

From: Jan Karst <jkarst@yahoo.com>
Sent: Sunday, February 9, 2020 11:26:35 AM
To: Stouder, Heather
Subject: Airbnb

I have been an Airbnb Host in Madison for 5 years and have been paying the fees and having a Health Dept inspection for the past 3 years. The new regulations being proposed are unnecessary and unfair. Airbnb pays the taxes and hosts are already paying fees. Airbnb's bring a lot of tourist revenue to this city and create much needed community in an ever alienating world. Please voice my plea to have these added barriers and burdens reconsidered by the powers that be who seem to have little regard for the good hosts bring to our city.

Jan Karst
Jrkarst@yahoo.com

From: Bob Entwistle <baentwistle@yahoo.com>
Sent: Sunday, February 9, 2020 9:38:09 AM
To: Stouder, Heather; Rummel, Marsha
Subject: Airbnb

Heather and Marsha,

Regarding the Airbnb changes, I do not host or intend to host people but have used Airbnb myself in other cities.

When I first saw the proposed changes a couple weeks ago, it struck me that a small group of people (or the hotel lobby??) don't want Airbnb in the city at all and this is the way they get around the state law permitting Airbnb. (It is akin to essentially making abortion clinics illegal by just imposing such onerous conditions on building layout and regulations that clinics can't operate.)

Airbnb hosts already have regulation from the Airbnb side and if guests report bad experiences, the hosts won't be in business long. So I would oppose the majority of changes including:

- Registry of guests
- Floor plans of the property
- annual inspections
- inspections with only 48 hrs advance warning (invasion of guests privacy)
- additional noise ordinance
- additional annual fee as long as room taxes are being collected

Thanks!

Bob Entwistle
2709 Center Ave, Madison 53704

From: George Marcus <gmarcus72@gmail.com>

Sent: Sunday, February 9, 2020 9:12:12 AM

To: Stouder, Heather

Cc: Rummel, Marsha

Subject: Air bnbs

Hi- I don't have an air BNB of my own, but I want you to know that I'm in agreement with the sentiment below.

As a recent Madison homeowner who had to sell my house because I could no longer afford to pay the always-rising property taxes, I know how hard it is to make ends meet. Please consider the statement below as one I support. I hope the city will strongly consider it.

"I am a Madison resident, voter, taxpayer, and Airbnb host. I welcome guests from around the world and share my space in Madison with them. I ask that the Plan Commission and the Common Council respect my privacy and the privacy of my guests when it comes to sharing personal information or inspecting my home. In addition, I ask that the Plan Commission and the Common Council rethink the proposed registration fee. Madison hosts already pay the applicable City and State administered sales and rooms taxes for our listings. A registration fee is an unnecessary addition. Similarly, the paperwork that would be required under the proposed ordinance is unnecessary and burdensome. I support light-touch regulations that don't unnecessarily compromise privacy, curtail property rights, or unduly burden small businesses, entrepreneurs, and everyday Madisonians. Because the city already has effective noise and nuisance regulations to keep our neighborhoods safe and livable, Ordinance 58895 is not needed. Please reconsider the proposal. Thank you for your time."

George Marcus
310 S Livingston St #506
Madison, Wi 53703

From: Rudy Moore <twinotter@gmail.com>
Sent: Sunday, February 9, 2020 8:53:52 AM
To: Rummel, Marsha
Cc: Stouder, Heather
Subject: comments on version 3 of TRH amendment

Dear Alder Rummel,

Thank you for the update on the TRH ordinance that is coming before the plan commission tomorrow night (#58895 in legistar).

In short, this Ordinance needs a lot more work.

The fundamental problem is that the original ordinance has been rewritten without input from the TRH operators. There are over 244 licensed operators like me that are doing everything we can to stay within the rules of the Ordinance. But there was no open call for input from them. In fact, the hotel lobby was asked about the ordinance in a clear conflict of interest, and yet the law abiding operators were not asked.

