January 25, 2020

Dear Members of the Madison City Planning Commission

At your meeting on January 27, 2020, you are scheduled to review proposed changes to the Tourist Room House regulations. The ordinance changes under consideration (file # 58895) focuses on efforts to create an annual permit for tourist rooming houses and amended the supplemental zoning regulations applicable to tourist room houses.

Since I will not be able to attend and provide comment during the public portion of the Planning Commission meeting on January 27th, 2020 due to a work engagement. I wanted to take the time to share thoughts from our experience living directly next to a TRH in the Hill Farms Neighborhood.

The brother of the current owner of the property at 5030 Marathon Drive was until August 2019 operating a short-term rooming house that was in clear violation of the current city of Madison ordinances. Our residence is located immediately next door to the property in question. Over a period from February 2019 through May 17, 2019, the brother of the owner was operating three separate AirBNB listings on the property and starting on May 17, 2019, he began operation of a 4th unit. During this time period, we experienced a constant churn at this de-facto mini hotel operating in a residential neighborhood with an average of 5 guest per night (every night) with at least one unit rented out 87% of the time.

During this time period, I was verbally slandered by both the owner of the property as well as her brother and was verbally threatened by individuals dropping off customers at this de-facto hotel which raised concerns for my own personal safety. In addition, the transient nature of the inhabitants (customers of the in-part commercial business – de-facto hotel) operating next door at 5030 Marathon Drive directly impacts our personal safety and quality of life. In fact, several members of our family no longer feel safe within their own home. Our daughter, in particular, requested new security measures be put in place. Due to prior trauma histories, this situation has increased her anxiety and promulgated nightmares. The daily unknown nature of occupants staying next door had made her uncomfortable staying at home alone.

Many of our neighbors (especially those whose property borders 5030 Marathon Drive) or live directly across the street share these concerns. As Alder Martin can attest to, it led to a spirited conversation on the Hill Farms Neighborhood Facebook page. This thread resulted in a process that has publicly brought misrepresentations of our lived truths as it related to the operation of the tourist rooming house at 5030 Marathon Drive.

The operational violations of City of Madison ordinances related to the TRH at 5030 Marathon Drive led to issuances of several citations by the city of Madison Building Inspector (referenced as first three attachments). At the time, the lack of response from the city led me to write Mr. Hank to express my concerns. In his reply, Mr. Hank stated "You noted the difference between the two citations. One letter listed one item while the other listed three items of concern. If you look closely at the citations themselves, you will note the each citation is for one item only. Violation of MGO 28.151, "On-site registry for the operational tourist rooming house was not available.". The other items were listed in the letter to inform the owner of our additional concerns. MGO 28.151 was chosen because of our belief that it would be easier to prove in court. While listing them in a letter is easy, proving them in court can

be difficult." At that time, Mr. Hank also indicated that his office was working with the city attorney's office to draft new ordinances related to short-term rooming houses.

In addition to violating City of Madison ordinances, the operation of the tourist room house appeared to be in direct violation of the covenanted relationship that comes with property ownership within the Hill Farms neighborhood as outlined in the covenant attached to each deed of ownership and agreed to at the time of a home purchase. I would call your attention to two specific sections of the Hill Farms covenant:

- 4. No profession or trade nor any noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to the neighborhood.
- 13. These covenants and restrictions run with the land and shall be binding on all persons having any interest in said subdivision until terminated in accordance with paragraph 12.

These violations were so significant that through our collective neighborhood and my individual efforts and interactions with Alder Martin and members of the City Zoning Office (Mr. Tucker and Ms. Magdalina) led to their office working with the City Attorney's office (Mr. Strange) to file charges against the owner of the property at 5030 Marathon Drive related to the operation of the TRH at this property and contributed to the development of the ordinance before you tonight to strength the City of Madison ordinances related to TRH operation.

While the proposed ordinance will go a long way in improving the ability of the City of Madison to crack down on illegally operated short-term rooming houses such as AirBNB, it still has several structural omissions that if addressed would strengthen the ordinance.

