordinance as  
5 constitutional and dismiss Plaintiffs' claims with prejudice.

6 *I certify that MS Word 2016 calculates all portions of this memorandum required by the*  
7 *Local Civil Rules to be counted contain 6,872 words, which complies with the Local Civil Rules*  
*and the parties' stipulation approved by the Court.*

8 Respectfully submitted April 26, 2019.

9 PETER S. HOLMES  
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1 **CERTIFICATE OF SERVICE**

2 This certifies that I filed a copy of this document, the Declaration of Aly Pennucci, the  
3 [Proposed] Order Granting City of Seattle's Motion for Summary Judgment and Denying  
4 Plaintiffs' Cross-Motion for Summary Judgment, and the Notice for Motion Docket with the  
5 Clerk of the Court using the ECR system, which will send notification of the filing to:

6 William C. Severson  
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12 This also certifies that I also emailed courtesy copies of the same documents to those  
13 individuals at the email addresses shown above.

14 DATED April 26, 2018, at Seattle, Washington.

15 s/ Alicia Reise

16 ALICIA REISE, Legal Assistant

## **APPENDIX 1**

**CITY OF SEATTLE**

**ORDINANCE**

125490

**COUNCIL BILL**

119081

..title

AN ORDINANCE relating to the regulation of short-term rental businesses; adding a new Chapter 6.600, Short-Term Rentals, to the Seattle Municipal Code.

..body

WHEREAS, housing vacancy rates are at low levels, making it increasingly difficult for people to locate permanent housing; and

WHEREAS, removal of residential units from the long-term housing market contributes to low vacancy rates; and

WHEREAS, the conversion of long-term housing units to short-term rentals could result in the loss of housing for Seattle residents; and

WHEREAS, the conversion of long-term housing units to short-term rentals could disproportionately impact people of color and low-income residents; and

WHEREAS, limiting operation of short-term rental properties to property owners will reduce opportunities to convert long-term housing units to short-term rentals; and

WHEREAS, it is in the public interest that short-term rental uses be regulated in order to conserve limited housing resources; and

WHEREAS, the short-term rental platforms, as part of a new but growing industry, would also benefit from regulation to ensure good business standards and practices; and

WHEREAS, short-term rental platform businesses depend upon participation and contact with local short-term rental operators; and

1 WHEREAS, this ordinance provides standards for the operation of short-term rental platforms,  
2 short-term rental operators, and bed and breakfast operators who use short-term rental  
3 platforms; and

4 WHEREAS, the City Council finds that this ordinance is necessary to protect and promote the  
5 health, safety, and welfare of the general public; NOW, THEREFORE,

6 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

7 Section 1. A new Chapter 6.600 is added to the Seattle Municipal Code as follows:

8 **Chapter 6.600 SHORT-TERM RENTALS**

9 **6.600.010 Scope and purpose**

10 This Chapter 6.600 applies to all short-term rental operators and short-term rental platforms that  
11 facilitate short-term rental operators to offer a dwelling unit, or portion thereof, for short-term  
12 rental use within The City of Seattle, and to all bed and breakfast operators who list a bed and  
13 breakfast unit on a short-term rental platform. The ordinance enacting this Chapter 6.600 is an  
14 exercise of the City's police power to license short-term rental platforms, short-term rental  
15 operators and bed and breakfast operators. The purpose of the ordinance is to preserve the City's  
16 permanent housing stock, balance the economic opportunity created by short-term rentals with  
17 the need to maintain supply of long-term rental housing stock available at a range of prices,  
18 reduce any indirect negative effects on the availability of affordable housing, create a level  
19 playing field for all parties engaged in the business of providing lodging, and protect the  
20 livability of residential neighborhoods.

21 **6.600.020 Application of other provisions**

22 The licenses provided for in this Chapter 6.600 are subject to the general provisions of the new  
23 Seattle License Code set forth in Chapter 6.202 as now or hereafter amended. In the event of a

1 conflict between the provisions of Chapter 6.202 and this Chapter 6.600, the provisions of this  
2 Chapter 6.600 shall control.

3 **6.600.030 Definitions**

4 "Bed and breakfast" means a lodging use where rooms within a single dwelling unit are  
5 provided to transients by a resident operator for a fee by prearrangement on a daily or short-term  
6 basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and  
7 breakfast.

8 "Bed and breakfast operator" means any person who is the owner or resident manager of  
9 a bed and breakfast unit.

10 "Bed and breakfast unit" means a room within a bed and breakfast that is offered or  
11 provided to a guest(s) by a bed and breakfast operator for a fee for fewer than 30 consecutive  
12 nights.

13 "Booking service" means any reservation and/or payment service provided by a person or  
14 entity that facilitates a short-term rental transaction between a short-term rental operator and a  
15 prospective short-term rental guest, and for which the person or entity collects or receives,  
16 directly or indirectly through an agent or intermediary, a fee in connection with the reservation  
17 and/or payment services provided for the short-term rental transaction.

18 "Dwelling unit" means a room or rooms located within a structure that are configured to  
19 meet the standards of Section 23.42.048 and that are occupied or intended to be occupied by not  
20 more than one household as living accommodations independent from any other household.

21 "Fee" means remuneration or anything of economic value that is provided, promised, or  
22 donated primarily in exchange for services rendered.



1 "Guest" means any person or persons renting a short-term rental or bed and breakfast  
2 unit.

3 "Household" means a housekeeping unit consisting of any number of related persons;  
4 eight or fewer non-related persons; eight or fewer related and non-related persons, unless a grant  
5 of special or reasonable accommodation allows an additional number of persons.

6 "In Seattle" or "within Seattle" means in the Seattle city limits.

7 "Local contact" means the operator or the operator's representative who is the point of  
8 contact for any short-term guest(s) for the duration of the guest(s) stay in the short-term rental.

9 "Operate a short-term rental platform within Seattle" means that a short-term rental  
10 platform is engaged in business in Seattle, including having agreements with short-term rental  
11 operators or other customers in Seattle who provide dwelling units, or portions thereof, located in  
12 Seattle for short-term rental use, regardless of whether the short-term rental platform is  
13 physically present in Seattle.

14 "Owner" means any person who, alone or with others, has title or interest in any building,  
15 property, dwelling unit, or portion thereof, with or without accompanying actual possession  
16 thereof, and including any person who as agent, or executor, administrator, trustee, or guardian  
17 of an estate has charge, care, or control of any building, dwelling unit, or portion thereof. A  
18 person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a  
19 lessee under a lease agreement shall not be considered an owner.

20 "Person" means any individual, firm, corporation, association, governmental entity, or  
21 partnership and its agents or assigns.

1 "Primary residence" means a person's usual place of return for housing as documented by  
2 motor vehicle registration, driver's license, voter registration, or other such evidence as  
3 determined by Director's rule. A person may have only one primary residence.

4 "Principal" means a principal or governing member of any business entity, including but  
5 not limited to: LLC member/manager, president, vice president, secretary, treasurer, CEO,  
6 director, stockholder, partner, general partner, or limited partner.

7 "Short-term rental advertisement" means any method of soliciting use of a dwelling unit  
8 for short-term rental purposes.

9 "Short-term rental" means a lodging use, that is not a hotel or motel, in which a dwelling  
10 unit, or portion thereof, that is offered or provided to a guest(s) by a short-term rental operator  
11 for a fee for fewer than 30 consecutive nights. A dwelling unit, or portion thereof, that is used by  
12 the same person for 30 or more consecutive nights is not a short-term rental. A dwelling unit, or  
13 portion thereof, that is operated by an organization or government entity that is registered as a  
14 charitable organization with the Secretary of State, State of Washington, and/or is classified by  
15 the Internal Revenue Service as a public charity or a private foundation, and provides temporary  
16 housing to individuals who are being treated for trauma, injury or disease and/or their family  
17 members is not a short-term rental.

18 "Short-term rental operator" or "operator" means any person who is the owner of a  
19 dwelling unit established under Title 23, or portion thereof, who offers or provides that dwelling  
20 unit, or portion thereof, for short-term rental use or a person who is the tenant of a dwelling unit,  
21 or portion thereof, who offered or provided a short term rental as set forth in subsection  
22 6.600.040.B.2.

"Short-term rental operator registry" means record of information detailing short-term rental transactions, maintained by the short-term rental operator.

"Short-term rental platform" or "platform" means a person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, or which a bed and breakfast operator may offer a bed and breakfast unit, and from which the person or entity financially benefits. Merely publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

#### **6.600.040 License required**

A. Platforms. It is unlawful for any person to operate as a platform within Seattle without a valid platform license issued pursuant to this Chapter 6.600.

B. Operators. It is unlawful for any person to operate as a short-term rental operator within the City without a valid short-term rental operator license issued pursuant to this Chapter 6.600. A short-term rental operator license permits an operator to offer or provide a maximum of one dwelling unit, or portion thereof, for short term rental use, or a maximum of two dwelling units if one of the units is the operator's primary residence, except for the following:

1. An operator who offered or provided a short-term rental outside of the locations described in subsections 6.600.040.B.2 or 6.600.040.B.3 prior to September 30, 2017, may obtain a short-term rental operator license allowing that operator to continue to operate up to two dwelling units for short-term rental use, subject to the requirements of subsection 6.600.040.B.4. Upon renewal of the license after one year of operations, the operator may obtain a license allowing that operator to: continue to operate the two units; and add a third dwelling unit if the unit is the operator's primary residence.

2. An operator who offered or provided a short-term rental in the Downtown Urban Center, south of Olive Way and north of Cherry Street, as established in the Seattle Comprehensive Plan (2016), prior to September 30, 2017, may obtain a short-term rental operator license allowing them to continue to operate those units and to offer or provide up to one additional dwelling units for short-term rental use, or a maximum of two dwelling units, if one of the units is the operator's primary residence, subject to the requirements of subsection 6.600.040.B.4.

3. An operator who offered or provided a short-term rental in any dwelling units within a multifamily building constructed after 2012 that contains no more than five dwelling units established by permit under Title 23 and is located in the First Hill/Capitol Hill Urban Center, as established in the Seattle Comprehensive Plan, prior to September 30, 2017, may obtain a short-term rental operator license allowing them to continue to operate those units and to offer or provide up to one additional dwelling units for short-term rental use, or a maximum of two dwelling units, if one of the units is the operator's primary residence, subject to the requirements of subsection 6.600.040.B.4.

4. If the license applicant wishes to continue operating a short-term rental in a location described in subsections 6.600.040.B.1, 6.600.040.B.2, or 6.600.040.B.3 the applicant must provide the Director with the following evidence of prior short-term rental use:

a. A business license tax certificate issued by the Department of Finance and Administrative Services for the short-term rental use, in effect on prior to September 30, 2017; and

b. Records demonstrating collection and remittance of all applicable local, state and federal taxes within the 12-month period prior to September 30, 2017; and

c. A registry identifying the dates the dwelling unit was used as short-term rental within the 12-month period prior to September 30, 2017.

d. Certification that, if the applicant is a renter, the owner has authorized the tenant's operation of the dwelling unit as a short-term rental. If requested by the Director, the applicant shall provide documentation demonstrating that the owner has provided that authorization.

C. Bed and breakfast operators. It is unlawful for any bed and breakfast operator within Seattle to use a platform to list a bed and breakfast unit without possessing a valid bed and breakfast operator's license issued pursuant to this Chapter 6.600.

#### **6.600.050 License applications**

A. Platforms. Platform licenses are issued by the Director and may be obtained by filing with the Director a platform application in a format determined by the Director.

B. Operators. Operator licenses are issued by the Director and may be obtained by filing with the Director a short-term rental operator license application in a format determined by the Director and by submitting a signed declaration of compliance attesting that each dwelling unit, or portion thereof, offered for short-term rental use satisfies the requirements of Section 6.600.070.

C. Bed and breakfasts. Bed and breakfast licenses are issued by the Director and may be obtained by filing with the Director a bed and breakfast operator application in a format determined by the Director.

D. All platform, operator, and bed and breakfast licenses shall expire one year from the date the license is issued and shall be renewed annually.

#### **6.600.060 Short-term rental platforms general provisions**

1 All platforms operating in Seattle shall comply with the following:

2 A. Possess a valid platform license issued pursuant to this Chapter 6.600.

3 B. Prior to providing booking services, require that all operators and bed and  
4 breakfast operators using the platform either submit an application for an operator license or bed  
5 and breakfast operator license through the platform and include a license number in any listing,  
6 or, include a license number in any listing for a short-term rental or bed and breakfast unit on the  
7 platform.

8 C. Remove any listings for short-term rentals or bed and breakfast units from the  
9 platform upon notification by the Department. The Director shall develop, by rule, processes and  
10 procedures for the removal of any listing.

11 D. Provide the following information in an electronic format determined by the  
12 Director to the City on a quarterly basis:

13 1. The total number of short-term rentals, and bed and breakfast units in the  
14 City listed on the platform during the applicable reporting period; and

15 2. The total number of nights all short-term rentals and bed and breakfast  
16 units rented through the platform during the applicable reporting period.

17 E. Inform all operators, including bed and breakfast operators, who use the platform  
18 of the operator's responsibility to collect and remit all applicable local, state, and federal taxes  
19 unless the platform does this on the operator's behalf.

20 F. Provide a copy of the summaries prepared by the Director pursuant to Section  
21 6.600.065 to all operators, including bed and breakfast operators, for which the platform  
22 provides booking services. When notified to do so by the Director, provide written notification to  
23 all short-term rental operators and bed and breakfast operators of changes to local regulations.