The Plan Commission should table the ordinance until such time as a sub-committee can be created to first come up with a list of goals for the Ordinance and then to rewrite the Ordinance. The ordinance should be written with the input of all interested parties: City, licensed TRH operators, community members, and so on. I and a number of other members of the community will present tomorrow to explain the problems with this Ordinance as it now stands.

Some of us will speak tomorrow, but I wanted to lay out part of the rationale here. This Ordinance needs a lot more work. I'll try to be brief, but the Ordinance is riddled with problems.

Let's start with the goals as laid out in the Drafter's Analysis included before the Ordinance changes in Legistar. In brief, they are:

1. Simplify process and eliminate confusion
2. Centralize requirements into one ordinance
3. Ensure only licensed TRH operators
4. Ensure operator on-premises except for 30 days per year
5. Enforce regulations:
 - o Public health license
 - o Pay room tax
 - o Comply with zoning regs

I'll look at how the Drafters approached each of these problems in turn.

1. Simplify process and eliminate confusion

It would be great to simplify the process and eliminate confusion, however the Ordinance makes things more complex, more onerous, and more confusion for TRH operators. New Ordinance 9.29(3)(a)-(c) lays

out numbered list of requirements. There are 18 different requirements split across three overlapping headings. On the face of this, it is already much more complicated and doesn't actually add any simplicity. The TRH is still working with three different agencies. There are three different agencies that may deny a license: zoning, public health, and treasury. The requirements are onerous both to initially comply with and to maintain, since updated documents must be supplied at every renewal even when no substantive changes are made to the TRH.

2. Centralize requirements into one ordinance

Centralizing requirements into one ordinance sounds like a good idea, but the amendment does not do this. In fact it spreads requirements across more Ordinances and even into the Wisconsin Statutes. Below are simply the requirements in the actual amended ordinance. There are many other places in the Ordinances where TRHs are mentioned, such as licensing fees. You end up with a mish-mash of Ordinances that an operator must consider...

But actually, the main problem is on the face of this requirement. Our Ordinances are organized as they are for a reason: we combine things like licensing requirements in one Ordinance, penalties in another, fees in another, and so on. We do this so it's easy to look up, easy to draft, and easy to do comparative analysis to see if an Ordinance is in-line with other ordinances. As I will show shortly, this amended Ordinance is out of line with all the other Ordinances on our books.

Here is a list of Ordinances and Statutes references just in this amendment:

- 9.29 – application
- 28.151 – applicability
- 28.211 – definitions

And by reference:

- 4.21 – room tax
- 28 (all of) – zoning rules
- 9.49 – review standards
- Wis Stat 66.0615
- Wis Stat 66.01014

3. Ensure only licensed TRH operators

We licensed operators are really behind this goal. Having only licensed operators in the city would mean there would be a level playing field. I wouldn't be competing against an operator that isn't up to the same standards as are imposed by the Ordinance. So what does the amended Ordinance do to encourage more people to be properly licensed?

- 9.29(11) - Penalties: \$500 to \$1000 per day for operating unlicensed TRH.
- 9.29(12) - Penalties double for licensed operators that lose their license.

The Ordinance adds penalties that are above and beyond any penalties instituted for similar level infractions in the rest of the Ordinances. What's more, they hit licensed operators more severely by imposing double penalties when your licensed TRH has problems. \$1000/day being imposed without a warning and without an opportunity to adjudicate the license revocation is unjust and will scare off more operators than it will encourage to come into the fold.

There is nothing in the ordinance to encourage more people to be licensed. There is nothing in the ordinance to find unlicensed operators. There's no reason to expect that this will increase the number of licensed TRH operators.

4. Ensure TRH is operating in a primary residence

28.211 – add definition of Primary Residence, Tourist Rooming House, and Bedroom

9.29(3)(c)(5) - Require notarized affidavit from operators

Primary Residence is already a well understood concept in the law. Its use exists in IRS regs, US Statutes, Wisconsin Statutes, and even other places in our own Ordinances. Changing its definition is controverts the plain language meaning the Alders chose when the Ordinance was first written and is not going to improve whether a TRH is operated in a primary residence.

