

Permanent Neighborhood Issues and Non-negotiable Factors regarding Short Term Rentals:**Explaining Neighborhood Opposition:**

First of all of all, it needs to be emphasized that neighborhoods are not opposed to economic innovations and the growth of new “exchange economy,” and in this context allowing tourists to have the widest range of available options in selecting lodging accommodations including various short term rentals (STRs), and property owners having the opportunity to make extra money. This needs to be emphasized in the formulation of any official regulatory policy on STRs should discount oppositions from neighborhoods as based on the preceding.

What also needs to be emphasized is that any official regulatory guidance needs to respect and properly consider, as equitably as possible, the property rights and legitimate concerns of parties - the STR property owners’ and the non-STR property owners’. In this equation it needs to be pointed that that the non-STR property owners at this time are still in the great majority. And it seems that up to this time there is no documentation of their concerns as having been expressed in this forum (?).

Permanent Neighborhood Issues regarding STRs:

STRs bring transients into the neighborhood. You never know who will show up, how they will behave, and if they have criminal backgrounds. This situation creates a very unstable and potentially unsafe environment; not conducive to raising a family, and live in comfortably and safely.

They often obstruct the streets and sidewalks with additional parking and overfilled garbage cans.

Type 2 STRs are especially damaging to the neighborhood as they are just an unregulated, unsupervised, hotels in a residential area.

These concerns are the antithesis of what constitutes a “good neighborhood” and the notions of the type of quintessential “good neighborhood,” that many aspire to reside in and invest their life’s savings in.

Non-negotiable Factors:

The operation of STRs and particularly Type 2 STRs (vacation homes) impacts on the property values in the surrounding area – having a profoundly devaluing effect. Anyone disagreeing with this assertion needs ask herself/himself the question; “Would I buy a home next to one used as an STR? “ (In some cases, one in my neighborhood, that I’m familiar with the property becomes unsaleable, except perhaps at a greatly reduced price).

Preserving the overall quality of life in a neighborhood, as well as its character, and protecting its safety is a non-negotiable constant.

Devaluation of property usually contributes to an irreversible decline of the neighborhood.

Expected Regulatory Guidance:

The neighborhood expects that its primary concerns will be properly addressed and protected in the forthcoming COSA regulatory guidance for STRs.

Traditionally commercial activities have been separated from residential areas through local zoning regulations. In this context operating Type 2 STRs should not be allowed in residential areas and the "density" of all other STRs needs to be managed.

The current COSA zoning codes for residential areas do not address STRs. This is being interpreted that the zoning codes also do not prohibit them which encourages their current unregulated growth. Given sufficient "political will" (barring the unforeseen such as the State Legislature's passage of SB 451) COSA could easily rectify the omission of STR activities in the zoning codes. Some cities have outlawed Type 2 STRs.

Other cities addressing Short Term Rental regulatory issues (e.g. Pasadena, CA) took effective measures for obtaining a high level of public participation in input throughout the entire process in drafting the recommended regulatory guidance. Input from the public that is affected most directly by STR activities, those residing in nearby to existing STR activities, should be sought.

"Drivers" behind the accelerating growth of STRs:

This is not just a cause for homeowners being given the opportunity to make extra money and for tourists having all of the available options for selecting their most desirable firm of lodging.

The explosive growth of STRs is associated with accelerating new technologies and related new marketing techniques on a scale literally not ever seen. Online technologies allow for instantaneous low cost mass marketing worldwide; generating appeal to the segment of home owners in need of, or desiring, additional income, and those not overly concerned with the conditions in their neighborhoods; lucrative returns to investors and especially to the big online marketers are realized; in the case of the big marketers a permanent huge cash flow (in billions of dollars annually) and a relatively low overhead.

The huge resources and influence of the very large online marketers, also buys and obtains wide scale favorable publicity for STRs and marketing, and likely also stymies negative publicity regarding opposition to STRs. Concurrently, the serious concerns of neighborhoods and homeowners generally receive little, if any, publicity.