1 Upon request, the platform shall provide documentation to the Director demonstrating that the  
2 required notification was provided.

3 G. Upon request by the Director, permit the Director access to review records that  
4 are required to be kept under this Chapter 6.600, in a manner consistent with federal law.

5 **6.600.065 Summaries of short-term rental regulations**

6 The Director shall, as soon as practicable after passage of the ordinance introduced as Council  
7 Bill 119081, and as the Director shall deem necessary thereafter, prepare a summary of this  
8 Chapter 6.600 and any other applicable regulations or identified best practices for operating a  
9 short-term rental.

10 **6.600.070 Short-term rental operator general provisions**

11 A. All operators who offer dwelling units, or portions thereof, for short-term rental  
12 use in Seattle shall comply with the following:

13 1. Possess no more than one operator license issued pursuant to this Chapter  
14 6.600.

15 2. Be a principal or spouse of a principal in no more than one operator  
16 license issued pursuant to this Chapter 6.600.

17 3. Offer or provide no more than the maximum number of dwelling units, or  
18 portions thereof, as provided in subsection 6.600.040.B.

19 4. Post the Department-issued operator license number for the short-term  
20 rental on every listing advertising or offering the dwelling unit, or portion thereof, for use as a  
21 short-term rental.

22 5. Comply with all standards provided in Section 23.42.060.

6. Provide local contact information to all short-term rental guests during a guest's stay. The local contact must reside in King County, Washington and be available to respond to inquiries at the short-term rental during the length of the stay.

7. Comply with the requirements of the Housing and Building Maintenance Code in subsection 22.214.050.M and the Rental Registration and Inspection program.

8. Comply with RCW 19.27.530 by ensuring that all dwelling units have working smoke detectors and carbon monoxide alarm(s) in every bedroom and on all habitable floors and a properly maintained and charged fire extinguisher.

9. Post the following information in a conspicuous place within each dwelling unit used as a short-term rental:

a. Emergency contact information for summoning police, fire, or emergency medical services.;

b. Short-term rental street address;

c. Floor plan indicating fire exits and escape routes;

d. Information about how a guest can contact The City's Customer Service Bureau to report any concerns or complaints;

e. Maximum occupancy limits; and

f. Contact information for the operator or the designated local contact;

10. Maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than \$1,000,000 or conduct each short-term rental transaction through a platform that provides equal or greater insurance coverage.



11. Remit all applicable local, state, and federal taxes unless the platform does this on the operator's behalf.

12. Upon request by the Director, provide documentation and a signed declaration of compliance attesting to compliance with subsections 6.600.070.A.1 through 6.600.070.A.11.

**6.600.080 Bed and breakfast operator general provisions**

All bed and breakfast operators who advertise or offer a bed and breakfast unit on a platform in the City, shall comply with the following:

A. Possess no more than one valid bed and breakfast operator license issued pursuant to this Chapter 6.600.

B. Post the Department-issued bed and breakfast operator license number issued for the bed and breakfast on every listing advertising or offering a bed and breakfast unit on a platform.

C. If operating within a single-family zone, comply with all standards provided in Section 23.44.051. If operating within a multi-family zone, comply with all standards provided in subsection 23.45.545.G.

D. Remit all applicable local, state, and federal taxes unless the platform does this on the bed and breakfast operator's behalf.

**6.600.090 License fees**

A. Short-term rental platform license fees. The fee for a platform license issued pursuant to this Chapter 6.600 shall be a quarterly fee based on the total number of nights booked for short-term rental use through the platform. Platforms shall pay \$0 per night booked. The per night fees shall be calculated and paid on a quarterly basis. If a platform fails to provide

complete information as required by subsection 6.600.060.D, the Director may estimate the quarterly per night license fee.

B. Short-term rental operator license fees. The fee for an operator license issued pursuant to this Chapter 6.600 shall be \$75 per dwelling unit annually, paid at the time the application is submitted to the City.

C. Bed and breakfast operator license fees. The fee for a bed and breakfast operator license issued pursuant to this Chapter 6.600 shall be \$75 per bed and breakfast, paid at the time the application is submitted to the City.

D. The Director shall review annually any of the licensing fees in subsections 6.600.090.A, 6.600.090.B and 6.600.090.C and shall make any necessary adjustments in a Director's Rule to ensure the fees achieve full cost recovery of the Director's administrative, enforcement, and other regulatory costs and no more, after consideration of the following factors:

1. The projected costs and annual budget allotted for administrative, enforcement and regulatory costs across the short-term rental industry;
2. The need for increased enforcement to reduce illegal activity;
3. The total number of nights booked in City limits across the short-term rental industry; and
4. The administrative burden of issuing additional platform or operator licenses.

E. License fees are non-refundable and non-transferrable.

#### **6.600.100 Enforcement and rulemaking**

The Director will adopt rules pursuant to Chapter 3.02 to implement the provisions of this Chapter 6.600. The Director is authorized to enforce, promulgate, revise, or rescind rules and regulations deemed necessary, appropriate, or convenient to administer the provisions of this Chapter 6.600, providing affected entities with due process of law and in conformity with the intent and purpose of this Chapter 6.600.

**6.600.110 Short-term rental platform – Violations and enforcement**

A. Violations. It is a violation of this Chapter 6.600 for any person or platform to:

1. Operate a short-term rental platform within Seattle without possessing a valid short-term rental platform license issued pursuant to this Chapter 6.600.
2. Fail to require that any operator or bed and breakfast operator using the platform, prior to providing booking services, either submit an application for an operator license or bed and breakfast operator license through the platform and include the license number in any listing, or, include a license number in any listing for a short-term rental or bed and breakfast unit on the platform pursuant to subsection 6.600.060.B.
3. Fail to remove any listings for short-term rentals or bed and breakfast units from the platform pursuant to subsection 6.600.060.C.
4. Misrepresent any material fact in an application for a platform license or submit inaccurate information to the Director when the Director requests information pursuant to this Chapter 6.600.
5. Fail to comply with any requirements of Chapter 6.600 applicable to short-term rental platforms.

B. Enforcement

1. Investigation and notice of violation

1                   a.     The Director is authorized to investigate any person or platform the  
2 Director reasonably believes does not comply with the provisions of Chapter 6.600 applicable to  
3 platforms.

4                   b.     If, after investigation, the Director determines that any provisions  
5 of Chapter 6.600 applicable to platforms have been violated, the Director may issue a notice of  
6 violation to the platform or other person responsible for the violation.

7                   c.     The notice of violation shall state the provisions violated,  
8 necessary corrective action and the compliance due date.

9                   d.     The notice of violation shall be served upon the platform, agent or  
10 other responsible person by personal service or regular first-class mail addressed to the last  
11 known address for the platform, agent, or responsible person.

12                  e.     Nothing in this Section 6.600.110 limits or precludes any action or  
13 proceeding to enforce this code, and nothing obligates or requires the Director to issue a notice  
14 of violation prior to the imposition of civil or criminal penalties.

15                  f.     Unless a request for review before the Director is made in  
16 accordance with subsection 6.600.110.B.2, the notice of violation shall become the final order of  
17 the Director.

18                  2.     Review by the Director

19                  a.     Any person aggrieved by a notice of violation issued by the  
20 Director pursuant to subsection 6.600.110.B.1 may obtain a review of the notice by requesting  
21 such review in writing within ten business days of the date of the notice. When the last day of the  
22 period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until 5  
23 p.m. on the next business day. Within 15 days of the request for review, the aggrieved person

1 may submit additional information in the form of written material to the Director for  
2 consideration as part of the review.

3                   b.       The review will be made by a representative of the Director who is  
4 familiar with the case and the applicable ordinances. The Director's representative will review all  
5 additional written material received by the deadline for submission of information. The reviewer  
6 may also request clarification of information received. After review of the additional  
7 information, the Director may:

- 8                           1.       Sustain the notice of violation;
- 9                           2.       Withdraw the notice of violation;
- 10                          3.       Continue the review to a date certain for receipt of  
11 additional information; or
- 12                           4.       Modify the notice of violation, which may include an  
13 extension of the compliance date.

14                   c.       The Director shall issue an order of the Director containing the  
15 decision and shall cause the same to be mailed by first-class mail to the person or persons  
16 requesting the review and the persons named on the notice of violation.

17                   d.       Extension of compliance date. The Director may grant an  
18 extension of time for compliance with any notice or order, whether pending or final, upon the  
19 Director's finding that substantial progress toward compliance has been made and that the public  
20 will not be adversely affected by the extension. An extension of time may be revoked by the  
21 Director if it is shown the conditions at the time the extension was granted have changed, the  
22 Director determines a party is not performing corrective actions as agreed, or if the extension

1 creates an adverse effect on the public. The date of revocation shall then be considered the  
2 compliance date.

3 4. Penalties

4 a. In addition to any other sanction or remedial procedure that may be  
5 available, any person violating or failing to comply with any of the provisions of Chapter 6.600  
6 applicable to platforms shall be subject to the following cumulative penalties per violation for  
7 each listing from the date the violation occurs until compliance is achieved:

8 1) \$500 per day for each violation for the first ten days, and

9 2) \$1,000 per day for each violation for each day beyond ten  
10 days of non-compliance until compliance is achieved.

11 b. In cases where the Director has issued a notice of violation or order  
12 of the Director, the violation will be deemed to begin, for purposes of determining the number of  
13 days in violation, on the date that compliance is required on the notice of violation or order of the  
14 Director.

15 5. Civil actions. Civil actions to enforce subsection 6.600.040.A, Section  
16 6.600.060 and subsection 6.600.110.A shall be brought in the Seattle Municipal Court, except as  
17 otherwise required by law or court rule. The Director shall request in writing that the City  
18 Attorney take enforcement action. The City Attorney shall, with the assistance of the Director,  
19 take appropriate action to enforce subsection 6.600.040.A, Section 6.600.060 and subsection  
20 6.600.110.A. In any civil action for a penalty, the City has the burden of proving by a  
21 preponderance of the evidence that a violation exists or existed. The issuance of a notice of  
22 violation or an order following a review by the Director is not itself evidence that a violation  
23 exists.

6. Appeals to Superior Court. Final decisions of the Seattle Municipal Court on enforcement actions authorized by subsection 6.600.110 may be appealed pursuant to the Rules for Appeal of Courts of Limited Jurisdiction.

**6.600.120 Short-term rental operator and bed and breakfast operator – Violations and enforcement**

A. Violations. It is a violation of this Chapter 6.600 for any person to:

1. Offer or provide a dwelling unit, or portion thereof, for short-term rental use without possessing a valid operator's license for that dwelling unit, or portion thereof, issued pursuant to this Chapter 6.600.

2. Offer a bed and breakfast unit on a platform without possessing a valid bed and breakfast operator's license issued pursuant to this Chapter 6.600.

3. Misrepresent any material fact in any license application or other information submitted to the Director pursuant to this Chapter 6.600.

4. Fail to comply with any requirements of Chapter 6.600 applicable to operators or bed and breakfast operators.

B. Enforcement. If after investigation the Director determines that any of the provisions of Chapter 6.600 applicable to operators or bed and breakfast operators have been violated, the Director may issue a civil citation to the operator, bed and breakfast operator, or other person responsible for the violation.

1. Citation. The civil citation shall include the following information: (1) the name and address of the person to whom the citation is issued; (2) the address of the short-term rental or bed and breakfast unit involving the violation; (3) a separate statement of each provision violated; (4) the date of the violation; (5) a statement that the person cited must

1 respond to the civil citation within 15 business days after service; (6) a space for entry of the  
2 applicable penalty; (7) a statement that a response must be sent to the Hearing Examiner and  
3 received not later than 5 p.m. on the day the response is due; (8) contact information for the  
4 Hearing Examiner where the citation is to be filed; (9) a statement that the citation represents a  
5 determination that a violation has been committed by the person named in the citation and that  
6 the determination shall be final unless contested as provided in this chapter; and (10) a certified  
7 statement of the Director's representative issuing the citation, authorized by RCW 9A.72.085,  
8 setting forth facts supporting issuance of the citation.

9           2.       Service. The citation shall be served by first-class mail, addressed to the  
10 operator, bed and breakfast operator, or other person responsible for the violation. Service shall  
11 be deemed complete three days after the mailing. If a citation sent by first class mail is returned  
12 as undeliverable, service may be made by posting the citation at a conspicuous place on the  
13 property where the violation occurred and service shall be complete on the date of posting. The  
14 citation may also be served in person.

15           3.       Response to citations

16                   a.       A person cited must respond to a citation in one of the following  
17 ways:

18                           1)       Paying the amount of the monetary penalty specified in the  
19 citation, in which case the record shall show a finding that the person cited committed the  
20 violation; or

21                           2)       Requesting in writing a mitigation hearing to explain the  
22 circumstances surrounding the commission of the violation and providing an address to which  
23 notice of such hearing may be sent; or



3) Requesting in writing a contested hearing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing an address to which notice of such hearing may be sent.

b. A response to a citation must be received by the Office of the Hearing Examiner no later than 15 calendar days after the date the citation is served. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

c. Failure to respond. If a person fails to respond to a citation within 15 calendar days of service, an order shall be entered by the Hearing Examiner finding that the person cited committed the violation stated in the citation, and assessing the penalty specified in the citation.