The problem is that the underlying goal, a TRH where the operator is mostly present, is better defined in plain language, rather than relying on the definition of primary residence (which is intended and usually used for fiscal determinations).

So much simpler to simply say, "The TRH Operator must be present for all but 30 days. An operator may have only one TRH." Both of these are far easier to implement than even the new definition of "primary residence." By creating a sub-committee to first look at goals and then to start drafting an Ordinance, these kinds of problems will work themselves out naturally.

5. Enforce regulations - public health

- 9.29(3)(b)(1) – Application requires operator to provide already obtained public health license
- 9.29(10) – Renewal requires updated licenses

The fundamental problem here is that there's no statutory language that says that the Public Health license will be available at the time that the Zoning license is applied for or, more particularly, renewed. Does the operator have to shut down just because Public Health is backlogged? They end up being forced to pay \$500/day as a minimum if they don't. Language is necessary to say what happens if there are delays since people are depending on us.

But larger, this is redundant. The Public Health department already reinspects and tracks TRH inspections. Public Health already has penalties for not complying. Bureaucracy is to this matter without any added improvement.

6. Enforce regulations - pay room tax

- 9.29(3)(b)(2) – Application requires operator to provide proof of registration with the Treasurer's office
- 9.29(10) – Renewal requires updated licenses

"Proof" of registration requires a new form from the Treasurer that doesn't exist yet, tying Treasury to creating this form. As is, regarding AirBnB and soon all Lodging Marketplaces, the Treasurer gets paid regardless of what the operator wants to do. Payment comes directly from the Lodging Marketplace. At best this is redundant, but it adds complexity for both operator and city alike.

7. Enforce regulations - follow zoning regulations

- 9.29(7) – No permit issued unless in full compliance with zoning regulations
- 9.29(5) & 28.151 Tourist Rooming House (k) - inspection at **any** time

First of all, operators, by Ordinance, are allowed to be gone for up to 30 days. Does this mean the city will be required to be allowed in even when they are not there? This seems pretty draconian! I would understand if there is a life threatening situation, but this is not a life threatening situation. Plus, the city is allowed to immediately revoke the license, starting those daily fines, if the operator is not present.

There are already tools in the Ordinances to handle zoning violations - they are inspections are reasonable times. Better rules can be written to catch scofflaws.

All of us TRH operators are interested in having better Ordinances that actually reflect what is best for the community. We hope to work with the city in this process. I hope you will read all these problems with the Ordinance and see the best solution.

The appropriate solution is to table the current amendment and then to create a sub-committee composed of city, TRH operators, and community members to first write the Goals of the amendment and then to take on rewriting the Ordinance.

Thank you,
Rudy Moore

From: [Carolina Pezua](#)

Sent: Friday, February 7, 2020 5:40 PM

To: [Rummel, Marsha](#)

Subject: Support Short-Term Rentals in Madison! Vote No on Ordinance 58895

Hi Alder Marsha A. Rummel,

I am a Madison resident, voter, taxpayer, and Airbnb host.

I welcome guests from around the world and share my space in Madison with them. I ask that the Plan Commission and the Common Council respect my privacy and the privacy of my guests when it comes to sharing personal information or inspecting my home.

In addition, I ask that the Plan Commission and the Common Council rethink the proposed registration fee. Madison hosts already pay the applicable City and State administered sales and rooms taxes for our listings. A registration fee is an unnecessary addition. Similarly, the paperwork that would be required under the proposed ordinance is unnecessary and burdensome.

I support light-touch regulations that don't unnecessarily compromise privacy, curtail property

rights, or unduly burden small businesses, entrepreneurs, and everyday Madisonians. Because the city already has effective noise and nuisance regulations to keep our neighborhoods safe and livable, Ordinance 58895 is not needed. Please reconsider the proposal. Thank you for your time.

Sincerely,
Carolina Pezua

From: [Marla Froelich](#)

Sent: Friday, February 7, 2020 5:40 PM

To: [Rummel, Marsha](#)

Subject: Support Short-Term Rentals in Madison! Vote No on Ordinance 58895

Hi Alder Marsha A. Rummel,

I am a Madison resident, voter, taxpayer, and Airbnb host.