Supporting comments from *Texas Neighborhoods for Property Rights* and other sources:

"Part of what gives value to any home is the nature and character of the surrounding property. There is an expectation of stability and continuity that is 'built in' to the value of a home. In fact, that's part of the reason why many people chose the location where they live.

People reasonably expect that they will know their neighbors and the character of their neighborhood, and that these characteristics will not change rapidly.

Traditionally, local zoning measures have played a very important role in protecting this aspect of property value. They provide continuity that helps protect people's investment in their own property.

Conversely, most people do not expect that homes in their neighborhood will be transformed into *de facto* hotels full of transient guests on a regular basis. This expectation is reasonable.

These properties often operate as "party houses" for large groups. On weekends—and often throughout the week—they transform quiet, family-friendly neighborhoods into all-night party zones that diminish the value and enjoyment of neighboring property.

Often, these parties result in loud music all night, piles of garbage left in the street the next day, and restricted parking availability for residents who have lived in the neighborhood for many years. All of this clearly diminishes the value and enjoyment of property in the immediate area.

Beyond interfering with the peace and quiet enjoyment of neighboring property, recent STR incidents have also become violent, with police having to respond to gunshots in the middle of the night. This puts neighbors and families at risk.

Neighbors are able to call the police when an incident gets out of hand, but this is an unsustainable long-term solution because rowdy guests are transient, and change every weekend (or more frequently). Police response only addresses an immediate symptom, rather than the source, of an ongoing problem.

This is a growing problem all over Texas, as companies like Airbnb have quadrupled their transactions in Texas over the last two years alone.

Traditionally, these sorts of local issues have been addressed by zoning boards and local governments, spurred by concerned neighbors speaking up to protect their own property rights."

Extracts - Short Term Rental – Comments & References - 6.29.17

"Whatever you do, San Antonio, don't let non-owner occupied short-term rentals in residential zones. The non-owner occupied STR is an unregulated hotel with no security and no management onsite. They had nothing to communities but empty houses, decreasing school enrollment and plenty of aggravation." <http://tpr.org/post/san-antonio-discuss-regulating-airbnb-rentals#stream/0>

"The Type 2 Short Term Rental is just an unregulated, unsupervised, commercialized hotel planted in residential neighborhoods. They cause havoc and grief to the neighbors who are subjected to any form of behavior, legal or illegal. They devalue all homes in proximity making them virtually unmarketable to residential owners. They further steal from the inventory of homes for rent and sale driving prices up and potential long term residents out. In time they will hollow out residential neighborhoods. Yes.. they can be profitable at the expense of our communal society." -

<https://www.sacurrent.com/sanantonio/no-rules-will-san-antonio-regulate-airbnb-and->

[homeaway/Content?oid=2397765](#) - No Rules: Will San Antonio Regulate Airbnb And HomeAway? - 2.18.15

“If you buy a home in a quiet neighborhood and that’s what you’ve invested your money in, is that what you’re going to have if you end up essentially with a motel next to you?” Gallagher said in a phone interview.

“Furnishing lodging to transient guests is the definition of hotel which is the same function performed by STRs minus the strict regulation and management.”

“They would create noise, traffic issues, parking issues and trash, rude behavior,” he said. “It became a safety issue.”

“In an attempt to control the market, local government [Austin] capped rental houses with no permanent residents at 3 percent of total single-family residential units in each census tract. “

“[These rentals] do the same thing a motel does, except there's no supervision, there's no safety compliance and they're in residential neighborhoods,” he said. -

<https://www.texastribune.org/2017/02/25/bill-would-overrule-local-legislation-over-short-term-rentals/>

“However in addition to protecting innovation and economic growth, we also have to protect private property, which is at the heart of a free society, and give homeowners the option not to live in what essentially become pseudo commercial areas.”

<http://www.star-telegram.com/opinion/opn-columns-blogs/other-voices/article144005844.html>

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