

Submitted as public comment for the BTV Planning Commission Meeting scheduled for January 12<sup>th</sup> 2021.

Dear Planning Commission & Joint Committee Members:

Over the past several weeks, several members of the Burlington STR Host Coalition have met and developed a set of proposed policy recommendations for the regulation of the STRs in Burlington. Our recommendations are based on the following objectives, which we feel are shared by the BTV Planning Commission and STR hosts.

**Our goals are to:**

1. Simplify regulations for easy and accurate registering, tracking, and enforcement
2. Fulfill the 2019 Housing Summit objective of collecting real data on STRs in order to assess and weigh all impacts on Burlington’s housing market, community members, and economy
3. Prevent STRs from concentrating in a single building or lot
4. Prevent detrimental loss of commercial housing to STR
5. Allow the City to collect additional revenue based on number of STRs
6. Allow the City to schedule inspections and issue code enforcements
7. Prevent new commercial construction for the sole purpose of STR
8. Create new housing construction incentives that have multi-generational benefits
9. Allow for easy transitions between STR and long-term rental markets
10. Remove complicating and unstable variables of STR scenarios and configurations (i.e. on-site vs. off-site host, ‘whole-unit’ vs. ‘partial-unit’, etc.)

**Proposed Limits on STRs in Burlington:**

Burlington Land Use Code	STR** Allowance	Burlington Zoning District	
		Mixed Use, High & Medium Density Residential	Low Density Residential
Residential* - R1, R2, R3, R4 Single Family, ADUs, Duplex, Triplex, 4-Unit Multi-Family House	1 STR per lot	Permitted	Permitted
	2 STRs per lot	Permitted	Conditional
Commercial & All Other Residential Codes Apartment Buildings, Condominiums, Townhouses	Per HOA/CCRs	Conditional	Conditional

\*Operating STRs in “affordable” units (any housing unit receiving public funding) is prohibited.

\*\*STR encompasses whole-unit and partial unit, and owner- and non-owner-occupancy status.

Conditional = permit requires DRB review and approval.

**Along with the above permitting structure for STRs, the following policies and procedures should be administered:**

1. Annual registration process for STRs with the City of Burlington
  - a. A STR Operation fee of \$100/STR/year in addition to Apartment Registration Fee is recommended
    - i. STR fee should be directed to Burlington Housing Trust Fund (ex: 400 registered STRs = \$40,000/yr)
2. Annual collection of Rooms & Meals Tax (RMT)
  - i. This is already in effect, but STR RMT should be directed to Burlington Housing Trust Fund (ex: 2019 STR RMT = ~\$100,000/yr)
3. City Inspection Certificates should be required to be on display in all STR units
4. STRs should not invoke additional parking requirements
5. Current STR owners should have a 12-month grace period to register their STRs without penalty after passing of any new ordinance

**With the passing of the aforementioned recommendations, we anticipate that the City of Burlington will achieve the following outcomes:**

1. New definitions for “Short-Term Rentals” (STR) in Zoning Regulations
  - o STR definition based solely on number of consecutive nights rented
  - o Subcategory definitions to allow for further distinctions, if needed
    - For example: whether the STR is interchangeable with non-shared LTR
2. A new system for STR registration and data collection
  - o Registration form collects data on each STR configuration and actual use
    - For example: “whole unit” vs “partial unit”, “owner-occupied” vs. “non owner-occupied”, percent of year used as STR vs LTR, etc.)
3. Better tracking and enforcement of STR policies and regulations
  - o Easy to enforce limit of STRs per Parcel ID/Address/SPAN number
  - o Easy to enforce permitting of STR per Land Use Code
4. New annual income for Burlington Housing Trust Fund
5. Housing protections for affordable units and commercial properties
6. Opportunity for all residential properties to participate in home-sharing marketplace equitably, not excessively
  - o No more than 2 STRs may exist in one residential lot anywhere

Please seriously consider these recommendations. We all want to see regulations passed sooner than later. This is a solid compromise that enables the City to get the data it needs to effectively regulate, while providing immediate protection from worst-case scenarios and preventing harm to Burlington's property owners who desperately rely on short-term rental income.

