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**Date:** March 10, 2020 at 8:06:29 AM CDT

**To:** Alders; Plan Commission

**Subject: Letter to Common Council Members and Planning Commissioners - TRH ordinance**

**March 10, 2020**

To the Common Council Alders and Planning Commissioners:

I took part in the 9-March Planning Commission meeting with regards to the TRH discussion. This is my first time participating in any city ordinance issues/discussions. I was disappointed with the result, but even more surprising was learning that the people don't really have a voice. This process of being given 3 minutes to speak in the time of the open public forum, isn't enough to present concrete ideas and suggestions on how to better the ordinance for the diversity of hosting possibilities in our city. We are not "professionals" at city planning meetings like you are. We are not practiced public speakers, so that 3 minutes feels like a lot of pressure and we stumble over our words and lack the ability to articulate our concerns, compared to the well-seasoned and well prepared staff members. And when our time is up, the public forum is closed, we are now silenced from any countering points, no matter how bogus a comment or answer was. We have no rights, no ability to turn the tide when we see the shift in mindsets of the commissioners, through their questions and the answers coming from staff. I appreciate Commissioner Sundquist's attempt at the end to make some of these points, and I acknowledge Commissioner Lemmer's comments towards a refer vote, and body language agreement with Sundquist's points. But in the end it wasn't enough to give the people a real voice, which only the creation of a sub-committee would.

Mr. Tucker referenced "this is a light touch" with regards to the changes in the ordinance. However I disagree. It is now a federal offence if someone is "caught" not following ever rule perfectly?! That's pretty extreme and a pretty big "touch" if you ask me. These ordinances give the Zoning department the tools to hunt down "rule benders" even if there are zero complaints or issues with their property. This looks and feels like "Don't ask, Don't tell" for LGBTQ military personnel back in the 1990's. It was presented by President Clinton as a positive way to allow LGBTQ personnel to serve their country, but it quickly became a witch hunt, and military people lost their jobs, their carriers, because someone found out something about their personal life and turned them in. BAM! Just like that they are dishonorably discharged, because the law gave others the power to make them "follow the rules." In 2011, (17 years later) people finally realized that this rule as a whole didn't make any sense and threw it out. While no new federal laws are in place to my knowledge, I'm sure that there continue to be military regulations that dictate professional conduct at work or when representing your employer, that is fair and equal to all military personnel, and that better serves the objectives of protecting all of those who wish to serve this country.

This is what we are asking for from the city. Throw out the old ordinances and re-write them to come with the times of TRH operations. The 2013 ordinances were created in the infancy of platforms like Airbnb or VRBO, and so much has changed and grown. We have learned so much more, eased many wide-spread fears that had no data to back them, learned what can work

positively and what needs continued controls or regulations to ensure public safety/harmony. Please let us work together to find a solution that is flexible in who can be a TRH host and how, that equally protects and preserves the community we all live in and love.

Some scenarios of positive hosting possibilities currently blocked:

-owner of two(+) flat who lives in one and wants to sometimes rent or sometimes TRH the other flat.

-newly coupled pair who each own a home in the city, now living together in one and want to TRH the other, indefinitely as a business adventures or temporarily until they make their relationship more permanent.

-local landlord looking for flexibility of property usage when no long term rental interests are forthcoming.

-family moved for variety of reasons but decided to keep current home for children attending University/college in the area in a few years and want to TRH in the meantime.

-community member who loves their neighborhood and can manage multiple properties as their part or full time job, positively welcoming tourists or long term renters alike.

Here are some starting points I have created. As you can see, there was no way to discuss all of these points in any beneficial detail in our 3-minute time slot. Please note these are my singular ideas and I welcome comments and discussions from all other TRH hosts and community members. Hence the request for a sub-committee.

### **Retract the Current Proposal**

- Create subcommittee of stakeholders
  - Rewrite completely new ordinance
  - Must work for all; Public Health, City Zoning, Hosts, Tourists, Community Members
- For every point ask, “what is the public’s health/safety/welfare concern?”
  - Old ordinance/inspections points outdated or unclear intent
- Stop the “gotch-ya” mentality of the new proposal
  - Agreement and cooperation will ensure compliance
- Open up regulations to allow diversity of responsible hosting

### **Licensing Requirements**

- Single Public Health + Zoning initial inspection with a single fee
  - not cost prohibitive for hosts to join and become compliant
  - Consider sliding scale for TRH who do minimal hosting per year
- Fines for failing to register (holding illegal listings accountable)
- Get Seller’s Permit and Room Tax Certificate
  - Currently not applicable to Airbnb-only listings
  - City to work with other platforms to direct collect these taxes