#### 4. Hearings

##### a. Mitigation hearings

1) Date and notice. If a mitigation hearing is requested, the mitigation hearing shall be held within 30 calendar days after written response to the citation requesting such hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing shall be sent to the address specified in the request for hearing not less than ten calendar days prior to the date of the hearing.

2) Procedure at hearing. The Hearing Examiner shall hold an informal hearing that shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. A representative from the Department may also be present and may present additional information, but attendance by a representative from the Department is not required.

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1 Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of  
2 documents.

3 3) Sufficiency. No citation shall be deemed insufficient for  
4 failure to contain a detailed statement of the facts constituting the specific violation which the  
5 person cited is alleged to have committed or by reason of defects or imperfections, provided such  
6 lack of detail, or defects or imperfections do not prejudice substantial rights of the person cited.

7 4) Amendment of citation. A citation may be amended prior to  
8 the conclusion of the hearing to conform to the evidence presented if substantial rights of the  
9 person cited are not thereby prejudiced.

10 5) Evidence at hearing. The certified statement or declaration  
11 authorized by RCW 9A.72.085 shall be prima facie evidence that a violation occurred and that  
12 the person cited is responsible. The certified statement or declaration authorized under RCW  
13 9A.72.085 and any other evidence accompanying the report shall be admissible without further  
14 evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085  
15 shall also be admissible without further evidentiary foundation. The person cited may rebut the  
16 Department of Finance and Administrative Services' evidence and establish that the cited  
17 violation(s) did not occur or that the person contesting the citation is not responsible for the  
18 violation.

19 6) Disposition. If the citation is sustained at the hearing, the  
20 Hearing Examiner shall enter an order finding that the person cited committed the violation and  
21 impose the applicable penalty pursuant to subsection 6.600.120.B.5. The Hearing Examiner may  
22 reduce the monetary penalty in accordance with the mitigation provisions in subsection

1 6.600.120.B.4.a.3. If the Hearing Examiner determines that the violation did not occur, the  
2 Hearing Examiner shall enter an order dismissing the citation.

3 7) Final decision. The Hearing Examiner's decision is the final  
4 decision of the City.

5 c. Failure to appear for hearing. Failure to appear for a requested  
6 hearing will result in an order being entered finding that the person cited committed the violation  
7 stated in the citation and assessing the penalty specified in the citation. For good cause shown  
8 and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order  
9 entered upon a failure to appear and schedule a new contested hearing date.

10 5. Citation penalties

11 a. First violation. The first time a person is found to have violated  
12 one of the provisions referenced in subsection 6.600.120.A the person shall be subject to a  
13 penalty of \$500. The Director may, in an exercise of discretion, issue a warning to the person  
14 responsible for the violation if that person has not been previously warned or cited for violating  
15 this Chapter 6.600.

16 b. Second and subsequent violations. Any second or subsequent time  
17 a person is found to have violated one of the provisions referenced in subsection 6.600.120.A  
18 within a five (5) year period, the person shall be subject to a penalty of \$1,000 for each  
19 subsequent violation.

20 d. Collection of penalties. If the person cited fails to pay a penalty  
21 imposed pursuant to this subsection 6.600.120.B, the penalty may be referred to a collection  
22 agency. The cost to the City for the collection services will be assessed as costs, at the rate

1 agreed to between the City and the collection agency, and added to the penalty. Alternatively,  
2 the City may pursue collection in any other manner allowed by law.

3 e. Each day a separate violation. Each day a person violates or fails to  
4 comply with one of the provisions referenced in subsection 6.600.120.A, may be considered a  
5 separate violation for which a civil citation may be issued.

6 **6.600.130 Alternative criminal penalty**

7 Any person who violates or fails to comply with any of the provisions in this Chapter 6.600 and  
8 who has had at least two or more citations, or two or more notices of violation issued against  
9 them for violating this Chapter 6.600, within the past three years from the date the criminal  
10 charge is filed shall be guilty of a misdemeanor subject to the provisions of Chapters 12A.02  
11 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to  
12 comply and none of the mental states described in Section 12A.04.030 need be proved. The  
13 Director may request the City Attorney prosecute such violations criminally as an alternative to  
14 the citation and notice of violation procedures outlined in this Chapter 6.600.

15 **6.600.140 Additional relief**

16 The Director may seek legal or equitable relief to enjoin any acts or practices when necessary to  
17 achieve compliance.

18 **6.600.150 Denial, revocation, or refusal to renew license**

19 A. The Director may deny, revoke, or refuse to renew the license of any platform for  
20 violating or failing to comply with any applicable provision of this Chapter 6.600 or for any  
21 reason set forth in Section 6.202.230.

1           B.       The Director may deny, revoke or refuse to renew the license of any operator or  
2 bed and breakfast operator for violating or failing to comply with any applicable provision of this  
3 Chapter 6.600 or for any reason set forth in Section 6.202.230.

4           C.       No license issued pursuant to Chapter 6.600 may be renewed unless all  
5 outstanding penalties assessed against the licensee and all past and present license fees are paid  
6 in full to the Department of Finance and Administrative Services.

7           Section 2. Council requests that the Department of Finance and Administrative Services  
8 provide a written status update to Council's Planning, Land Use and Zoning Committee by June  
9 1, 2018, on any progress made implementing the short-term rental regulatory license  
10 requirements, and the short-term rental tax enacted by the ordinance introduced as Council Bill  
11 119083. This should include updates on: (1) the resources needed for implementing and  
12 administering the regulatory license requirements and the tax (including costs already incurred);  
13 (2) the status of developing rules, procedures and processes; and, (3) any new data obtained on  
14 the anticipated number of short-term rental operators and the estimated number of nights booked  
15 for short-term rental use in Seattle through short-term rental platforms. In addition, using the  
16 information described above, the Department should review the fee structure for short-term  
17 rental platform companies and make a recommendation to the City Council on whether the  
18 structure should be modified. Specifically, the Department should consider if the fee structure  
19 should be: (1) a per-night fee calculated based on the number of nights booked for short-term  
20 rental use through the platform each quarter, as proposed in Council Bill 119081; or (2) a  
21 graduated annual fee, with tiers based on the number of listings on a platform or other factors  
22 identified by the Department; or (3) an alternative fee structure identified by the Department.

1           Section 3. The provisions of this ordinance are declared to be separate and severable.  
2           The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this  
3           ordinance, or the invalidity of its application to any person or circumstance, does not affect the  
4           validity of the remainder of this ordinance, or the validity of its application to other persons or  
5           circumstances.  
6

Section 4. Section 1 of this ordinance shall take effect and be in force on January 1, 2019, to ensure there is adequate time for rule-making and any adjustments in business practices.

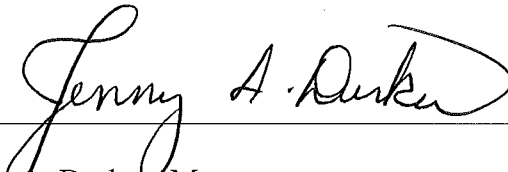
Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 11<sup>th</sup> day of December, 2017,  
and signed by me in open session in authentication of its passage this 11<sup>th</sup> day of December, 2017.



President \_\_\_\_\_ of the City Council

Approved by me this 15<sup>th</sup> day of December, 2017.



Jenny A. Durkan, Mayor

Filed by me this 15<sup>th</sup> day of December, 2017.



Monica Martinez Simmons, City Clerk

(Seal)



## **APPENDIX 2**



Search

## Illegal Short-term Rentals

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## Illegal Short-Term Rentals

### Rules and Regulations for Short-term Rentals

The term "short-term rental" refers to renting for any period shorter than 30 days.

Illegal short-term rentals undermine safety and affordable housing for all New Yorkers. OSE works to ensure safety, fairness and comfort for residents and visitors.

- **Housing Supply:** Illegal short-term rentals reduce the City's stock of permanent residential housing units.
- **Building Safety:** Illegal short-term rental units can be dangerous for neighbors, guests, and first responders. They often lack proper fire safety systems such as alarms and sprinklers, and may not have enough exits in the event of an emergency. Additionally, many permanent residential buildings do not have adequate security personnel to deal with travelers.
- **Community Livability:** Illegal short-term rentals often present issues with noise, litter and personal safety, and compromise comfort for permanent residents.
- **Trustworthy Accommodations:** Illegal hotels and short-term rentals can target tourists via bait-and-switch tactics. Arriving to find that there is no place to stay, or that the amenities advertised online are not available, can ruin a vacation.
- **Fair Access:** All visitors are entitled to a safe place to stay while they are in New York City, and cannot be discriminated against based on race, gender identity, sexual orientation, religious background, disability, age, family status, or any protected class under Federal, State or City laws.
- OSE utilizes various enforcement tools, including issuing violations and administrative orders, and when necessary, bringing lawsuits.

### Laws and Regulations for Short-term Rentals

#### Owners, Property Managers, and Hosts

- You cannot rent out your entire apartment or home to visitors for less than 30 days;
- You may have up to two paying guests living in your household for fewer than 30 days, if every such guest has free and unobstructed access to every room and to each exit within the apartment, and has the right to use at least one bathroom;
- You must be present during the guests' stay if it is for less than 30 days; and
- No key locks may be installed on any internal door as all occupants in the premises need to maintain a common household. A common household exists when every member of the family (and guest) has access to all parts of the dwelling unit.

- Property owners will be issued the violation for any illegal short-term rentals at their property, even if it is conducted by tenants. Under the NYC Administrative Code, property owners are responsible for ensuring their properties are maintained in a safe and code-compliant manner at all times.
- New York State law also prohibits the advertising of an apartment in a Class A multiple dwelling (generally, a building with three or more permanent residential units) for rent for any period less than 30 days. Fines for doing so range from \$1,000 to \$7,500, and will be issued to the person who posts the advertisement.

The above restrictions are outlined in the NYS Multiple Dwelling Law, the NYC Administrative Code, and the New York City Zoning Resolution.

## **Tourists**

The City of New York wants you to have an enjoyable and safe visit, and we are committed to protecting your rights as a consumer. If you are staying in a short-term rental and there is no host available to notify of dirty or unsafe conditions, or if you think you have been taken advantage of, please call 311 or submit a complaint online. Doing so will notify OSE or the Department of Consumer Affairs so that your complaint can be investigated and appropriate action taken to prevent this illegal activity from reoccurring.

Visitors who book short-term rentals in New York City will not be held responsible for a rental that turns out to be illegal. If OSE inspectors arrive at your rental location while you are there, we encourage you to cooperate with their investigation by opening the door and responding honestly to questions. In the event conditions are deemed to be hazardous or unsafe, visitors will need to comply with emergency orders from inspectors.

## **Tenants and Neighbors**

Permanent residents have a right to live in a safe and comfortable environment. If you know of an illegal short-term rental in your building or neighborhood, you can anonymously report it via 311.

### **How to Identify and Report an Illegal Hotel or Short-term Rental**

Signs of an illegal hotel tend to vary according to the unique characteristics of each building. The biggest indication of an illegal hotel is always based on your common sense. Common indications of an illegal short-term rental include:

- A string of different people going in and out of an apartment with luggage
- Guests talking about their stay in the hallways, stairways, and elevators
- Key boxes installed on doors or door knobs

## **APPENDIX 3**

## Fort Myers Beach, Florida CODE OF ORDINANCES

### DIVISION 32-A. - SHORT-TERM RENTALS

#### Sec. 34-2391. - Restrictions on weekly rentals in certain zoning districts.

Table 34-2 restricts the rental of any permitted dwelling unit in certain zoning districts to a single-family during any one-month period, with a minimum stay of one week (see the "restricted" sub-group of the "lodging" use group in Table 34-1). The following exceptions apply to this restriction:

- (1) This restriction on weekly rentals does not apply to:
  - a. Any land between Estero Boulevard and the Gulf of Mexico.
  - b. Any land directly adjoining the bay side of Estero Boulevard.
  - c. Any dwelling unit that is recognized by the Town of Fort Myers Beach as having had pre-existing weekly rentals as of January 1, 2003, when registered in accordance with § 34-2392, below.
- (2) Dwellings units on property that qualifies for any of these exceptions may be rented to a single-family for periods of one week or longer, without the once-per-month maximum that would otherwise have applied.

#### Sec. 34-2392. - Registry of certain pre-existing weekly rentals.

- (a) Dwelling units in certain zoning districts are not permitted to be rented to more than a single-family during any one-month period due to restrictions found in Tables 34-1 and 34-2 of this chapter. The owner of any such dwelling unit that was being lawfully used for weekly rentals during the 12-month period prior to January 1, 2003, may apply for registration under this section to continue weekly rentals.
  - (1) Upon verification by the town and placement of such dwelling units on a registry of pre-existing weekly rentals, the owners of registered dwelling units may continue to rent those units to a single-family for periods of one week or longer, without the once-per-month maximum that would otherwise have applied.
  - (2) This right shall run with the land and shall not be affected by the transfer of the property to subsequent owners.
  - (3) If weekly rentals of a particular dwelling unit are terminated for any reason for any 12-month period, weekly rentals may not thereafter be reinstated in that dwelling unit.
  - (4) Dwelling units on land that is not affected by the restrictions in Tables 34-1 and 34-2 of this chapter limiting rentals to no more than a single-family during any one-month period should not be submitted for registration. Such units will not be placed on the registry of pre-existing weekly rentals.
- (b) Applications for annual registration of lawful pre-existing weekly rental units shall be submitted to the town manager by June 1, 2003. Each application must include:
  - (1) Name of the applicant, if different than the property owner, and the applicant's mailing address and telephone number.
  - (2) Name of current property owner (and previous owner, if property has been transferred since January 1, 2003).
  - (3) Street address and STRAP number of parcel.