I welcome guests from around the world and share my space in Madison with them. I ask that the Plan Commission and the Common Council respect my privacy and the privacy of my guests when it comes to sharing personal information or inspecting my home.

In addition, I ask that the Plan Commission and the Common Council rethink the proposed registration fee. Madison hosts already pay the applicable City and State administered sales and rooms taxes for our listings. A registration fee is an unnecessary addition. Similarly, the paperwork that would be required under the proposed ordinance is unnecessary and burdensome.

I support light-touch regulations that don't unnecessarily compromise privacy, curtail property rights, or unduly burden small businesses, entrepreneurs, and everyday Madisonians. Because the city already has effective noise and nuisance regulations to keep our neighborhoods safe and livable, Ordinance 58895 is not needed. Please reconsider the proposal. Thank you for your time.

Sincerely,
Marla Froelich

From: [Janet Hayman](#)

Sent: Friday, February 7, 2020 5:39 PM

To: [Rummel, Marsha](#)

Subject: Support Short-Term Rentals in Madison! Vote No on Ordinance 58895

Hi Alder Marsha A. Rummel,

I am a Madison resident, voter, taxpayer, and Airbnb host.

I welcome guests from around the world and share my space in Madison with them. I ask that the Plan Commission and the Common Council respect my privacy and the privacy of my guests when it comes to sharing personal information or inspecting my home.

In addition, I ask that the Plan Commission and the Common Council rethink the proposed registration fee. Madison hosts already pay the applicable City and State administered sales and rooms taxes for our listings. A registration fee is an unnecessary addition. Similarly, the paperwork that would be required under the proposed ordinance is unnecessary and burdensome.

I support light-touch regulations that don't unnecessarily compromise privacy, curtail property rights, or unduly burden small businesses, entrepreneurs, and everyday Madisonians. Because the city already has effective noise and nuisance regulations to keep our neighborhoods safe and livable, Ordinance 58895 is not needed. Please reconsider the proposal. Thank you for your time.

Sincerely,
Janet Hayman

From: [Norm Bucholtz](#)

Sent: Friday, February 7, 2020 5:40 PM

To: [Rummel, Marsha](#)

Subject: Support Short-Term Rentals in Madison! Vote No on Ordinance 58895

Hi Alder Marsha A. Rummel,

My husband and I are Madison residents, voters, taxpayers, and Airbnb Superhosts.

Being an Airbnb Superhost means that we are required to: complete at least 10 trips OR completed 3 reservations that total at least 100 nights, Maintained a 90% response rate or higher, maintain a 1% percent cancellation rate (1 cancellation per 100 reservations) or lower, with exceptions made for those that fall under our Extenuating Circumstances policy, and maintain a 4.8 overall rating (this rating looks at the past 365 days of reviews, based on the date the guest left a review, not the date the guest checked out). As Superhosts, we strive to represent Madison well, and we value honest reviews and give them, as well. To assume that many reviews are

dishonest is a slight to the integrity of the Airbnb community of Superhosts that place a high value of the work we do to promote Madison as a destination.

As residents of Madison for 30+ years, we welcome guests from around the world and share our home in Madison with them. As such, we find the proposed legislation burdensome. We are already licensed through the Dept of Health and Safety. This should be sufficient to provide enforcement for Tourist Rooming Houses that are not following the rules that are already in place here in Madison. Additionally, some of the new requirements will infringe of the privacy rights of my guests.

I also ask that the Plan Commission and the Common Council rethink the proposed registration fee. Madison hosts already pay the applicable City and State administered sales and rooms taxes for our listings as well as the licensing fees required by the Health and Safety Department. A registration fee is an unnecessary addition. Similarly, the paperwork that would be required under the proposed ordinance exceeds that required by most hotels. It seems unreasonable that Tourist Rooming Houses should have to abide by rules that are stricter than what is required of a hotel.