- Non-owner occupied TRH to get Conditional Use Permit

### **Department of Health & Safety Inspection**

- Subcommittee to review current Inspection Checklist
  - <https://www.publichealthmdc.com/documents/~STR%20Inspection%20Checklist%20-%20v3.pdf>
- Focus on home safety
- Remove points that “strict adherence to a provision... is impractical for a particular... tourist rooming house...” ATCP 72.02(2)
  - Gendered bathroom restriction is outdated and impractical in a home
  - retract some of the “hotel” type health concerns

### **Zoning Considerations**

- If the short term rental is YOUR PRIMARY RESIDENCE - Least limitations/regulations.
  - Annual inspection and fee
  - permission from property owner for renters
  - 60 days max “remote hosting” (host not on site) - Otherwise conditional use permit is required.
- If the short term rental is NOT YOUR PRIMARY RESIDENCE
  - Allowed with approved Conditional Use Permit AND an annual inspection and fee
- TRH requiring a conditional use permit must be located more than 600 feet from any other short term rental that has been approved by a conditional use permit. Does not impact host-occupied rentals.
  - Prevents large investors buying up “whole block of Airbnb” changing the community
  - Allows local investors flexibility with property they manage – long or short term rental options
- Total home occupancy numbers – 2 per bedroom + 2 additional
  - Includes primary residents (if applicable)
  - No floor plan requirements – concerns from some other hosts
- No restrictions on “unrelated-occupant” bookings in one property.
  - Multi-listing is the anti-party house – strangers are more respectful/quieter with unrelated guests around
- Parking provisions – adequate street parking or on-property options
  - Addresses some concerns from the Monona Bay neighborhood survey comments
- Renter allowed to operate TRH with agreement from landlord
- No collection of guest personal information by host when utilizing an online platform that has this info already.

### **Conditional Use Permit Requirements**

- In compliance with any lease agreements, homeowner's association bylaws, covenants, deed restrictions, or any other agreement.
- Proof of home ownership
  - If a deed is required - provide free notary service option by city officials
- Plans for monitoring/controlling noise complaints
- Immediate neighbor notification, how to contact host in case of issues
- No other active conditional use permits issued within 600ft.
- Allow Airbnb listing(s) to serve as LLC businesses if desired

### **Community Benefits of TRH Quality Hosts**

- Must maintain property to a high quality standard
  - Long-term rental landlords can neglect property and still profit
- Advertising and recommendations to local business/restaurants establishments
- Constant communication with guests
  - Increases personal accountability through rapport building
  - Decreases “bad behavior” from guests

### **Airbnb Platform Superhosts benefit the community**

- Held accountable by guest’s rating/review
  - Accuracy, Cleanliness, Communication, Value, Check-in experience, Location
- Guests Verify all amenities with each review
- Superhost Status Requirements
  - Host a minimum of 10 stays/year
  - Have to have a 90% response rate
  - Have to have 80% 5-star reviews
  - No cancellations by host
  - Evaluated quarterly

### **Airbnb Corporate Supports Communities**

- Hosts specifically advertise as “no party listing” on platform
  - Subcommittee to discuss requiring this for license approval
- “High-risk reservations” are flagged in the system due to Airbnb’s policy on unauthorized parties.
  - Example: Single night in a big home
- November 2019 Airbnb Policy Announcement: identified “party house” hosts and guests get removed from platform

### **Irresponsible Hosting Consequences**

- Sub-committee from city and host representatives to review

- Don't over-regulate all because of a few problematic listings
- Create fair action plan for addressing negative reports
  - Host mentorship option as first corrective action before fines or shutting down
- Create fair action plan for those caught bending rules due to their particular situation, but not causing community/neighbor problems.
  - Official review and can conditional use permit be issued to allow for situations that haven't been addressed by current policy.

I am unfortunately out of the country for your March 17th common Council meeting. I appreciate you considering my comments here when you vote.

If the current proposed amendment is passed due to the concerns of needing to adequately deal with the few problem homes, I still think this sub-committee and a total rewrite of the TRH ordinance is valid and beneficial for the city officials, community members, TRH hosts and visiting tourists. Let's together get this right. Many of us would be interested in participating in such a committee, and you have our contact information now. Please reach out.

Sincerely,

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