- 1. The ordinance as written could still allow for an individual to have multiple listings at the same address as in the case at 5030 Marathon Drive. In my opinion, the ordinance should be amended to allow for only one room in a house, apartment or condo to be rented out as a short-term rooming house unless the entire house, apartment or condo is offered for rent.
- 2. The ordinance as proposed only requires that the guest license plate number if traveling by motor vehicle be recorded but many of the renters at 5030 Marathon Drive arrived via rideshare or taxi. In my opinion, the guest registry should also include a notation for guest arrival via these modes of transportation.

I appreciate the time and consideration that you are giving to this important issue in the City of Madison.

Sincerely

Jay Ford

5026 Marathon Drive

Madison WI 53705

Cc:

Alder Arvina Martin Alder Shiva Bidar Alder Patrick Heck Alder Marsha A. Rummel

Attachments:
Citation 1 CB2019-127-03392
Citation 2 CB2019-127-03392
Code Enforcement CB2019-127-03392
AirBNB Summary Log

wisc B1901045	ONSIN UNIFORM MUI		☐ Juvenile	* Depo	osit Permitted 187.00	□ Cash(□ _{Card}	For Cou	ırt Use Only)
You Are Notified to Appear Is this a mandatory apprearance?	☐ Yes 🔽 No	Defendent Name - PENDERGRAS		First	İ			MI
Date 06/18/2019		Street Address 1410 FARRING	GTON LN AU	RORA IL		st Office	State	Zip Code
Date	—— AM □ PM	Driver License Nui	mber or Other I.D	. (specify)			State	Exp. Yr.
CITY OF MADISON MUNICI RM#203, 210 MARTIN LUTH		Date of Birth	Sex	Ra	ce Height	Weight	Hair	Eyes
BLVD. MADISON, WI 53703		License Plate Num	nber Pla	ate Type		State		Exp. Yr.
Plaintiff ☑ City ☐ Villagor: MADISON	ge □ Town	Defendant Violate Ordinance No.	ed: 28.151		Adopting State Statute No.			
Description of Violation Or	-site registry for the	operational touri	st rooming ho	use was	not available	е.		
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☐ Left with person residing at defendan	t's residence: Name		Age	4				
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Donna Magdalina	Building Inspection	5713	04/26/20	19	CB2019-12	27-03392		
MC-2000, 02/06			•		-		COL	JRT COPY

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Plaintiff ☑ City ☐ OF: MADISON	_ · · · · · · · · · · · · · · · · · · ·		dant Violated: nce No.	28.151		Adopting State Statute No.			
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Comments

Court Officer

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BLVD. MADISON, WI 53703		License Plate Numb		e Type		State		Exp. Yr.
Plaintiff ☑ City □ Vill OF: MADISON	age □ Town	Defendant Violated Ordinance No.	: 28.151		Adopting State Statute No.			
Description of Violation	On-site registry for the c	perational tourist	rooming hous	se was	not available	Э.		
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Donna Magdalina MC-2000, 02/06	Building Inspection	5713	04/26/201	9	CB2019-12			OR COP
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CITY OF MADISON MUNICIPAL	COURT	Date of	Birth	Sex	Rad	ce Height	Weight	Hair	Eyes
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BLVD.		License	Plate Number	Plat	е Туре		State		Exp. Yr.
MADISON, WI 53703									
Plaintiff ☑ City ☐ Village OF: MADISON	□ Town	Defenda Ordinan	ant Violated: ice No.	28.151		Adopting State Statute No.			
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MC-2000, 02/06	_				DEFEND	ANT'S COF	Y: READ	NOTIC	E BELOW

INSTRUCTIONS - READ CAREFULLY

IF YOU WISH TO DISPUTE THE CITATION, you must either appear in court at the above assigned date and time, or enter a "not guilty" plea by mail prior to your court date. You may do so even if you already paid the deposit or posted bond. Please include either:

- · a photocopy of your citation and your correct mailing address, OR
- your correct name and mailing address, citation number, court appearance date listed on the citation, offense and arresting police agency.