I support light-touch regulations that don't unnecessarily compromise privacy, curtail property rights, or unduly burden those of us who simply want to stay in our homes. Because the city already has effective noise and nuisance regulations to keep our neighborhoods safe and livable, Ordinance 58895 is not needed. Please reconsider the proposal. Thank you for your time. (from Donna and Norm Bucholtz)

Sincerely,
Norm Bucholtz

From: Dana Schreiber <danaschreiber@charter.net>

Sent: Sunday, February 9, 2020 1:47:07 PM

To: Stouder, Heather

Subject: rooming house ordinance

I support the changes in this ordinance.. I am a neighbor of a community that has turned into a neighborhood of strangers...due to homes becoming rooming houses and airbnb or vrbo's. Rooming house residents have no concern for their neighbors, nor their environment. They are not bad people, however they are not here to participate in community, they are here to entertain themselves and visit relatives.. which I am not opposed to at all.. but to me the reality of the argument made by rooming house providers is that their real focus is on making money... if you want visitors there are cheaper ways to welcome them... houses for sale are lost to potential community in favor of opportunists wanting to use the popular areas to make some money.. they neither are concerned about community.

We have grown and thrived where I live and have for over 40 years.. from a neighborhood people were afraid of, to a friendly warm caring area of people watching out for each other and others that use our

neighborhood. The rooming house people that I have witnessed are not at all concerned about anything but profit... places all over the country and world are losing valuable neighborhood residents to money hungry profiteers that likely don't live here or don't care.

I have nothing against making money. I am opposed to destroying neighborhood and supportive communities that help each live well and grow.... Strangers coming and going can be very nice but they are oblivious to what makes this a great place and soon it will no longer be more than an area too expensive for families and "homes" and only occupied by transients...

I support this ordinance and regulation.. and I don't believe that people that argue that they just want to share their love of Madison are genuine... they can share it in many other ways... Dana Schreiber, Near East Side

From: Ellen Henningsen <orton@chorus.net>

Sent: Sunday, February 9, 2020 1:24:16 PM

To: Rummel, Marsha

Cc: Stouder, Heather

Subject: Tourist Rooming House Ordinance

Hello Marsha. Regarding the proposed changes in the tourist rooming housing ordinance, we offer this:

We live next to an Airbnb (the top floor of a 3 flat) that has been going on for 5 years or so. The customers seem well-vetted and have only caused us minor problems (wandering through our yard, parking in our driveway).

But we have 2 concerns about Airbnb's –

Our primary concern is that the constantly rotating cast of strangers next door detracts from the feeling of living in a neighborhood. A lot of random strangers don't form a group or make a community, and this should be one of the purposes of residential zoning. We support the inclusion of a density standard for Airbnb businesses (they are businesses after all). Something similar to only allowing a specified number of Airbnb's within a specified number of blocks. Without a density standard, if the number of Airbnb's increases, the neighborhood will most assuredly lose its feeling of community.

Another concern is that the Airbnb next door is in the 3rd floor apartment of a 3 flat, occupied on a different level by the owner. There is some confusion about whether this is an allowed use or not. If the regulations change in the direction of clarity and consistency in a situation like this, that would be an improvement.

Thank you for your consideration.

Ellen Henningsen and Jim Gentry

717 Orton Court
Madison WI 53703

From: PACIA JENNIFER HARPER <pacia@cs.wisc.edu>

Sent: Sunday, February 9, 2020 11:31:39 AM

To: Rummel, Marsha; Stouder, Heather

Subject: Tourist Rooming House ordinance

Hi, I don't live in Marsha's district, but I do support the tourist rooming house ordinance. I really don't want to have a city where many condos/apartments are just Airbnb hotels (this has happened other places). I also think that anyone bringing total strangers into a residential neighborhood should have some oversight, record of guests, etc.

Rebecca Kemble is my alder, but I don't have her email address handy at the moment.