## Fort Myers Beach, Florida CODE OF ORDINANCES

- (4) Number of rental dwelling units at that address that are part of the application.
  - (5) Evidence of lawful pre-existing weekly rental use of each dwelling unit in the application as of January 1, 2003. Such evidence may include:
    - a. Evidence that each dwelling unit was licensed by the State of Florida as a "resort dwelling" or as a public lodging establishment, in accordance with F.S. § 509.241.
    - b. Evidence of regular payment of Lee County's three percent tourist development tax on rentals of each dwelling unit.
    - c. Evidence of regular payment of Florida's six percent sales tax on rentals of each dwelling unit.
    - d. Signed rental contracts or income tax returns.
  - (6) A local telephone number with a contact that is available 24 hours a day.
  - (7) Payment of an application fee established by the town.
  - (8) Notarized signatures of the property owner (and the applicant, if different than the property owner) attesting to the truth and accuracy of all information submitted with the application and consenting to inspection of the premises at reasonable hours to determine compliance with town and fire codes.
- (c) The town manager will evaluate each application and notify applicants in writing within 60 days whether each dwelling unit is being registered with the town as a pre-existing weekly rental unit or whether the dwelling unit does not qualify for such registration. Reasons for disqualification will be stated in the written notice. All applications and written responses are public records and will be available for inspection at Town Hall.
- (d) Decisions by the town manager pursuant to this subsection may be appealed to the town council by the applicant or adjoining property owner in accordance with § 34-86 of this chapter. In addition to the criteria in this subsection, the town council may consider evidence submitted by the appellant alleging equitable considerations for registration of a dwelling unit despite noncompliance with a particular requirement of this division. The town council shall consider the advice of the town attorney when evaluating allegations for equitable relief.
- (e) Registrants must supplement their application within 30 days if they change the local telephone number for the contact that must be available 24 hours a day.
- (f) Beginning on June 1, 2004 and every year thereafter, renewal applications are due for all registered weekly rental units.
- (1) The renewal application shall be the same as the original application except that evidence of subsections (b)(5)a., (b)(5)b., and (b)(5)c. of this section shall be mandatory for every renewal period.
  - (2) Registrants who continue weekly rentals after failing to complete a renewal application and obtaining registration for another year will be in violation of this code.

### Sec. 34-2393. - Code of conduct for short-term rentals.

- (a) The town hereby establishes a code of conduct that applies to operators and guests of all short-term rental units, including those on the registry of pre-existing weekly rentals and also those rentals between one week and one month that are permitted by right in accordance with Table 34-2. The code of conduct is as follows:

## Fort Myers Beach, Florida CODE OF ORDINANCES

- (1) *Maximum occupancy:* Occupancy of each short-term rental unit must be consistent with the definition of "family" that is found in § 34-2 of this code, which defines a family as one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five or more adults who are not related by blood, marriage, or adoption shall not be deemed to constitute a family.
  - (2) *Refuse collection:* Refuse containers shall not be moved to the street more than 24 hours prior to scheduled curbside collections nor remain there more than 24 hours after scheduled collections, as required by § 6-11 of the Fort Myers Beach land development code. In addition, if a property owner or property manager is unable to comply with this requirement around the weekly pick-up day, arrangements for additional refuse collection must be secured by the operator.
  - (3) *Quiet hours:* Between the hours of 10:00 p.m. and 7:00 a.m., all guests shall observe quiet hours. This means all outdoor activity, including swimming, shall be kept to a reasonable noise level that is non-intrusive and respectful of neighbors. Town of Fort Myers Beach Ordinance No. 96-24 sets limits on noise levels during quiet hours and these levels must be obeyed by all guests.
  - (4) *Mandatory evacuations:* All guests staying in short-term rental units must comply with mandatory evacuations due to hurricanes and tropical storms, as required by state and local laws.
- (b) Operators are required to provide guests with the town's code of conduct for short-term rentals.
- (1) The town shall provide operators with a printed version of the code of conduct and a standardized agreement for compliance.
  - (2) The operator shall provide guests of short-term rental units with the code of conduct and obtain the signature of guests on the agreement indicating that they are aware of and intend to comply with the code of conduct.
  - (3) The code of conduct shall also be posted at the primary entrance/exit to each short-term rental unit.
- (c) Operators must provide the town with a current local telephone number of a contact for each short-term rental unit. This telephone number must be answered 24 hours a day to respond to complaints. These telephone numbers are public records and will be available at town hall during regular business hours.

### Sec. 34-2394. - Enforcement and penalties.

- (a) The director is authorized to pursue any one or combination of the enforcement mechanisms provided in this code (for example, § 1-5, or article V of ch. 2 of this LDC) for any violation of this division.
- (b) Persons who may be charged with a violation of this division include property owners, operators, rental agents, guests, and any other person using the structure where the violation has been committed.
- (c) For properties on the registry of pre-existing weekly rentals (see § 34-2392 of this chapter), the following additional requirements shall apply:
  - (1) Violations of F.S. ch. 509 shall also be considered to be violations of this division as follows:
    - a. Failure to maintain licensure or any other provisions of F.S. ch. 509.

## Fort Myers Beach, Florida CODE OF ORDINANCES

- b. Failure to eject guests who indulge in any conduct which disturbs the peace and comfort, as provided by F.S. § 509.141.
- (2) Repeated violations of this division on a registered property shall lead to cumulative penalties. These penalties shall accrue as follows whenever a violation results in a fine being imposed on or paid or whenever a finding of violation is made by a judge or code enforcement special magistrate:
  - a. First violation: \$250.00 fine.
  - b. Second violation: \$500.00 fine.
  - c. Third violation: Six-month suspension of registration under § 34-2392 of this chapter.
  - d. Fourth violation: Two-year suspension of registration under § 34-2392 of this chapter.

After any period of three years during which there were no fines imposed or paid and no formal findings of violations of this division, the next violation shall be deemed to be the first violation for purposes of this section.

Secs. 34-2395—34-2410. - Reserved.



## **APPENDIX 4**

Tagalog 中文 Español

[Log in \(/user/login\)](#)
[Hosting a Rental](#)
[Filing a Complaint \(/complaints\)](#)
[Hearings & Events \(/hearings\\_events\)](#)

(1)

## About Short-Term Rentals

The City's goal is to ensure that short-term rentals do not negatively affect the City's housing supply or damage the character of our neighborhoods.

### What is a short-term rental?

A short-term residential rental is a rental of all or a portion of your home for periods of less than 30 nights. For a more complete overview, [read San Francisco Administrative Code Chapter 41A.](#)

([http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter41aresidentialunitconversionandde?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$anc=JD\\_Chapter41A](http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter41aresidentialunitconversionandde?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_Chapter41A))

### What kind of short-term rentals are legal?

#### **You must be the permanent resident of the unit you wish to rent**

To be considered the permanent resident, you must spend at least 275 nights a year in the unit where you host short-term rentals. If you own/rent a multi-unit building, you may only register the specific residential unit in which you reside. [Also see: "Ineligible Properties."](#) ([https://shorttermrentals.sfgov.org/hosting/become-certified#info\\_page\\_accordian-block-0](https://shorttermrentals.sfgov.org/hosting/become-certified#info_page_accordian-block-0))

#### **You must be registered with the City as a business and as a short-term rental**

You may only offer short-term rentals once you have obtained a Business Registration Certificate for your property from the San Francisco Office of the Treasurer & Tax Collector, and then received a certificate from the Office of Short-Term Rentals. The certificate number must be posted on all listings advertising a short-term rental. [Learn more about becoming a legal short-term rental host.](#) (<https://shorttermrentals.sfgov.org/hosting/become-certified>)

You may host short-term rentals if you have a complete application pending review with our Office; currently reside in the dwelling unit; and there are also no City complaints pending against the entire property. Please note that our Office cannot require hosting platforms to operate a listing while an application is pending (but please contact us if you run into this issue). Also, please note that if you are a renter, our Office cannot require the property owner to allow your short-term rental activity in the event that private leases, or other private agreements prohibit such activity.

#### **You may only rent 90 unhosted nights per year**

"Unhosted rentals" occur when you are not present in your unit during your guests' stay. Registered hosts may only conduct unhosted short-term rentals for up to 90 nights per calendar year.

### What are the laws regarding other types of rentals?

#### **Rentals Longer than 30 Nights: Renter Rights and Rent Control**

Rentals for more than 30 consecutive nights (by the same visitors) are not subject to short-term rental regulations or subject to hotel (transient occupancy) taxes. Business personal property taxes may still apply (administered by the San Francisco Assessor-Recorder).

In addition, rental/tenant protections and rent control provisions may apply to stays of 30 days or more. The Office of Short-Term Rentals cannot provide advice on tenant protection or rent control rules and laws. [Contact the San Francisco Rent Board for more information.](#) (<http://sfrb.org/>)

If rentals are offered for more than 30 nights per guest stay (for those dwelling units not authorized to offer short-term rentals by the Office of Short-Term Rentals), ensure that booking calendars and advertisements for all online listings clearly indicate a 30-day minimum stay.

**Renting Your Home for Meetings and Events**

Some hosts use online platforms to rent out portions of their home for daytime events such as ceremonies, conferences or meetings. This type of activity generally violates Planning Code rules if the space being used is intended for residential use.

**Short-Term Rentals in Commercial and Industrial Buildings**

Short-term rentals may only be hosted in areas that are permitted for residential use. For example, short-term rentals may not be held in a institutional, commercial or industrial building, unless a specific portion of the building is authorized (per the Department of Building Inspection) as a residential dwelling unit. In addition, vehicles (including RVs and Camper Vans) and temporary structures (such as tents, sheds, tree houses, etc.) may not be used for short-term rentals. Short-term rentals can be hosted in residential portions of live-work units; if the host is a permanent resident. However, the short-term rental activity is not considered a qualifying business activity in those specific live-work units where a notice of special restrictions (NSR), recorded on the property, requires a business activity/registration for the "work" area. Also see: "Ineligible Properties." ([https://shorttermrentals.sfgov.org/hosting/become-certified#info\\_page\\_accordian-block-0](https://shorttermrentals.sfgov.org/hosting/become-certified#info_page_accordian-block-0)).

**Compliance Information for Hosting Platforms**

San Francisco's Short-Term Rental Ordinance (Administrative Code Chapter 41A) includes certain requirements for hosting platforms offering short-term rental bookings in San Francisco. Specifically, platforms must:

- Verify that any home offered for short-term rental is lawfully registered with OSTR before the platform may provide, or collect a fee for, booking services for that unit. This registration requirement does not apply to units specifically approved by the Department of Building Inspection (DBI) as timeshare units or tourist hotels ("residential hotels" are subject to different DBI rules that vary by property).
- Submit a monthly affidavit to OSTR affirming that they have exercised reasonable care to verify that hosts utilizing their service are lawfully registered with OSTR.
- Maintain business records for no less than the prior three years for each of their hosts and short-term rental transactions, and provide this information to OSTR upon request.

Please refer to the summary letter and Administrative Guidelines below for further instructions. If platforms fail to comply with these requirements, they may be subject to enforcement action and penalties.

Summary Letter ([https://shorttermrentals.sfgov.org/sites/default/files/OSTR\\_Letter\\_to\\_Platforms\\_Admin\\_Guidelines073117.pdf](https://shorttermrentals.sfgov.org/sites/default/files/OSTR_Letter_to_Platforms_Admin_Guidelines073117.pdf)).

Administrative Guidelines ([https://shorttermrentals.sfgov.org/sites/default/files/OSTR\\_Admin\\_Guidelines\\_for\\_Platforms.pdf](https://shorttermrentals.sfgov.org/sites/default/files/OSTR_Admin_Guidelines_for_Platforms.pdf)).

CITY & COUNTY OF SAN FRANCISCO

**Office of Short-Term Rentals**

1650 Mission Street, Suite 400, San Francisco, CA 94103

(<https://www.google.com/maps/place/1650+Mission+St+%23400,+San+Francisco,+CA+94103/@37.7717977,-122.4219215,17z/data=!3m1!4b1!4m5!3m4!1s0x8:122.4197275>)

☎ 415-575-9179 (tel: 1-415-575-9179)

✉ Email (<mailto:shorttermrentals@sfgov.org>)

**Walk-in Hours:**

Wednesday, 1:00pm-4:00pm

1660 Mission Street, 5th Floor

San Francisco, CA 94103

(<https://www.google.com/maps/place/1660+Mission+St,+San+Francisco,+CA+94103/@37.7713185,-122.4220911,17z/data=!3m1!4b1!4m5!3m4!1s0x8:122.4199024>)

First Monday of the month, 5:30pm-7:30pm

1650 Mission Street, Suite 400

San Francisco, CA 94103

(<https://www.google.com/maps/place/1650+Mission+St+%23400,+San+Francisco,+CA+94103/@37.7717977,-122.4219215,17z/data=!3m1!4b1!4m5!3m4!1s0x8:122.4197275>)

Walk-in assistance is not available on city holidays (<http://sfgov.org/city-and-county-san-francisco-holidays>).