Sincerely,

The Burlington STR Host Coalition Steering Committee:

Deb Lyons, Lucas Jenson, Amy Magyar, Julie Marks, Ellis McArdle, Paul O'Brian, Jamie Sharp

## Additional Comments on Short Term Rentals

**From:** Maggie Sherman <[maggie@oneofakindbnb.com](mailto:maggie@oneofakindbnb.com)>

**Sent:** Monday, January 11, 2021 4:22 PM

**To:** Meagan Tuttle <[mtuttle@burlingtonvt.gov](mailto:mtuttle@burlingtonvt.gov)>

**Subject:** Comment about short term rentals and Covid guidelines

With the lax of guidelines for unregistered short term rental owners there is equal lax from some owners to notify and follow the guidelines for Covid-19 for travelers set out by the state of Vermont. Some short term rental owners feel notification of guidelines is not their responsibility but, the responsibility of the Vermont government.

Being a registered and licensed hospitality agent engenders short term rental owners to being a more responsible community member.

Maggie Sherman

Contessa of Comfort

**One Of A Kind Bed & Breakfast**

53 Lakeview Terrace

Burlington, VT 05401

802-862-5576

[www.oneofakindbnb.com](http://www.oneofakindbnb.com)

[maggie@oneofakindbnb.com](mailto:maggie@oneofakindbnb.com)

**Submitted** Tuesday, January 12, 2021 - 11:55

**Your email address:** [Mjacobsrealty@gmail.com](mailto:Mjacobsrealty@gmail.com)

Did you attend the Housing Summit workshop in June? : No

### **Share your comments:**

As I have read the proposals and the different options the city is considering ,here is my contentions on two restrictions. I'm having a hard time understanding why a owner has to reside at the building where a unit is being used as a short term rental . The City is well informed on the platforms , who owns the building where the short term rental is ,why not instead fine the landlord / owner / rental agent if there are issues , give out a ticket as when there is a noise ordinance, make them show up in city court as is done for noise issues instead , revoke their right to have a short term rental.

**From:** edenusa@aol.com <edenusa@aol.com>

**Sent:** Tuesday, January 12, 2021 1:05 PM

**To:** Meagan Tuttle <[mtuttle@burlingtonvt.gov](mailto:mtuttle@burlingtonvt.gov)>

**Subject:** Short Term rentals

Hi Megan, I can't make the meeting on the Subject topic tonight but I would like to put a few observations on the record:-

Often it is said that short term rentals cause problems; noise, trash, inappropriate behavior that existing Zoning regulations and Ordinances have no jurisdiction over. And that it is unfair competition on hotels etc., who have to follow stricter guidelines and regulations. This seems to me to be patently incorrect:

Zoning regulations and Ordinances control trash, noise, occupancy, etc. Whether a property is owner occupied, rented full or part time the same rules apply. I have seen no credible information that issues with properties in short term rental are demonstrably worse than other properties in the same neighborhood.

My experience is that many of those who stay in short term rentals are not people who would typically rent a hotel room. Therefore the number of people visiting Vermont is increased and thus the benefits to the wider community is increased in terms of sales at local restaurants, stores etc.

If there is a desire to control short term rentals to gain taxable income at the local let's call it that. The rentals occur in properties that meet local regulations. What other regulations should they be subject to, and why?

If the short term rental occurs in an owner occupied property rather than an exclusively income generating property it is especially important that no changes should be made to regulations or taxation. Meals and room taxes for short term rentals are already paid to the State of Vermont by companies such as Airbnb. Sometimes the opportunity to have a short term rental is the difference between a homeowner being able to stay in their property or lose it.

During times of economic constriction layering extra burdens on a homeowner can create unnecessary hardship.

Thank you,

Robin Pierce.

**From:** Kent Cass <kentcass@gmail.com>

**Sent:** Tuesday, January 12, 2021 1:26 PM

**To:** Meagan Tuttle <mtuttle@burlingtonvt.gov>

**Subject:** STR Regulations

MEGAN: I would like to speak at the meeting this evening but I have another commitment that will keep me busy until after 7:30. I will zoom in then but please share my letter below.

Thank you, Kent

To the committee members:

I have been a AirBnb host for 5 years. I have a superhost rating and 4.9 (of 5) stars from my combined reviews. I mention this because this is the impression guests have from their visits to Burlington. My guests receive brochures, maps, guides and recommendations from me and have given me outstanding reviews. This is their 'welcome to Burlington.'

The reason I became a host in my small duplex in the north end is simple...I wanted to remain in my home and, quite frankly, I could not afford it. I am retired and on a fixed income with some occasional part time work. I have owned this home for nearly 30 years and have been a Burlington resident for 48 years.

When I made the decision to offer STR I registered with the state and paid the Meals and Rooms taxes quarterly, as was expected. When the state forgave the unpaid taxes of my fellow hosts, I remained

silent. I cannot remain silent now. STR's are not responsible for the affordable housing crisis that they have been charged with.