Thanks,

Pacia J. Harper

528 Troy Dr., Madison WI 53704

From: Bob Israel <rlisrael@wisc.edu>

Sent: Sunday, February 9, 2020 4:40:14 PM

To: Stouder, Heather

Cc: Rummel, Marsha

Subject: Tourist rooming House Ordinance

Regarding Ordinance 58895, I am a Madison resident, voter, taxpayer, and definitely NOT an Airbnb host. Over the years I have seen homelessness increase in tandem with a decrease in affordable housing. Renting one's home to occasional visitors is fine; taking housing off the market to turn it into short-term profit making ventures is not so fine. Additional fees and taxes from these enterprises should be used to fund affordable housing and support for our homeless residents.

Bob Israel

26 S. Marquette St.

Madison WI 53704

From: Ron Schutz <schutzr@me.com>

Sent: Sunday, February 9, 2020 4:57:23 PM

To: Stouder, Heather

Subject: tourist housing

second substitute addresses the plan

please consider it

best wishes from Ron Schutz. 133 division st

From: Judith Strand <matystrand@hotmail.com>

Sent: Sunday, February 9, 2020 1:32:07 PM

To: Rummel, Marsha

Cc: Stouder, Heather

Subject: TRH ordinance

Hello Marsha,

I appreciate your note to residents of the upcoming vote regarding TRHs in our neighborhood. Like many people I know frustrated by airbnbs, we assumed incorrectly that new requirements were approved until the campaign from people opposing the changes ramped up on social media. The key issue is the difference between people who share their homes versus people buying residential houses as their business endeavor. The proposed changes from the city make it clear that staff, alders, and others appreciate the great difference. Living on the near Eastside where friends struggle with property taxes, I completely support those who rent out rooms in their homes for financial, altruistic, and social reasons. I also know first hand that people have purchased houses for the sole purpose of renting them out as a business. The property at 723/725 Jenifer St. exemplifies the most egregious abuses and difficulties created for a neighborhood. Here are a few points brought out by this one property:

- 1) It was purchased as valued for a business enterprise and outbid families (something needed for our school) who were eager to purchase for a home.
- 2) Its Airbnb listing indicates "self check-in with keypad" and "parties and events are allowed."
- 3) Listing indicates there is "Free street parking."
- 3) The 1400 sq ft house that was home to families of 4 people is listed as available for 16 people (the frequent number) - 4 bedrooms and all sofas make into beds per the listing. (16 people!!! The noise is overwhelming.)
- 4) The yard now has a sauna (beyond our setbacks), fire pit, and multiple picnic tables for events.

All of this in a residential neighborhood with small yards, and historic homes without off-street parking or air-conditioning or protection from such groups.

The canned email from TRH operators mentions concerns for privacy and property rights, and that "noise and nuisance regulations" are adequate.

As many on this block, I live with single pane windows and open windows all summer - so consideration of each other is vital. There's a big difference between dealing with these issues with neighbors versus people who rent a house for a weekend and plan for a reunion/party/fun. Just one example: When the college students who rent next door are loud into the late evening, I go talk with them - we exchange friendly words and the noise level goes down. Last summer I approached a group at the Airbnb at midnight around the fire pit. I was told they paid big money to rent and party, and then added a few other words I won't write. I have more stories about families, kids, and Badger football weekends - but you can imagine. Relationships matter.

Bottomline is in our neighborhood privacy, respect of property, noise, and nuisance (the values cited by the TRH operators) require relationship with each other. They occur whether homeowner, renter, 30 year residence, or one year. People visiting and paying \$500/night don't seem to expect to keep it quiet or think of others (a statement based on experience). Dropping such a business into a residential neighborhood isn't appropriate.

Finally, when absence of the homeowner is allowed by law, there needs to be a requirement of contact information for adjacent residents to reach the responsible party - the owner. Right now, people who list properties with an LLC and are not present make it impossible to contact them as an issue arises. That is what residential neighbors do (including contacting landlords). That is what residents depend upon to keep our neighborhoods great places TO LIVE.

I support that change which limits number of occupants, presence of the owner, reporting, oversight, and compels these business owners to consider the neighborhoods they are enjoying.

Sincerely, Judith Strand