## **APPENDIX 5**

## Short Term Home Rental

***I plan on renting my home, or a room within my home, for no more than 30 days at a time. What does the City of Philadelphia require in order to rent my home to visitors?***

The City of Philadelphia allows residents to rent out their home, or rent a room within their home, for short term rentals. These short term rentals are referred to as Limited Lodging. The requirements of Limited Lodging are outlined below.

### ***What is Limited Lodging?***

Limited lodging is the short term rental of your home, or a room within your home. These short term rentals may not exceed 30 consecutive days for any visitor. Your home or a room can be rented for up to 180 days throughout a calendar year, but you will need to meet certain requirements and limitations to utilize your home for Limited Lodging.

### ***What are the requirements and limitations?***

A home may be used for short term rentals if the following are met:

1. Smoke alarms shall be installed throughout the home in the following locations:
  - a. In each bedroom.
  - b. In the hall area in the immediate vicinity of the bedrooms.
  - c. On each floor of the home, including basements.
2. Carbon monoxide alarms shall be installed in the home in the following manner:
  - a. Carbon monoxide alarms shall be installed within 15' of the entrance to every bedroom or within 15' of a bed in sleeping areas where there is no enclosed bedroom.
  - b. Alarms shall be centrally located on a wall or the ceiling, but not directly in front of a door to a bathroom or within 5' of a cooking appliance.
  - c. If the alarm is a combination smoke and carbon monoxide alarm, it shall be located in accordance with the installation requirements for smoke alarms.
3. Signs for lodging are prohibited on your home.
4. The home may not be occupied by more than three (3) persons (including the owner and renters) who are unrelated by blood, marriage, adoption, or foster-child status, or are not Life Partners.
5. Short term rentals may not result in physical changes to your home so that it no longer looks like a home, such as constructing a separate building entrance for the sole use of the renters.

### ***What information do I need to provide the renters of my home?***

The following information must be supplied to the renters:

1. Renters are allowed to have guests only between the hours of 8:00am and 12:00am.
2. Renters shall be notified of the trash and recycle collection days for your home and any applicable rules and regulations pertaining to leaving or storing trash on the exterior of your home. Proper containers shall be provided for the renters.
3. Renters shall be notified that excessive noise is prohibited and such violators shall be subject to fines and penalties.
4. The owner or their designee shall provide contact information to the renters in case of complaints regarding the condition, operation, or conduct of the occupants of the home. The contact person must have the responsibility to take action to resolve such complaints.

### ***What information must the owner maintain?***

The primary resident conducting short term rentals of their home shall maintain records for a minimum of 1 year demonstrating the home remained their primary residence, the dates the home was rented, and the number of renters.

### ***Do I need a permit for Limited Lodging?***

Short Term Limited Lodging (rental of 90 days or less per calendar year) does not require a permit.

If you rent for more than 90 days (but 180 days or less) per calendar year you must obtain a use registration permit as a “Limited Lodging Home”. This permit application may be filed with the City’s Department of Licenses and Inspections, located on the concourse level of the Municipal Services Building, 1401 John F Kennedy Blvd., Philadelphia, PA 19102. Please complete the use registration permit [application](#) and bring a check or money order in the amount of \$125, payable to the City of Philadelphia.

If you wish to rent your home for stays of 30 days or less but for more than 180 days per calendar year, or the property is not your primary residence, you must obtain a use registration permit for a “Visitor Accommodations” use.

### ***Do I need a license for Limited Lodging?***

A rental license shall not be required for limited lodging activity.

If the property is not your primary residence, a Commercial Activity license shall be required. The application may be made through our website, [www.phila.gov/li](http://www.phila.gov/li) or at Licenses and Inspections located on the concourse level of the Municipal Services Building, 1401 John F Kennedy Boulevard, Philadelphia, PA 19102.

### ***Do I need to pay the City of Philadelphia Hotel Tax for Limited Lodging?***

Yes. The City of Philadelphia Hotel Tax of 8.5% on the amount received by the host/operator must be paid monthly. Please visit City of Philadelphia’s Department of Revenue’s [www.phila.gov/Revenue/businesses/taxes](http://www.phila.gov/Revenue/businesses/taxes) for more information about the Hotel tax.

Please see City of Philadelphia [BILL NO. 150441-A](#) for more detailed information on Limited Lodging

## **APPENDIX 6**

## San José Municipal Code

### Part 2.5 - TRANSIENT OCCUPANCY AS AN INCIDENTAL USE TO A RESIDENCE

#### 20.80.150 - Definitions.

The definitions set forth in the section shall govern the interpretation of this part:

- A. "Adjacent properties" means the dwelling units located to the sides, rear, front, including across the street, above and below, the dwelling unit in which the incidental transient occupancy is located.
- B. "Host" means any person, as defined in Title 1 of this Code, who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for incidental transient occupancy.
- C. "Host present" means the host is present on the premises of the dwelling unit that is being used for incidental transient occupancy during the term of the transient occupancy at all times between the hours of 10:00 p.m. and 6:00 a.m.
- D. "Hosting platform" means a person that provides a means through which a host may offer a dwelling unit, or portion thereof, for incidental transient occupancy. This service is usually, though not necessarily, provided through an internet based platform and generally allows an owner or tenant to advertise the dwelling unit through a website provided by the hosting platform and provides a means for potential incidental transient users to arrange incidental transient occupancy and payment therefor, whether the transient user pays rent directly to the host or to the hosting platform.
- E. "Incidental transient occupancy" means the use or possession or the right to the use or possession of any room or rooms, or portions thereof for dwelling, sleeping or lodging purposes in any one-family dwelling, two-family dwelling, multiple dwelling, mobilehome, live/work unit, or secondary dwelling, by a transient user.
- F. "Local contact person" means a person designated by the host who shall be available at all twenty-four hours per day, seven days per week during the term of any transient occupancy for the purpose of (i) responding within sixty minutes to complaints regarding condition or operation of the dwelling unit or portion thereof used for incidental transient occupancy, or the conduct of transient users; and (ii) taking remedial action to resolve such complaints.
- G. "Primary residence" means a permanent resident's usual place of return for housing as documented by motor vehicle registration, driver's license, voter registration or other such evidence.
- H. "Transient user" means a person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full calendar days.

(Ord. 29523.)



## San José Municipal Code

### 20.80.160 - General.

Incidental transient occupancy meeting the criteria of this part is an allowed use in any one-family dwelling, two-family dwelling, multiple family dwelling, mobilehome, live/work unit, secondary dwelling or guest house.

(Ord. 29523.)

### 20.80.170 - Performance criteria.

Incidental transient occupancy of a residential dwelling is only allowed as an incidental use of such dwelling if the incidental transient occupancy conforms to each of the performance criteria set forth in Table 20-165 below.

Table 20-165 Performance Criteria	
Number of occupants one-family dwelling or mobilehome - host present	Incidental transient occupancy by up to 3 transient users in a one-family dwelling or mobilehome with the host present.
Number of occupants in each dwelling unit in two-family or multiple family dwelling - host present	Incidental transient occupancy by up to 2 transient users in each dwelling unit in a two-family dwelling or multiple family dwelling with the host present.
Number of occupants - host not present	Incidental transient occupancy where the host is not present shall be limited to 2 people in a studio unit, 3 people in a one bedroom unit and 2 people per bedroom for each bedroom in excess of one bedroom, but not to exceed 10 persons total.
Contact information - host not present	For incidental transient occupancy where the host is not present on the premises during the term of the transient occupancy, the host shall provide written notice of the name and telephone number of the local contact person to all transient users and to all occupants of all adjacent properties.
Annual limit on number of days for incidental transient occupancy	180 days per calendar year, no host present. 365 days per calendar year with host present.
Parking requirements for incidental transient occupancy	For incidental transient occupancies with the host present, the dwelling unit has the required number of parking spaces for the dwelling type as set forth in Section 20.90.060.
Limitation in dwellings subject to Parts 1—6 of Chapter 17.23 of this Code	Incidental transient occupancy is only a permitted use in a dwelling that is subject to Parts 1—6 of Chapter 17.23 of this Code, if the host is a person who occupies the unit that is being used for incidental transient occupancy for at least 60 consecutive days, with the intent to establish that dwelling as the host's primary residence.
Payment of transient occupancy tax	Transient occupancy taxes are collected and paid to the city pursuant to Chapters 4.72 and 4.74 of this Code. Transient

## San José Municipal Code

	occupancy taxes are the responsibility of the host, but may be paid by a hosting platform on behalf of a host if the incidental transient occupancy is created through a hosting platform that has an agreement with the city for collection and payment of such transient occupancy taxes.
Compliance with all requirements of the housing code for dwellings	Any building or portion thereof used for incidental transient occupancy shall comply with the requirements of the housing code (Chapter 17.20).
Recordkeeping requirements	The host shall retain records documenting the compliance with these performance criteria for a period of 3 years after each period of incidental transient occupancy. The host shall provide copies of records documenting the compliance with these performance criteria, including but not limited to records showing payment of transient occupancy taxes by a hosting platform on behalf of a host, upon request to city manager, city attorney, city auditor or any designee of city manager, city attorney or city auditor.
Review of incidental transient occupancy use and criteria	City council may terminate incidental transient occupancy as a permitted use or modify the criteria for such use at any time. City council specifically directs that a review of Sections 20.30.110.B, 20.40.115, 20.60.030.C, 20.70.130, 20.75.230 and Part 2.5 of Chapter 20.80 be placed on a city council agenda no later than 18 months after the effective date of Ordinance 29523.

(Ord. 29523.)

## **APPENDIX 7**

# SHORT-TERM RENTAL FREQUENTLY ASKED QUESTIONS

## WHAT IS A SHORT-TERM RENTAL?

A short-term rental, often called a vacation rental, is the rental of a residential dwelling unit or accessory building on a temporary basis for periods of less than 30 consecutive days.

## WHAT DOES THE NEW ORDINANCE DO?

The new ordinance imposes new requirements for advertising, sets occupancy limits, places new requirements on those requesting STR licenses, and creates a process for denying or suspending a license, along with an appeal process. The ordinance also sets limits on the distance between STRs, establishes requirements related to inspections, noise and music and prohibits certain types of gatherings. Eventually, the ordinance will eliminate Type 2 short-term rentals in residential areas.

## WHAT INFORMATION WILL BE PROVIDED TO GUESTS/STR RENTERS?

Renters must be provided with a packet of information that includes:

- The name and contact information of the local contact
- Restrictions on the occupancy limits
- Restrictions on noise, music and amplified sound
- Parking restrictions
- Trash collection schedule
- Information on relevant burn bans
- Information on relevant water restrictions
- Information on applicable requirements of the Americans with Disabilities Act

## WHAT ARE THE REQUIREMENTS FOR MY LOCAL CONTACT?

If the license holder does not reside within the Austin Metro Area, the license holder must identify an individual who lives within the Austin Metro Area, who can be available to respond within two hours of notification.

## ARE UNLICENSED PROPERTIES ALLOWED TO ADVERTISE?

The ordinance prohibits unlicensed short-term rentals from advertising. Violators could be subject to fines up to \$2,000 per day.

## **WHAT MUST BE INCLUDED IN THE STR ADVERTISEMENT OR PROMOTION?**

All licensed short-term rental advertisement or promotions must include:

- (1) the license number assigned by the City to the short-term rental; and
- (2) the applicable occupancy limit for the short-term rental.

## **WHERE CAN I FIND THE LIMITS, BY CENSUS TRACTS, ON THE PERCENTAGE OF SHORT-TERM RENTALS IN RESIDENTIAL AND COMMERCIAL AREAS?**

For current, limits, by census tracts, visit [www.austintexas.gov/str](http://www.austintexas.gov/str)

## **WHAT ARE THE DISTANCE LIMITS BETWEEN STR TYPE 2 PROPERTIES?**

A short-term rental (Type 2) use may not be located on a lot that is within 1000 feet of a lot on which another short-term rental (Type 2) use is located unless the license:

- (1) was issued on or before November 23, 2015;
- (2) is not suspended after November 23, 2015; and
- (3) is renewed timely.

## **WHAT ARE THE OCCUPANCY LIMITS FOR SHORT-TERMS RENTALS?**

A short-term rental use may not be used by more than:

- (1) ten adults at one time, unless a stricter limit applies; or
- (2) six unrelated adults.

## **WHAT KINDS OF EVENTS OR ASSEMBLIES ARE PROHIBITED BETWEEN THE HOURS OF 10PM-7AM?**

When the dwelling units is used as a short term rental, a wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity other than sleeping are prohibited between the hours of 10 p.m.-7a.m.

## **WHAT ARE THE REQUIREMENTS FOR OUTDOOR ASSEMBLIES?**

A licensee or guest may not use or allow another to use a short-term rental for an outside assembly of more than six adults between 7:00 a.m. and 10:00p.m.

## **WHAT ARE THE RESTRICTIONS ON NOISE, SOUND EQUIPMENT AND LOUD MUSIC?**

- (A) A licensee or guest of a short-term rental may not use or allow the use of sound equipment that produces sound in excess of 75 decibels at the property line between 10:00 a.m. and 10:00 p.m.
- (B) A licensee or guest of a short-term rental may not use or allow use of sound equipment that produces sound audible beyond the property line between 10:00 p.m. and 10:00 a.m.
- (C) A licensee or guest of a short-term rental shall not make or allow another to make noise or play a musical instrument audible to an adjacent business or residence between 10:30 p.m. and 7:00 a.m.

