



Legislation Text

File #: 18-0816, **Version:** 2

Vacation Home Rental Ad Hoc Committee recommending the Board approve the **Final Passage** (Second Reading) of Ordinance **5085** amending Chapter 5.56 of the County ordinance code related to Vacation Home Rentals in the Lake Tahoe Basin to apply the chapter's provisions to the entire unincorporated area of the County and to incorporate revisions approved in concept by the Board of Supervisors on May 2, 2018. (Cont. 5/22/18, Item 32)

DEPARTMENT RECOMMENDATION

At their May 22, 2018 meeting, the Board approved Ordinance 5085 and Continued the matter to June 5, 2018 for Final Passage (Second Reading).

Vacation Home Rental Ad Hoc Committee recommending the Board consider the following:

- 1) Approve the Introduction (First Reading) of Ordinance **5085** amending Chapter 5.56 of the County ordinance code related to Vacation Home Rentals in the Lake Tahoe Basin to apply the chapter's provisions to the entire unincorporated area of the County and to incorporate revisions approved in concept by the Board of Supervisors on May 2, 2018; and
- 2) Waive full reading, read by title only and continue this matter to June 5, 2018 for Final Passage (Second Reading).

DISCUSSION / BACKGROUND

The Board of Supervisors has designated Supervisors Ranalli and Novasel as the Vacation Home Rental (VHR) Ad Hoc Committee, which is tasked with studying issues related to vacation home rentals and providing recommendations for improved regulation and enforcement. The committee's goal is to develop modernized policies and enforcement methods that retain the benefits of VHRs, prevent or mitigate the impact on neighborhoods, and minimize their impact on public services.

The committee has been working to identify what changes can be made to the current ordinance to update its provisions and improve enforcement of its existing provisions, with the idea that as those items are implemented, the committee will continue to work on finding longer-term solutions to address not only nuisance issues, but other issues related to VHR effects on neighborhoods and housing. The ordinance language proposed today is considered by the committee to be the first in a series of recommendations that will be brought to the Board of Supervisors in the coming months.

The committee has held several public meetings, conceptual changes to County Ordinance Code Chapter 5.56 in public meetings, and the Board of Supervisors approved the committee's recommendations on March 13, 2018, and on May 2, 2018. The following concepts have been incorporated into the attached, revised ordinance language:

1. Restructure the violation and penalty provisions to link permit revocation to nuisance behavior, remove the "warning" for the first violation, and increase penalties.

The current ordinance provides for a warning for the first violation within a 12-month period, followed by a penalty of \$250 for the second violation, \$1,000 and permit suspension for six

months for the third violation, and possible permit revocation for at least 12 months upon the fourth violation.

The committee's recommendation was for penalties of \$500, \$1,000, and \$1,500 for the first, second, and third violations, respectively; however, Counsel has advised that a penalty for violations of this chapter may not exceed \$1,000. Accordingly, the proposed language provides for penalties of up to \$500, \$750, and \$1,000 for the first, second, and third violations, respectively.

In addition, the permit may be suspended for up to six months after three nuisance incidents within an 18-month period, or revoked for one year after four nuisance incidents within an 18-month period.

2. Rephrase sections that refer to owners and occupants making "best efforts" toward compliance to clarify responsibilities and make it easier to discern when an actual violation has occurred.

Language has been revised throughout the ordinance to make it clear when a violation has occurred.

3. Require signage displayed prominently on the outside of the rental.

The ordinance requires external signage displaying the VHR permit number, local contact's information, appropriate County contract information and the ordinance code section citation, to be compliant with content, size, and font requirements as determined by the County.

4. Establish a total maximum capacity for occupants and guests after 10:00 p.m. and establish an official quiet time of 10:00 p.m. to 8:00 a.m.

The ordinance prohibits occupancy in excess of that allowed by permit between the hours of 10:00 p.m. and 8:00 a.m.

5. Expand the ordinance to apply countywide.

The language requires all VHRs in the unincorporated area to have a valid VHR permit. VHRs outside the Tahoe Basin would be required to comply upon application for, or renewal of a business license to operate a VHR.

6. Implement inspections for compliance with the ordinance, permit conditions, and health and safety laws prior to issuance and renewal of a permit.

The ordinance requires a permit applicant to consent to an inspection of the property prior to permit issuance. Inspection requirements and fees are still under review by the VHR Ad Hoc Committee.

7. Revise sections regarding responsibility for permitting, inspection, compliance, and enforcement functions.

The ordinance removes specific references to the Treasurer-Tax Collector as the office responsible for issuing permits and investigating violations. The Ad Hoc Committee is continuing to work on recommendations for the placement of these functions and will return to the Board of Supervisors with further recommendations before the ordinance revisions become effective.

The required response time for a local contact person to arrive on site upon a report of a violation has been reduced from 60 minutes to 30 minutes. In addition, the venue for appeals of the Code Enforcement Hearing Officer's decisions on violations has been change from the Board of Supervisors to the Superior Court, to be consistent with the process for other such administrative appeals.

8. Revise provisions regarding bear-resistant trash receptacles

The ordinance language references the County Health and Safety Ordinance, Chapter 8.76, for bear-proof trash receptacle requirements. This chapter includes specific references to requirements for vacation home rentals that are located in the area to which the requirements apply, which is generally within the Tahoe Basin.

ALTERNATIVES

The Board could choose not to amend the ordinance at this time, or to direct revisions to the proposed language.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

The VHR Ad Hoc Committee has worked with County staff including County Counsel, the Treasurer-Tax Collector, Building and Planning, Environmental Management, and the Sheriff's Office. The committee has also received public input through public meetings, and has consulted with the local fire districts regarding assistance with VHR inspections.

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

There is no direct fiscal impact associated with adoption of the ordinance, other than minimal charges for publication. The Ad Hoc Committee will continue its work to restructure the permitting and enforcement processes related to VHRs and will include cost recovery as a key component of any future recommendations.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Upon Board direction, notice this ordinance change for Final Passage (second reading) for the Board meeting June 5, 2018.

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

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