These should be mailed to the following court address:

Clerk Of Court 210 Martin Luther King Jr. Blvd. Room 203 Madison, WI 53703

The court will schedule another court date and/or trial before a judge without a jury.

IF YOU DO NOT WISH TO DISPUTE THE CITATION, simply mail in the "deposit permitted" amount on the top of the citation by your court date, with a statement saying you do not wish to contest the citation. Please include either:

- a photocopy of your citation, OR
- · your correct name and address, citation, offense and arresting police agency

Make a check payable to the clerk of court and mail it to the following court address:

Clerk Of Court 210 Martin Luther King Jr. Blvd. Room 203 Madison, WI 53703

You do not need to appear. The court will either:

- accept your nonappearance as a plea of no contest, find you guilty and keep the "deposit permitted" amount as payment for your citation; OR
- decline to accept the deposit and order you to appear in court by summons or warrant.

IF YOU DO NOTHING, the court may either:

- issue a warrant for your arrest, OR
- · issue a summons for you to appear in court, OR
- find you guilty for failing to appear in court and order you to pay the forfeiture and costs imposed by the court.

For additional questions or concerns please visit the Madison Municipal Court website at http://www.cityofmadison.com/municipalcourt/ or contact the Madison Municipal Court directly at (608) 264-9282.



Department of Planning & Community & Economic Development **Building Inspection Division**

Madison Municipal Building, Room 017 215 Martin Luther King Jr Blvd P.O. Box 2984 Madison WI 53701-2984 Phone: (608)266-4551 Fax: (608)266-6377 www.cityofmadison.com

May 7, 2019

PENDERGRASS RAWA 1410 FARRINGTON LN AURORA IL 60504

RE: Premises Located At 5030 Marathon DR Official Notice No. CB2019-127-03392

Dear Property Owner:

A reinspection of your property on April 26, 2019, revealed that work done to correct Code violation(s) listed on the above Official Notice was not acceptable or was incomplete after the assigned due date. The item(s) needing further work are as follows:

Tourist Rooming House (TRH) establishment shall have a registry available on-site for inspection, indicating the identity of all guests, dates of stay, acknowledgement of operator presence or absence during stay, and length of stay. The registry shall include all information from the current registry year and the year immediately prior.

TRH must maintain maximum family occupancy rules for the SR-C1 zoning district regulations.

Property must reduce the number of dwelling units/rental spaces to one.

Since the required work was not satisfactorily corrected by the due date, you are being issued a Citation. In addition to the Citation, the Madison General Ordinances require that a fee of \$75.00 be charged for reinspections that do not result in compliance. This fee is independent from the Citation amount and will be invoiced to you separately. All outstanding violation(s) shall be corrected no later than May 21, 2019, to avoid further penalties and fees.

It is your responsibility to contact the assigned inspector when the work is completed, not later than one week before the new due date, to arrange for a reinspection. If you fail to contact the inspector and complete the work by the new due date, you may be issued an additional Citation or the case may forwarded to the City Attorney for appropriate legal action pursuant to the directions of the City Council. Please contact the assigned inspector immediately if you have any further questions pertaining to this case.