## **WHAT IS THE STATUS OF ACCEPTING TYPE 2 APPLICATIONS?**

Type 2 applications will be accepted for certain commercial zoning areas only beginning April 1, 2017, pending availability within the census tract.

## **WHAT ARE THE INSPECTION REQUIREMENTS TO OBTAIN AN STR LICENSE?**

The applicant must provide an approved life-safety inspection or a Certificate of Occupancy issued in 2006 or later.

## **WHAT IS THE PROPERTY INSPECTION REQUIREMENTS RELATED FOR TYPE 2 RENEWALS?**

If a license for a short-term rental (Type 2) use meets the requirements for annual renewal and the property received a notice of violation related to the life, health, or public safety of the structure, the property is subject to an inspection every three years.

## **ARE ALL PROPERTIES SUBJECT TO A SEPTIC SYSTEM INSPECTION?**

No, only properties in the limited purpose jurisdiction with a septic system.

## **WHEN WILL TYPE 2 SHORT TERM RENTALS BE DISCONTINUED IN RESIDENTIAL AREAS?**

- (1) April 1, 2022; or
- (2) if the license for a short-term rental use is not renewed, the date on which the existing license expires.

## WHAT ACTION MAY CREATE A REPEAT OFFENDER?

A licensee or operator may become a repeat offender if the individual fails to comply with Section 25-2-794 (General Requirements for Short-Term Rentals) or Section 25-2-795 (Occupancy Limits for Short-Term Rentals) or If a property is the subject of repeated substantiated violations of City Code or state law during a 24-month period.

## WHAT ACTIONS CAN BE TAKEN AGAINST REPEAT OFFENDERS?

The Code Official may deny an application for renewal or suspend the license for a period of 12 months.

## WHAT IS THE APPEAL PROCESS FOR A SUSPENSION OR DENIAL OF A LICENSE?

A licensee or applicant may appeal the director's decision to the Building and Standards Commission.

OWNERS AND MANAGERS OF SHORT-TERM RENTALS ARE ENCOURAGED TO VISIT  
[WWW.AUSTINTEXAS.GOV/STR](http://WWW.AUSTINTEXAS.GOV/STR) TO KEEP UP TO DATE ON THE IMPLEMENTATION OF THESE CHANGES.

Austin Code encourages residents to call 3-1-1 or use the mobile app to report STR compliants,  
and remember, calls can be anonymous.



**AUSTINCODE**  
**DEPARTMENT**

## **APPENDIX 8**



## Accessory Short-Term Rentals

# 33.207

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### Sections:

- 33.207.010 Purpose
- 33.207.020 Description and Definitions
- 33.207.030 Where These Regulations Apply
- 33.207.040 Type A Accessory Short-Term Rentals
- 33.207.050 Type B Accessory Short-Term Rentals
- 33.207.060 Monitoring
- 33.207.070 Pre-Established Bed and Breakfast Facilities

### **33.207.010 Purpose**

This chapter provides standards for the establishment of accessory short-term rentals. The regulations are intended to allow for a more efficient use of residential structures, without detracting from neighborhood character, and ensuring that the primary use remains residential. In some situations, the operator can take advantage of the scale and architectural or historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

### **33.207.020 Description and Definitions**

- A. Description.** An accessory short-term rental is where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days. There are two types of accessory short-term rental:
  - 1. Type A. A Type A accessory short-term rental is where no more than 2 bedrooms are rented to overnight guests.
  - 2. Type B. A Type B accessory short-term rental is where 3 or more bedrooms are rented to overnight guests.
- B. Definitions.** For the purposes of this chapter, the following words have the following meanings:
  - 1. Resident. The individual or family who resides in the dwelling unit. The resident can be the owner or a long-term renter.
  - 2. Operator. The resident or a person or entity that is designated by the resident to manage the accessory short-term rental.

### **33.207.030 Where These Regulations Apply**

The regulations of this chapter apply to accessory short-term rentals in all zones. In zones where Retail Sales And Service uses are allowed, limited or conditional uses, accessory short-term rentals may be regulated either as a Retail Sales And Service use, or as an accessory short-term rental under the regulations of this chapter. The decision is up to the applicant.

### **33.207.040 Type A Accessory Short-Term Rentals**

#### **A. Use-related regulations.**

1. Accessory use. A Type A accessory short-term rental must be accessory to a Household Living use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .040.B.2 or .040.B.3, the bedrooms rented to overnight guests must be within the dwelling unit that the resident occupies.
2. Permit required. A Type A accessory short-term rental requires a Type A accessory short-term rental permit consistent with Subsection 040.C.
3. Allowed structure type. A Type A accessory short-term rental is allowed in all residential structure types when accessory to a Household Living use.
4. Cap. The number of dwelling units in a multi-dwelling structure or a triplex that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure, whichever is greater.
5. Prohibition. Accessory short term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

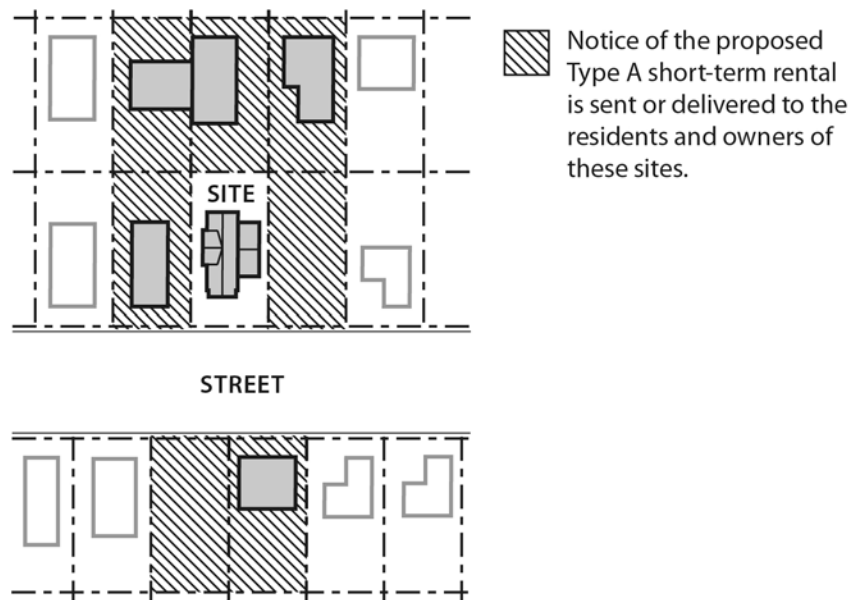
#### **B. Standards.** The following standards apply to Type A accessory short-term rentals. Adjustments are prohibited:

1. Maximum size. A Type A accessory short-term rental is limited to renting a maximum of 2 bedrooms to overnight guests.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit, but the maximum number of bedrooms on the site that can be rented to overnight guests is 2.
3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.
4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:
  - a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
  - b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
  - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.

5. Number of residents and guests. The total number of residents and guests occupying a dwelling unit with a Type A accessory short-term rental may not exceed the number allowed for a household. For sites with an accessory dwelling unit, the total number of residents and guests occupying both dwelling units may not exceed the number allowed for a household.
  6. Employees. Nonresident employees are prohibited. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed.
  7. Services to overnight guests and visitors. Serving alcohol and food to overnight guests and visitors is allowed and may be subject to other county or state requirements.
  8. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are prohibited with a Type A accessory short-term rental. A historic landmark that receives special assessment from the State, may be open to the public for 4 hours one day each year. This is not considered a commercial meeting.
  9. A Type B accessory home occupation is prohibited with a Type A accessory short-term rental.
- C. Type A accessory short-term rental permit.** The resident of a dwelling unit with a Type A accessory short-term rental must obtain a permit from the Bureau of Development Services. It is the responsibility of the resident to obtain the permit every two years. The permit requires the resident, and operator if the operator is not the resident, to agree to abide by the requirements of this section, and document that the required notification requirements have been met:
1. Notification. The resident must:
    - a. Prepare a notification letter that:
      - (1) Describes the operation and the number of bedrooms that will be rented to overnight guests;
      - (2) Includes information on how to contact the resident, and the operator if the operator is not the resident, by phone; and
      - (3) Describes how the standards in Subsection .040.A and B are met.
    - b. Mail or deliver the notification letter as follows:
      - (1) All residential structure types except multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a residential structure other than a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, and all residents and owners of property abutting or across the street from the accessory short-term rental. See Figure 207-1.

- (2) Multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, the property manager if there is one, and all residents and owners of dwelling units abutting, across the hall from, above, and below the accessory short-term rental.
2. Required information for permit. In order to apply for a Type A accessory short-term rental permit, the resident or operator must submit to the Bureau of Development Services:
  - a. Two copies of the completed application form bearing the address of the property, and the name, notarized signature, address, and telephone number of the following:
    - (1) Resident;
    - (2) Operator; and
    - (3) Property owner or their authorized agent.
  - b. A copy of the notification letter and a list with the names and addresses of all the property owners, residents, and recognized organizations that received the notification.

**Figure 207-1**  
**Type A Accessory Short-Term Rental Permit Notice Area**  
**for All Dwelling Units Except Those in Multi-Dwelling Structures**



- D. Revoking a Type A accessory short-term rental permit.** A Type A accessory short-term rental permit can be revoked according to the procedures in City Code Section 3.30.040 for failure to comply with the regulations of this Chapter. When a Type A accessory short-term rental permit has been revoked, a new Type A accessory short-term rental permit will not be issued to that resident at that site for 2 years.

### **33.207.050 Type B Accessory Short-Term Rentals**

**A. Use-related regulations.**

1. Accessory use. A Type B accessory short-term rental must be accessory to a Household Living use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .050.B.2 or .050.B.3, the bedrooms rented to guests must be within the dwelling unit that the resident occupies.
2. Conditional use review. A Type B accessory short-term rental requires a conditional use review. A Type B accessory short-term rental that proposes commercial meetings is processed through a Type III procedure. All other Type B accessory short-term rentals are processed through a Type II procedure. The approval criteria are stated in 33.815.105, Institutional and Other Uses in R Zones.
3. Allowed structure type. A Type B accessory short-term rental is allowed in all residential structure types when accessory to a Household Living use.
4. Cap. The number of dwelling units in a multi-dwelling structure or a triplex that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure, whichever is greater.
5. Prohibition. Accessory short term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

**B. Standards.**

1. Maximum size. Type B accessory short-term rental is limited to renting a maximum of 5 bedrooms to overnight guests. In the single-dwelling zones, a Type B accessory short-term rental over this size limit is prohibited.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit.
3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.
4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:

- a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
  - b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
  - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.
5. Number of residents and overnight guests. The total number of residents and overnight guests occupying a dwelling unit with a Type B accessory short-term rental may be limited as part of a conditional use approval.
6. Employees. Nonresident employees for activities such as booking rooms and food preparation may be approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.
7. Services to guests and visitors. Serving alcohol and food to guests and visitors is allowed and may be subject to other county or state requirements.
8. Commercial meetings.
  - a. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are regulated as follows:
    - (1) In the single-dwelling zones, commercial meetings are prohibited;
    - (2) In all other zones, up to 24 commercial meetings per year may be approved as part of a conditional use review. The maximum number of visitors or guests per event will be determined through the conditional use review. Adjustments to the maximum number of meetings per year are prohibited.
  - b. Historic landmarks. A historic landmark that receives special assessment from the State, may be open to the public for 4 hours one day each year. This does not count as a commercial meeting.
  - c. Meeting log. The operator must log the dates of all commercial meetings held, and the number of visitors or guests at each event. The log must be available for inspection by City staff upon request.
9. Appearance. Residential structures may be remodeled for the development of an accessory short-term rental. However, structural alterations may not be made that prevent the structure being used as a residence in the future. Internal or external changes that will make the dwelling appear less residential in nature or function are

not allowed. Examples of such alterations include installation of more than three parking spaces, paving of required setbacks, and commercial-type exterior lighting.

10. A Type B accessory home occupation is prohibited with a Type B accessory short-term rental.

### **33.207.060 Monitoring**

All accessory short-term rentals must maintain a guest log book. It must include the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay, and the room assigned to each guest. The log must be available for inspection by City staff upon request.

### **33.207.070 Pre-Established Bed and Breakfast Facilities**

- A. Facilities without a revocable permit.** Bed and breakfast facilities that were operating before May 24, 1988, and which did not receive a revocable permit, may continue to operate as an approved conditional use if the operator can show proof that the operation was established through City licensing. The requirements for verification are listed below.
  1. The facility was operating with a City business license or was granted exemption from the business license requirement;
  2. City transient lodging taxes were paid part or all of the tax period preceding May 24, 1988; and
  3. The owner or operator can document that the Portland Bureaus of Planning or Buildings approved the site for a bed and breakfast facility prior to purchase, construction, or remodeling of the facility.
- B. Alterations and Expansions.** The approved conditional use status provided for in Subsection 070.A applies only to the number of bedrooms and size of facility that existed on January 1, 1991. Any expansions of building area or alterations that increase the intensity of the facility are not allowed unless approved through a conditional use review as provided in Section 33.207.050.A.2.
- C. Facilities with a revocable permit.** Bed and breakfast facilities operating under approved revocable permits are subject to the regulations for revocable permits in 33.700.120, Status of Prior Revocable Permits.