When the early discussions began and there were proposals for a \$7930 one time fee for an owner occupied duplex to use their unit as a STR..I panicked! The only option that was offered was to become a Bed and Breakfast, which is what I did. I could not risk having to pay nearly \$8000 to continue as an AirBnb host. It was prohibitive.

I was and am involved with the STR Host Coalition. I feel that I have abandoned them by becoming a B&B. Their work has been tireless, articulate and on point. I urge you to listen and continue to engage with our group and to consider the recommendations that have been offered. I am in solidarity with my fellow hosts.

This past year has been very difficult for all of us. Recently there was an article that suggested that AirBnb's continued to operate during the early months of the pandemic and that is just not the truth. AirBnb's were shut down just as hotels were. For 4 months I had no income from AirBnb. We are struggling now, and that combined with the fear of draconian regulations is nerve wracking.

I urge you to consider the proposals from the AirBnb host group. Invite us in for more detailed discussion of the reality of the state of the AirBnb community in Burlington. Let us help you to get an accurate count of the number and types of units that are in the AirBnb inventory. You cannot regulate based on assumptions. Take the time to gather facts. We want to help.

Thank you for your hard work and your open minds.

Regards,

Kent Cassella

**From:** Phil Draper <pdrapeer84@gmail.com>  
**Sent:** Tuesday, January 12, 2021 1:51 PM  
**To:** Meagan Tuttle <mtuttle@burlingtonvt.gov>  
**Subject:** Comments to committee AIRBNB

My comments for the Burlington Airbnb Zoom:

Any issues with Airbnb hosts/guests (that are illegal) should be dealt with the accordingly (ie noise complaints, suspicious people, bothering neighbors) and whoever is upset should notify local law enforcement. These issues aren't necessarily a flaw of Airbnb but of human nature and a symptom of change and growth. To narrowly focus on these types of issues and to correlate them to Airbnb is a flawed notion. These are human issues not necessarily solely Airbnb issues. We already have laws against bothering neighbors etc, use the law, don't make new laws, we have enough.

Limiting peoples' income during a pandemic with unprecedented unemployment is an awful thing to try to do.

Government red tape not only blocks entrepreneurial progress and prosperity "in the now" but it discourages onlookers and the younger generation, you will break peoples' spirits before you even knew

they existed. There are unintended consequences to over reaching types of actions that government usually doesn't consider fully or deeply or long enough.

Allow our economic ecosystem to develop organically and if nobody is getting hurt, leave red tape out of it. If someone is getting hurt, call the cops, we already have laws.

If we do not have freedom to Airbnb our home, do we fully own it? Airbnb is popular for a reason, to discount that is to discount the will of the people.

Thank you

Phil Draper  
Airbnb Host on Lake Champlain

From: David Ackerman <ack.dave@hotmail.com>  
Sent: Tuesday, January 12, 2021 4:55 PM  
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>  
Subject: Airbnb proposals

Hello,

I'm just hearing of this discussion for the first time so forgive me for what I may have missed. You may have already addressed these topics, I'm not sure.

I have just spent months of my time and thousands of dollars converting an empty office space to Airbnb so I have a few thoughts on the subject:

-Conversions of units NOT previously zoned as residential should not be part of any limited Airbnb use. Landlords like me are scrambling to find alternative uses for commercial space in order to pay our property taxes. Trust me, we would have preferred to have our regular rents paid. Restricting Airbnb conversions of commercial units does NOTHING to reduce housing, if anything, it maintains regular housing since supply better meets demand which keeps prices in check. For me this was just a re-shuffle on how I could replace lost commercial tenants... and afford to pay my property taxes.

-Any new costs that would be put onto the shoulders of tax payers should be delayed until AFTER the Covid pandemic is over. People are hurting and I suspect that Airbnb type platforms have helped many people make ends meet. Now is not the time to add costs or restrictions. Develop a plan, wait at least a year to implement any fees.

-While I agree that people should have to apply for zoning permits, a change of use already involves a building inspection. People naturally take care of their units for Airbnb use because reviews are driven by cleanliness and good repair. Adding extra inspections does nothing but make it more difficult to do business in the City. Burlington has a wide reputation of being a hassle within which to work. Simply make owners go through the process once and pledge to maintain life safety. If not that liberal, perhaps a two or three year inspection interval would suffice. Don't make it overly cumbersome.

-People who stay at Airbnb's spend a lot of money in the City, something we can use right now. Don't discourage Airbnb, it's here to stay.

-From what I see already, people who stay at Airbnb's are on their best behavior since they don't want negative reviews. There is no additional cost to the City in allowing it.

Thanks,

Dave Ackerman