Donna Magdalina	

Sincerely,

DMagdalina@cityofmadison.com

WISCONSIN UNIFO B1901092 CITATION A] Juvenile	* Depo	sit Permitted 313.00	□ Cash(□ _{Card}	For Cou	rt Use Only)
You Are Notified to Appear Is this a mandatory apprearance? ☐ Yes ☑		efendent Name - Last ENDERGRASS, F	RAWA	First				MI
Date 07/09/2019		reet Address 110 FARRINGTON	NLN AUF	RORA IL		st Office	State	Zip Code
Time 9:30 ✓ AM ☐ PM	Dri	iver License Number o	or Other I.D.	(specify)			State	Exp. Yr.
CITY OF MADISON MUNICIPAL COURT RM#203, 210 MARTIN LUTHER KING JR		ate of Birth	Sex	Rac	e Height	Weight	Hair	Eyes
BLVD. MADISON, WI 53703	Lice	cense Plate Number	Plate	е Туре		State		Exp. Yr.
Plaintiff ☑ City ☐ Village ☐ Town OF: MADISON		efendant Violated: dinance No.	28.151		Adopting State Statute No.			
Description of Violation On-site registry	for the ope	erational tourist roo	oming hou	se was	not available	е.		
Week Day Month - Day - Year Tir	ne	At:5030 Maratho	n DR	Registered	Agent			
Wednesday, May 22, 2019 1:05:00PM		County: Dane	•					
Citation Served: ☐ Personally ☑ Maile	ed to defendan	nt's last known addres	s					
☐ Left with person residing at defendant's residence: Nam	e		Age					
Print Officer Name Department		I.D. No.	Date Citation	n Issued	Building Inspec	tion Case Numb	er	
Donna Magdalina Building Ins	spection	5713	05/22/201	9	CB2019-12	27-03392		
MC-2000, 02/06							COU	IRT COPY

B1901092	WISCONSIN UNIFORM MUN CITATION AND COM			Juvenile	* Depo:	sit Permitted 313.00	□ Cash	•	ırt Use Only)
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Date 07/09/20	019	Street Address 1410 FARRIN					st Office	State	Zip Code
Time 9:30	✓ _{AM} □ _{PM}	Driver License Nu	ımber o	r Other I.D.	(specify)			State	Exp. Yr.
CITY OF MADISON N RM#203, 210 MARTIN	MUNICIPAL COURT	Date of Birth		Sex	Rac	e Height	Weight	Hair	Eyes
BLVD. MADISON, WI 53703		License Plate Nu	mber	Plat	te Type		State		Exp. Yr.
Plaintiff ☑ City OF: MADISON	□ Village □ Town	Defendant Viola Ordinance No.	ted:	28.151		Adopting State Statute No.			
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Wednesday, May 22,	2019 1:05:00PM	County:	Dane						
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Donna Magdalina	Building Inspection	5713		05/22/201	19	CB2019-1	27-03392		
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Comments

Court Officer

WISCONSIN UNIFORM MUI	NICIPAL COURT		* Depo:	sit Permitted	☐ Cash	(For Cou	rt Use Only
B1901092 CITATION AND COM	MPLAINT	☐ Juvenile	\$	313.00	☐ Card		
You Are Notified to Appear Is this a mandatory apprearance? ☐ Yes ☑ No	Defendent Name - PENDERGRAS		First				MI
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Date	1410 FARRING Driver License Nun			60304		State	Exp. Yr.
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MADISON, WI 53703	Defendant Violate	d		Adopting			
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☐ Left with person residing at defendant's residence: Name		Age					
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Court Officer	10	Comments					_

WISCONSIN UNIFORM MUN	IICIPAL COURT		* Depo	sit Permitted	☐ Cash (For Cou	rt Use Only)
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You Are Notified to Appear Is this a mandatory apprearance? ☐ Yes ☑ No	Defendent Name - L PENDERGRAS		First				MI
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Time 9:30	Driver License Num	ber or Other I.D.	(specify)			State	Exp. Yr.
CITY OF MADISON MUNICIPAL COURT RM#203, 210 MARTIN LUTHER KING JR.	Date of Birth	Sex	Rad	ce Height	Weight	Hair	Eyes
BLVD. MADISON, WI 53703	License Plate Numb	per Pla	te Type		State		Exp. Yr.
Plaintiff ☑ City ☐ Village ☐ Town OF: MADISON	Defendant Violated Ordinance No.	d: 28.151		Adopting State Statute No.			
Description of Violation On-site registry for the	operational touris	t rooming hou	use was	not available	Э.		
Week Day Month - Day - Year Time	At:5030 Ma	rathon DR	Registered	Agent			
Wednesday, May 22, 2019 1:05:00PM	County: [Dane	1				
Citation Served: ☐ Personally ☑ Mailed to defer	ndant's last known ad	Idress	1				
☐ Left with person residing at defendant's residence: Name		Age	-				
Print Officer Name Department	I.D. No.	Date Citation	n Issued	Building Inspec	tion Case Numb	er	
Donna Magdalina Building Inspection	5713	05/22/20	19	CB2019-12	27-03392		
MC-2000, 02/06			DEFEND	ANT'S COF	Y: READ I	NOTIC	E BELOW