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*(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 178657, effective 9/3/04; Ord. No. 186736, effective 8/29/14; Ord. No. 186976, effective 2/13/15; Ord. No. 188259, effective 3/31/17.)*

## **APPENDIX 9**





# The Impact of Airbnb on NYC Rents

New York City Comptroller Scott M. Stringer

Bureau of Budget

APRIL 2018

## Introduction

New York City has been suffering through an affordable housing crisis for years. Between 2011 and 2017, New York City lost nearly 183,000 affordable units of housing renting for less than \$1,000 – larger than the entire public housing stock. Affordable housing is increasingly hard to find, with vacancy rates for apartments renting for less than \$1,000 at 1.54%.<sup>1</sup> Homelessness stands at a record high, with over 60,000 homeless people sleeping in shelters every night. Meanwhile, wages are stagnant and rents continue to climb in all five boroughs.

The rising popularity of homesharing websites such as Airbnb is adding to the problem.<sup>2</sup> The trendy replacement for hotels and hostels in effect removes housing units from the overall supply – units that might otherwise be available to rent to New Yorkers looking to rent an apartment. The most basic concept in the field of economics – supply and demand – says that, everything else equal, a reduction in supply will lead to higher prices. This report, by Comptroller Scott M. Stringer, evaluates the impact of homesharing on rents in New York City over the period 2009 to 2016.

## Background

Between 2009 and 2016, rents rose 25% on average citywide, or \$279 per month. Rents rose most rapidly in Brooklyn, by 35% (\$340 per month) followed by Queens by 22% (\$242 per month); Bronx by 21% (\$171 per month); Manhattan by 19% (\$276 per month); and Staten Island by 14% (\$129 per month).<sup>3</sup>

During the same period, Airbnb listings skyrocketed, from 1,000 in 2010 to over 43,000 in 2015, before declining to slightly under 40,000 in 2016 according to data from AirDNA (Figure 1) – most in violation of existing State or City laws.<sup>4</sup> Airbnb listings are most heavily concentrated in Manhattan (52% of all listings in 2016) and Brooklyn (35% of all listings in 2016), but are found in

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<sup>1</sup> Source: Department of Housing Preservation and Development: *Selected Initial Findings of the 2017 New York City Housing and Vacancy Survey* (dated February 9, 2018) (<http://www1.nyc.gov/assets/hpd/downloads/pdf/about/2017-hvs-initial-findings.pdf>).

<sup>2</sup> There are other homesharing websites, including HomeAway and VRBO, which have smaller presences in the City and for which listings data was not available. They were therefore not included in this analysis. Presumably their inclusion would have amplified the results.

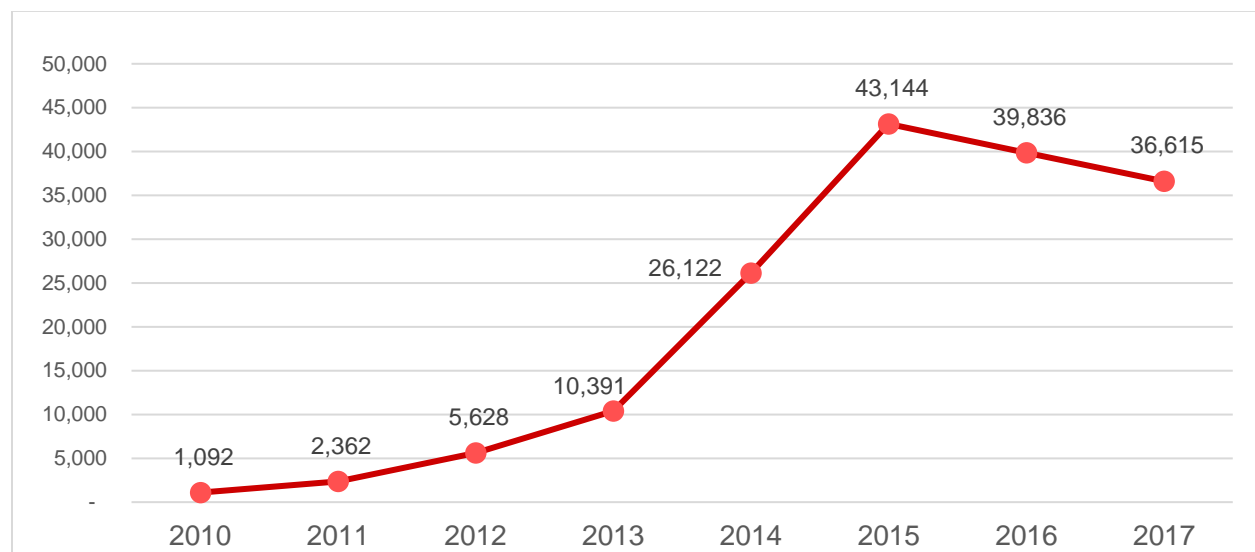
<sup>3</sup> Source: U.S. Census Bureau, American Community Survey, 2009-2016.

<sup>4</sup> A report by Attorney General Eric Schneiderman found that 72% of short-term rentals on Airbnb appeared to be illegal (<https://ag.ny.gov/pdfs/AIRBNB%20REPORT.pdf>)

every borough. Airbnb listings are particularly concentrated in Manhattan below 59<sup>th</sup> Street, including Chelsea, Clinton and Midtown Business District (11.3% of all listings in 2016), Battery Park City, Greenwich Village and Soho (7.9%), Chinatown and Lower East Side (6.9%), Murray Hill, Gramercy and Stuyvesant Town (5.9%) as well as parts of Brooklyn including Greenpoint and Williamsburg (8.3%), Bedford-Stuyvesant (5.1%), and Bushwick (5.0%).

Rents in these eight neighborhoods rose at substantially higher rates than the borough average between 2009 and 2016. Average monthly rent in Greenpoint and Williamsburg went up by 62.6% (\$659 per month), by 47.2% in Bedford-Stuyvesant (\$407 per month), by 39.5% in Bushwick (\$369 per month), by 25.9% Murray Hill, Gramercy and Stuyvesant Town (\$488 per month), by 23.4% in Chelsea, Clinton and Midtown Business District (\$398 per month), by 23% in Chinatown and Lower East Side (\$242 per month), and by 21.4% in Battery Park City, Greenwich Village and Soho (\$411 per month).

**Figure 1: Airbnb Total Listings by Year, 2010 - 2017**



## Findings

We sought to estimate the impact that Airbnb listings have had on neighborhood rents.

Utilizing neighborhood level data for the years 2009 to 2016, we found that:

- For each one percent of all residential units in a neighborhood listed on Airbnb, rental rates in that neighborhood went up by 1.58 percent.
- Between 2009 and 2016, approximately 9.2 percent of the citywide increase in rental rates can be attributed to Airbnb.
- Airbnb listings were heavily concentrated in parts of Manhattan and Brooklyn and had a greater impact on these neighborhoods. Approximately 20% of the increase in rental rates was due to Airbnb listings in midtown and lower Manhattan including neighborhoods such

as Chelsea, Clinton, and Midtown Business District; Murray Hill, Gramercy, and Stuyvesant Town; Chinatown and Lower East Side; Battery Park City, Greenwich Village, and Soho as well as parts of Brooklyn including Greenpoint and Williamsburg.

- In aggregate, New York City renters had to pay an additional \$616 million in 2016 due to price pressures created by Airbnb, with half of the increase concentrated in the neighborhoods highlighted above.

## Data and Methodology

We obtained Airbnb listings data from AirDNA (<https://www.airdna.co/>), which scrapes listings data on a daily basis from Airbnb. We gathered zip code level data going back to 2010 when Airbnb first listed dwellings in New York City, through the end of 2017. We then summed the data to the neighborhood level, defined by Census Bureau Public Use Microdata Area (PUMA).<sup>5</sup> Whenever a zip code crossed PUMA boundaries, we used 2010 population ratios as weights to divide the number of listings between PUMAs. The number of unique listings in New York City peaked in 2015 at just over 43,000 and dropped to under 37,000 by 2017.

Rental rate data comes from the annual American Community Survey (2009-16). We use average monthly gross rent for all renters as our rent measure.<sup>6</sup> We also control for neighborhood level economic and demographic characteristics using data from the American Community Survey.

We pooled eight years of data for 55 neighborhoods, bringing our total number of observations to 440. The dependent variable is the logarithm of average monthly gross rent by neighborhood in a given year. The independent variable with the coefficient of interest is the share of residential units listed on Airbnb which is calculated by dividing annual unique Airbnb listings in the neighborhood by total residential units in the same neighborhood.<sup>7</sup> We also control for demographic and economic changes in neighborhood level by including average household income (in log form), population (in log form), and the shares of college-educated and employed residents in the neighborhood. We also included year and neighborhood-level fixed effects (dummy) variables to control for otherwise uncontrolled-for trends and neighborhood characteristics.

A summary of the regression results is presented in Table 1. We find that as the share of units listed on Airbnb goes up by one percentage point, rental rates in the neighborhood go up by 1.58 percent, after controlling for neighborhood level demographic and economic changes. The result is statistically significant at the 1-percent level. Coefficients of other control variables including household income, population and share of college graduates are positive and statistically significant at 1-percent level. Employment rate is not statistically different from zero.

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<sup>5</sup> PUMAs are geographic units used by the US Census for providing statistical and demographic information. Each PUMA contains at least 100,000 people. There are 55 PUMAs in New York City. See <https://www.census.gov/geo/reference/puma.html> for more details.

<sup>6</sup> Gross monthly rent includes contract rent, utility costs, and fuel costs. Gross monthly rent amounts are more comparable across time and households than contract rent which may or may not include utilities and fuels.

<sup>7</sup> A table with Airbnb listings, Residential Units and Airbnb Share by PUMA in 2016 can be found in the Appendix.

In order to calculate the Airbnb contribution to total change in rents, we first predict the change in PUMA level average gross rents from 2009 to 2016 using the regression model coefficients with existing conditions (i.e. with existing demographic and economic conditions as well as Airbnb listings). We then compare these predictions with an alternative prediction in which Airbnb listings are set to zero throughout the entire time period. The difference between the latter and the former gives the rent change associated with Airbnb growth in the neighborhood. Results are reported in Table 2 (column labeled “Total Annual Rental Cost of Airbnb to the Neighborhood”), which shows rental change associated with increase in Airbnb listings at PUMA level. With existing conditions, from 2009 to 2016, citywide annual gross rents were predicted to go up by 25.3% (approximately \$6.67 billion). If, however, there were no Airbnb listings, the rents would be predicted to go up by 23% (approximately \$6.06 billion). Therefore, approximately \$616 million, or 9.2 percent of the overall increase in rents for the period may be attributed to the rise in Airbnb listings.

Airbnb growth, however, was particularly high in certain neighborhoods. For instance, the share of Airbnb listings reached 4.1% of residential units in the Chelsea, Clinton & Midtown Business District neighborhood and 4.6% in Greenpoint and Williamsburg. The largest relative Airbnb effects on the rental market occurred in Chelsea, Clinton & Midtown Business District (21.6%) and Murray Hill, Gramercy & Stuyvesant Town (21.5%). Average monthly rents went up by in these neighborhoods by \$398 and \$488 respectively out of which \$86 and \$105 per month could be attributed to Airbnb growth. The largest absolute effect occurred in Greenpoint and Williamsburg where average rents increased by \$659 between 2009 and 2016, of which \$123 can be attributed to Airbnb growth.

**Table 1: Regression Results**

*Dependent Variable: Logarithm of Average Rental Rate*

Variables	Fixed Effects Model
AirBnb Share	1.584*** (0.389)
Household Income (log)	0.152*** (0.0349)
Population (log)	0.194*** (0.0421)
Share of College Graduates	0.436*** (0.109)
Employment Rate	0.154 (0.111)
Constant	2.760*** (0.554)
Observations	440
Number of PUMAs	55
R-squared	0.836
PUMA FE	YES
Year FE	YES

NOTE: Standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Table 2: Neighborhood Results

