

To: Plan Commission (Cantrell, Sundquist, Finnemore, Opin, Zellers, Berger, Heifetz, Rewey, Resnick, King, Hamilton-Nisbet)

Re: Tourist Rooming Houses (Legistar 31136, AirBNB use), October 14, 2013

Single-family residential zoning is highly valued and should not be written out of the code easily. It enhances safety through knowing your neighbors, enables neighborhood cohesion, protects future property values/expectations, and promotes good schools.

Although I believe the proposed zoning change should be denied outright (as it does not advance any of these things), here are some suggestions to better balance the neighbors' interests in the proposed legislation:

-- Thirty days is too much, especially for a string of separate nightly stays. Thirty days would equal every weekend all summer long, and then some. This turns a home into a hotel for more than the entire summer. This level of constant use is unfair to the neighbors and devalues surrounding property. It would be more reasonable to allow fewer days and divide those days into one larger chunk of two/three weeks for a house swap (one longer stay unsupervised) and a smaller chunk for one-night stays (multiple short stays supervised).

-- Overnight supervision. It is unfair for a homeowner to leave the premises and stay in an apartment that they own downtown (or in their second home in Door County or with their parents in Middleton) and leave a slew of strangers for the neighbors to supervise. No hotel or B&B is allowed to leave their guests unsupervised. The same should be true here. Requiring overnight supervision would not prevent a homeowner from renting a room out of financial necessity (i.e., in order to afford to stay in their own home) because, by definition, those with such financial necessities do not have other places to stay. Instead, it would only effect those who have the luxury of being able to stay in another place in order to make a buck at their neighbors' expense (in terms of safety, quality of life, quiet enjoyment and property values). Overnight supervision is necessary and fair for anything other than a longer-term house swap.

-- Reporting violations. How would violations be reported and verified? Will the city verify complaints on weekends when the violation is occurring? If not, the strangers will be long gone and we will be left with a he-said (10 people were there) and a she-said (2 people were there). How will the city handle this situation? These issues need to be addressed as part of the ordinance. This is going to be messy and cause persistent neighbor conflict (and consume city staff resources) without some clearly defined lines regarding enforcement.

-- Penalties. Will the penalties imposed actually ensure compliance? It is my understanding that a violation would trigger only a standard zoning penalty (the amount is unclear). To illustrate, our neighbor has turned a residential home into a commercial hotel enterprise and rents out their entire house (unsupervised) on a regular basis for \$289 a night, plus a \$75 cleaning fee (plus \$25 a person for more than four people). So, using these real-life figures, a penalty of less than \$364 would be no penalty at all,

as the homeowner would still profit even while incurring a penalty. So, any financial penalty must be stiff enough to ensure compliance. In addition, any violation should result in the inability to rent for three years, as other cities have done.

-- Rebuttable presumption. If an owner advertises, offers or rents in violation of any limitation, it should create a rebuttable presumption that a violation has occurred. Then, the homeowner would have the initial burden of proving that a violation did not occur (rather than the neighbors/city proving that a violation did occur). This shifts the onus to the homeowner, the person with the the ability to obtain and keep the necessary proofs of compliance.

-- Record-keeping. Detailed record-keeping must be required to keep track of all the strangers coming and going, and not just the name of one person on the credit card or pay pal account. This is important for both enforcement and neighborhood safety.

In sum, single-family residential zoning is valuable to maintaining good, safe neighborhoods and good schools. It is not something that should be tampered with lightly or changed in ways that cause more harm than good.

Thanks for your time and service on the plan commission.

Cathy Cetrangolo