INSTRUCTIONS - READ CAREFULLY

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- a photocopy of your citation and your correct mailing address, OR
- your correct name and mailing address, citation number, court appearance date listed on the citation, offense and arresting police agency.

These should be mailed to the following court address:

Clerk Of Court 210 Martin Luther King Jr. Blvd. Room 203 Madison, WI 53703

The court will schedule another court date and/or trial before a judge without a jury.

IF YOU DO NOT WISH TO DISPUTE THE CITATION, simply mail in the "deposit permitted" amount on the top of the citation by your court date, with a statement saying you do not wish to contest the citation. Please include either:

- a photocopy of your citation, **OR**
- · your correct name and address, citation, offense and arresting police agency

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Clerk Of Court 210 Martin Luther King Jr. Blvd. Room 203 Madison, WI 53703

You do not need to appear. The court will either:

- accept your nonappearance as a plea of no contest, find you guilty and keep the "deposit permitted" amount payment for your citation; **OR**
- decline to accept the deposit and order you to appear in court by summons or warrant.

IF YOU DO NOTHING, the court may either:

as

- · issue a warrant for your arrest, OR
- issue a summons for you to appear in court, OR
- find you guilty for failing to appear in court and order you to pay the forfeiture and costs imposed by the court.

For additional questions or concerns please visit the Madison Municipal Court website at http://www.cityofmadison.com/municipalcourt/ or contact the Madison Municipal Court directly at (608) 264-9282.



Department of Planning & Community & Economic Development **Building Inspection Division**

Madison Municipal Building, Room 017 215 Martin Luther King Jr Blvd P.O. Box 2984 Madison WI 53701-2984 Phone: (608)266-4551 Fax: (608)266-6377

www.cityofmadison.com

May 24, 2019

PENDERGRASS RAWA 1410 FARRINGTON LN AURORA IL 60504

RE: Premises Located At 5030 Marathon DR Official Notice No. CB2019-127-03392

Dear Property Owner:

A reinspection of your property on May 22, 2019, revealed that work done to correct Code violation(s) listed on the above Official Notice was not acceptable or was incomplete after the assigned due date. The item(s) needing further work are as follows:

Tourist Rooming House (TRH) establishment shall have a registry available on-site for inspection, indicating the identity of all guests, dates of stay, acknowledgement of operator presence or absence during stay, and length of stay. The registry shall include all information from the current registry year and the year immediately prior.

Since the required work was not satisfactorily corrected by the due date, you are being issued a Citation. In addition to the Citation, the Madison General Ordinances require that a fee of \$75.00 be charged for reinspections that do not result in compliance. This fee is independent from the Citation amount and will be invoiced to you separately. All outstanding violation(s) shall be corrected no later than June 11, 2019, to avoid further penalties and fees.

It is your responsibility to contact the assigned inspector when the work is completed, not later than one week before the new due date, to arrange for a reinspection. If you fail to contact the inspector and complete the work by the new due date, you may be issued an additional Citation or the case may forwarded to the City Attorney for appropriate legal action pursuant to the directions of the City Council. Please contact the assigned inspector immediately if you have any further questions pertaining to this case.