PUMA Code	Neighborhood Name	Rental Units (2016)	Airbnb Listings (2016)	Monthly Rent (2009)	Monthly Rent (2016)	Change in Monthly Rent (2009-16)	Change due to Airbnb (in \$)	% Change associated with Airbnb	Total Annual Rental Cost of Airbnb to the Neighborhood
4001	Greenpoint & Williamsburg	45,147	3,296	\$1,054	\$1,713	\$659	\$123	18.6%	\$66,401,795
3808	Murray Hill, Gramercy & Stuyvesant Town	54,579	2,355	\$1,887	\$2,375	\$488	\$105	21.5%	\$68,820,035
3807	Chelsea, Clinton & Midtown Business District	59,679	4,486	\$1,697	\$2,095	\$398	\$86	21.6%	\$61,451,469
3810	Battery Park City, Greenwich Village & Soho	51,596	3,123	\$1,916	\$2,327	\$411	\$79	19.3%	\$49,121,185
4003	Bedford-Stuyvesant	34,555	2,047	\$863	\$1,270	\$407	\$59	14.4%	\$24,288,659
4002	Bushwick	36,052	1,990	\$935	\$1,304	\$369	\$58	15.6%	\$24,984,861
4004	Brooklyn Heights & Fort Greene	34,811	1,321	\$1,270	\$1,779	\$510	\$54	10.7%	\$22,737,172
3809	Chinatown & Lower East Side	60,180	2,746	\$1,052	\$1,294	\$242	\$47	19.6%	\$34,252,965
3805	Upper East Side	78,130	1,803	\$1,780	\$2,158	\$378	\$43	11.3%	\$40,027,985
3802	Hamilton Heights, Manhattanville & West Harlem	37,380	1,433	\$1,093	\$1,338	\$245	\$39	15.9%	\$17,452,649
4005	Park Slope, Carroll Gardens & Red Hook	30,750	787	\$1,593	\$1,906	\$312	\$39	12.4%	\$14,341,390
4006	Crown Heights North & Prospect Heights	38,532	1,238	\$931	\$1,307	\$376	\$39	10.4%	\$18,131,790
3806	Upper West Side & West Side	68,920	1,750	\$1,722	\$2,012	\$290	\$32	11.1%	\$26,613,050
4101	Astoria & Long Island City	58,653	1,239	\$1,075	\$1,386	\$311	\$29	9.2%	\$20,092,964
3803	Central Harlem	41,832	1,119	\$798	\$1,084	\$287	\$28	9.8%	\$14,118,122
4109	Sunnyside & Woodside	36,068	647	\$1,292	\$1,608	\$317	\$22	6.9%	\$9,431,814
3801	Washington Heights, Inwood & Marble Hill	60,473	995	\$935	\$1,214	\$279	\$21	7.5%	\$15,253,929
4011	Crown Heights South, Prospect Lefferts & Wingate	32,957	585	\$938	\$1,213	\$275	\$20	7.4%	\$8,067,130
4012	Sunset Park & Windsor Terrace	33,528	394	\$991	\$1,312	\$321	\$20	6.2%	\$7,991,986
4014	Borough Park, Kensington & Ocean Parkway	31,126	263	\$988	\$1,405	\$417	\$19	4.6%	\$7,113,264
4110	Ridgewood, Glendale & Middle Village	35,651	464	\$1,049	\$1,375	\$326	\$14	4.3%	\$5,989,498
3804	East Harlem	37,814	1,003	\$831	\$960	\$129	\$13	10.4%	\$6,114,647
4015	Flatbush & Midwood	41,110	396	\$935	\$1,196	\$261	\$13	5.1%	\$6,618,526
4108	Forest Hills & Rego Park	27,313	216	\$1,241	\$1,600	\$359	\$12	3.5%	\$4,088,401
4007	Brownsville & Ocean Hill	33,250	404	\$705	\$886	\$181	\$10	5.3%	\$3,817,643
4010	East Flatbush, Farragut & Rugby	29,698	256	\$929	\$1,192	\$264	\$10	3.7%	\$3,488,963
4013	Bay Ridge & Dyker Heights	27,982	195	\$1,070	\$1,354	\$284	\$9	3.2%	\$3,041,981
4103	Flushing, Murray Hill & Whitestone	48,979	292	\$1,177	\$1,368	\$191	\$7	3.7%	\$4,104,914
4107	Elmhurst & South Corona	33,304	190	\$1,115	\$1,320	\$205	\$7	3.5%	\$2,895,541
4008	East New York & Starrett City	37,776	268	\$839	\$1,021	\$182	\$6	3.4%	\$2,794,966

PUMA Code	Neighborhood Name	Rental Units (2016)	Airbnb Listings (2016)	Monthly Rent (2009)	Monthly Rent (2016)	Change in Monthly Rent (2009-16)	Change due to Airbnb (in \$)	% Change associated with Airbnb	Total Annual Rental Cost of Airbnb to the Neighborhood
4016	Sheepshead Bay, Gerritsen Beach & Homecrest	27,490	167	\$918	\$1,222	\$303	\$6	1.9%	\$1,880,709
4102	Jackson Heights & North Corona	32,819	228	\$1,131	\$1,288	\$157	\$6	3.9%	\$2,389,733
4106	Briarwood, Fresh Meadows & Hillcrest	28,452	100	\$1,064	\$1,448	\$384	\$5	1.2%	\$1,597,232
4114	Far Rockaway, Breezy Point & Broad Channel	22,373	177	\$856	\$995	\$139	\$5	3.5%	\$1,302,810
3701	Riverdale, Fieldston & Kingsbridge	27,564	95	\$1,011	\$1,225	\$214	\$4	1.7%	\$1,211,959
4009	Canarsie & Flatlands	27,002	146	\$1,000	\$1,242	\$242	\$4	1.6%	\$1,236,019
4104	Bayside, Douglaston & Little Neck	12,621	83	\$1,269	\$1,542	\$273	\$4	1.6%	\$667,138
4111	Richmond Hill & Woodhaven	23,544	126	\$1,132	\$1,354	\$222	\$4	1.9%	\$1,169,156
3704	Pelham Parkway, Morris Park & Laconia	29,595	72	\$887	\$1,126	\$239	\$3	1.3%	\$1,087,022
3903	Port Richmond, Stapleton & Mariners Harbor	26,520	125	\$855	\$1,061	\$207	\$3	1.5%	\$1,013,387
4018	Brighton Beach & Coney Island	32,416	119	\$770	\$946	\$177	\$3	1.5%	\$1,040,590
3706	Bedford Park, Fordham North & Norwood	39,929	66	\$854	\$1,032	\$178	\$2	1.1%	\$942,338
3707	Morris Heights, Fordham South & Mount Hope	41,468	54	\$777	\$970	\$193	\$2	1.1%	\$1,029,003
3708	Concourse, Highbridge & Mount Eden	40,145	86	\$750	\$934	\$184	\$2	1.2%	\$1,095,031
3709	Castle Hill, Clason Point & Parkchester	50,936	64	\$819	\$1,025	\$206	\$2	0.8%	\$1,006,744
3710	Hunts Point, Longwood & Melrose	42,778	114	\$653	\$811	\$158	\$2	1.1%	\$876,036
4017	Bensonhurst & Bath Beach	34,275	87	\$899	\$1,214	\$314	\$2	0.7%	\$941,936
4105	Queens Village, Cambria Heights & Rosedale	16,594	108	\$1,178	\$1,325	\$147	\$2	1.4%	\$410,678
4112	Jamaica, Hollis & St. Albans	32,053	142	\$990	\$1,146	\$156	\$2	1.3%	\$801,327
3702	Wakefield, Williamsbridge & Woodlawn	27,747	62	\$966	\$1,092	\$126	\$1	1.0%	\$402,301
3703	Co-op City, Pelham Bay & Schuylerville	22,244	37	\$970	\$1,095	\$125	\$1	0.8%	\$251,180
3705	Belmont, Crotona Park East & East Tremont	47,005	70	\$712	\$838	\$126	\$1	0.7%	\$506,036
4113	Howard Beach & Ozone Park	11,866	58	\$1,139	\$1,254	\$114	\$1	1.0%	\$167,533
3901	Tottenville, Great Kills & Annadale	8,205	20	\$1,094	\$1,074	(\$19)	\$0	0.3%	(\$4,864)
3902	New Springville & South Beach	12,239	53	\$1,048	\$1,109	\$61	\$0	0.8%	\$72,989



## Acknowledgements

The Comptroller wishes to thank Selçuk Eren, senior economist in the Bureau of Budget, for his work on this report, as well as Lawrence Mielnicki, Chief Economist, and Preston Niblack, Deputy Comptroller for Budget.

## Appendix

**Table A:1: Residential Units and Airbnb Listings by Neighborhood, 2016**

PUMA Code	Neighborhood Name	Airbnb listings (2016)	Residential Units (2016)	Airbnb Share (2016)
3701	Riverdale, Fieldston & Kingsbridge	95	50,560	0.2%
3702	Wakefield, Williamsbridge & Woodlawn	62	53,892	0.1%
3703	Co-op City, Pelham Bay & Schuylerville	37	49,029	0.1%
3704	Pelham Parkway, Morris Park & Laconia	72	50,610	0.1%
3705	Belmont, Crotona Park East & East Tremont	70	70,636	0.1%
3706	Bedford Park, Fordham North & Norwood	66	50,419	0.1%
3707	Morris Heights, Fordham South & Mount Hope	54	52,433	0.1%
3708	Concourse, Highbridge & Mount Eden	86	55,131	0.2%
3709	Castle Hill, Clason Point & Parkchester	64	68,096	0.1%
3710	Hunts Point, Longwood & Melrose	114	67,852	0.2%
3801	Washington Heights, Inwood & Marble Hill	995	84,947	1.2%
3802	Hamilton Heights, Manhattanville & West Harlem	1,433	61,784	2.3%
3803	Central Harlem	1,119	67,946	1.6%
3804	East Harlem	1,003	61,588	1.6%
3805	Upper East Side	1,803	137,519	1.3%
3806	Upper West Side & West Side	1,750	125,673	1.4%
3807	Chelsea, Clinton & Midtown Business District	4,486	108,218	4.1%
3808	Murray Hill, Gramercy & Stuyvesant Town	2,355	101,111	2.3%
3809	Chinatown & Lower East Side	2,746	91,149	3.0%
3810	Battery Park City, Greenwich Village & Soho	3,123	95,239	3.3%
3901	Tottenville, Great Kills & Annadale	20	62,339	0.0%
3902	New Springville & South Beach	53	54,777	0.1%
3903	Port Richmond, Stapleton & Mariners Harbor	125	68,653	0.2%
4001	Greenpoint & Williamsburg	3,296	71,055	4.6%
4002	Bushwick	1,990	54,560	3.6%
4003	Bedford-Stuyvesant	2,047	59,405	3.4%
4004	Brooklyn Heights & Fort Greene	1,321	76,011	1.7%
4005	Park Slope, Carroll Gardens & Red Hook	787	52,216	1.5%
4006	Crown Heights North & Prospect Heights	1,238	62,837	2.0%
4007	Brownsville & Ocean Hill	404	56,542	0.7%
4008	East New York & Starrett City	268	63,601	0.4%

PUMA Code	Neighborhood Name	Airbnb listings (2016)	Residential Units (2016)	Airbnb Share (2016)
4009	Canarsie & Flatlands	146	71,956	0.2%
4010	East Flatbush, Farragut & Rugby	256	56,163	0.5%
4011	Crown Heights South, Prospect Lefferts & Wingate	585	48,350	1.2%
4012	Sunset Park & Windsor Terrace	394	51,043	0.8%
4013	Bay Ridge & Dyker Heights	195	52,955	0.4%
4014	Borough Park, Kensington & Ocean Parkway	263	47,063	0.6%
4015	Flatbush & Midwood	396	62,138	0.6%
4016	Sheepshead Bay, Gerritsen Beach & Homecrest	167	63,169	0.3%
4017	Bensonhurst & Bath Beach	87	69,620	0.1%
4018	Brighton Beach & Coney Island	119	52,290	0.2%
4101	Astoria & Long Island City	1,239	84,838	1.5%
4102	Jackson Heights & North Corona	228	61,099	0.4%
4103	Flushing, Murray Hill & Whitestone	292	97,693	0.3%
4104	Bayside, Douglaston & Little Neck	83	46,865	0.2%
4105	Queens Village, Cambria Heights & Rosedale	108	67,354	0.2%
4106	Briarwood, Fresh Meadows & Hillcrest	100	65,384	0.2%
4107	Elmhurst & South Corona	190	48,613	0.4%
4108	Forest Hills & Rego Park	216	57,309	0.4%
4109	Sunnyside & Woodside	647	61,224	1.1%
4110	Ridgewood, Glendale & Middle Village	464	68,089	0.7%
4111	Richmond Hill & Woodhaven	126	49,917	0.3%
4112	Jamaica, Hollis & St. Albans	142	79,376	0.2%
4113	Howard Beach & Ozone Park	58	41,837	0.1%
4114	Far Rockaway, Breezy Point & Broad Channel	177	51,028	0.3%



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

SEATTLE VACATION HOME, LLC, et al.,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants.

No. 18-2-15979-2 SEA

ORDER GRANTING CITY OF  
SEATTLE'S MOTION FOR SUMMARY  
JUDGMENT AND DENYING  
PLAINTIFFS' CROSS-MOTION FOR  
SUMMARY JUDGMENT

**[Clerk's Action Required]**

**[PROPOSED]**

THIS MATTER came before the undersigned judge on the parties' Cross-Motions for Summary Judgment. The Court considered the oral arguments of counsel and the following documents:

1. Defendant City of Seattle's Motion for Summary Judgment;
2. Declaration of Aly Pennucci in Support of the City's Motion for Summary Judgment;
3. Plaintiffs' Cross-Motion and Response to the City's Motion;
4. Any declarations in support of Plaintiffs' Cross-Motion and Response;
5. The City's Reply in Support of its Motion and Response to Plaintiffs' Cross-Motion;
6. Plaintiffs' Reply in Support of its Cross-Motion; and
7. the other pleadings and papers related to this matter on file with the Court.

1 Based on the foregoing, the Court FINDS as follows:

2 1. There is no genuine issue as to any material fact; and

3 2. Pursuant to CR 56(c), the City is entitled to judgment as a matter of law.

4 NOW, therefore, this Court hereby ORDERS as follows:

5 1. The City's Motion for Summary Judgment is GRANTED;

6 2. Plaintiffs' Cross-Motion for Summary Judgment is DENIED;

7 3. Judgment is entered in favor of the City;

8 4. Plaintiffs' action is DISMISSED with prejudice; and

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5. Each party shall sustain its own fees and costs.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Hon. Roger Rogoff

**Presented by:**

PETER S. HOLMES  
SEATTLE CITY ATTORNEY

**Entry approved; Notice of presentation  
waived:**

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