Sincerely,

Donna Magdalina

DMagdalina@cityofmadison.com



City of Madison

CODE ENFORCEMENT

REVIEW DATE

DUE DATE 05/21/2019

Worksheet

0709-194-0330-6

5030 Ma	orathon DR		INSP	C	ASE NBR	CASE TYPE			
	n, WI 53705		Magdalina, Donna		9-127-03392	Complaint			
	NAME OF PERSON TO	CONTACT, E	ГС.	EMP	DATE	ACTIVITY			
	REMAR	h:	w:	Inspections 05/07/2019 - Open 5 DJM - 04/26/2019 - Citation					
NUMEROU	S TRH COMPLAINTS RE			DJM -	- 05/22/2019 -	Citation			
OWNER	(ORIGINAL TO:							
PENDERGRA 1410 FARRIN AURORA, IL	GTON LN 14	ENDERGRASS, 110 FARRINGTO URORA, IL 6050	ON LN						
CC 1:		°C 2:							
	NOTES					- Open Status			
04/26/2019 Inspection with Police Sargent Dono registry available; SFH had be into multiple dwelling units; seve Airbnb guests staying overnight dwelling units; guests not expect on site. 05/22/2019 Went to property with police office			en separated n (7) unrelated n one of the ng owner to be	Citation /2019 Citation Issued /2019 Citation					
	Lori Chalecki and a relative of the prope spoke limited Englis eventually came to rowner came too. The us all rooms of hous occupied by TRH guavailable.	police intern s rty owner ans h. Property ovesidence and e owner and b e except thos	taff person. A wered door but wner's brother then property rother showed e currently						

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Owner Home	# of Units Rented	# of Days Rented	Available Rental Days	Adjusted Number of Renters	Comments	Rawa Home	Days at 10 or more renters	Above Average	Above 4 Guests
		139	***************************************	***************************************	Number of Days Rented	94	Owner Not H	lome	
	4.59	34	38	5.15	# of Rentals only 1	58.8%	% of Availab	le Rental D	ays
***************************************		85	113		# of Rentals equals 2				
		222	232		# of Rentals equals 3	59	Owner Not H	Home throu	igh June 2019
		297	333		# of Rentals equals 4	48.4%	% of Availab	le Rental D	ays
Owner Hom	ne	# of Peopl	e per Stay						
49	No This FY					35	Owner Not H	lome throu	igh Dec 2019
14	4 Not sure					92.1%	% of Availab	le Rental D	ays
32	No Next FY	8/4/2019							
	1 Not sure								
					Number of Rented Days Above Average	92	66.2%		
	2.91	Average # of	f units rented	d	Number of Rented Days Minimum Guest above 4	108	77.7%		
					Total # of Rental Days	139	86.9%		
	70	1 Unit			Number of Days with No AirBNB Guests	21	13.1%		
	35	2 Units			Total # of Possible Rental Days	160			
	37	3 Units			Number of Rented Days with More than 1 unrelated Guest	128	92.1%		
	195	4 Units Total Possible			Number of Rented Days with only 1 unrelated Guest Number of Rented Days above average (Adjusted Renters) Number of Rented Days above 4 Guests (Adjusted Renters)	11 70 132	50.4%		
	63.7%				Number of Rented Days at 10 or more guests	17			
	03.770				Number of Rented Days at or above listed AirBNB Capacity of 11 Guests	17			
	3 # of times o	wner not pre	sent in 2018		runiber of Refreed Bays at of above instead in British capacity of 11 caests	1,	12.2/0	***************************************	
						Number of Times Unit	Days	Total Possible	
					Unit Rented	Rented	Rented	Rent Days	supranaea
57	7 Total # of tir	nes owner no	t present		Number of Days Queen Rented	120	86%	75%	
-27	7 # of days un	til above 30 r	eached		Number of Days Twin Rented	112	81%	70%	
					Number of Days Whole House Rented	35	25%	22%	
					Number of Days Private Queen Rented	66	47%	41%	
					Number of Days Private Basement Rented	73	53%	46%	







