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Pending Ordinance 2019-343 - Short Term Rentals

Thomas Courtney <thomas.r.courtney@gmail.com>

Thu, Jan 23, 2020 at 8:01 PM

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Hello Council Members and Liaisons,
BCC: 80+ people who support short term rentals.

You should be familiar with my name and prior emails to city council regarding this topic, so I will not repeat previous correspondences and documents. I'm disappointed I cannot participate in person, but **I am curious why my primary email is blocked from your servers... this prompts serious concern.** Nonetheless, I will be heard. The citizens affected by this ordinance are trying to be heard!

Mark Olinger's timeline showing citizen involvement in the development of the planned STR ordinance is not accurate. I presented to the Finance Department Standing Meeting September 14th 2019 with suggestions - asking about the timeline of a revised ordinance and when the public can be involved.

The revised ordinance was published for introduction on or around December 12th 2019 and scheduled for Planning Department "push through" on January 6th. At the meeting, people who planned to comment had to leave the meeting due to the duration approaching 5 hours (only 2 of that was left for citizen feedback).

Confusion was shared and questions were unable to be answered by Mr. Olinger. The ordinance was referred to the LUHT committee meeting on January 21st 2020 for their approval (no quorum existed) - and it was passed to council.

In the LUHT committee meeting, there were some good topics and questions that were brought up...

Michael Jones asked, "Are there any short term rental operators taking advantage of the tax abatement program?" Mark Olinger was unable to respond to this question, among others... citing a lack of data.

I am an owner-operator of a short term rental in the Manchester tax abatement district, which I bought specifically for its tiny efficiency apartment unit, separate from my own. This has provided a job and revenue for my sister (who is a single parent) as well as a comfortable place to stay for many guests. No complaints from neighbors either... **none of my neighbors owner-occupy!**

I presented myself and offered feedback to Mr. Olinger back in the early stages of public meetings. I have also been openly and prominently operating short term rentals with City of Richmond Business Licenses since 2016. I have offered my assistance and feedback in the development of the ordinance - and can even provide operational data relating to finances that AirBnB will not provide directly to the city.

Nonetheless, I appreciate Mr. Jones' comment that the apparent opposition at the most recent LUHT meeting is indication that the ordinance has not been fully vetted and refined before submission to council... and instead the ordinance presented will continue to occupy time on the council floor. I also note that the ordinance is not taking advantage of any lodging tax requirements - which may later be added by additional financial ordinance - rather than a single comprehensive plan with success written on it. Success of this plan depends on the ability of residents to understand if they're affected, what they need to do, and how to comply.

I think it was Tyler Rackley who mentioned at the end of the LUHT that the timeline between the revision of the ordinance and submission to council has been "rushed" - not having the most recent dates on hand. There was a frenzy of "informational meetings" last summer - later published as public comment periods. That is just not reality. The outcome of the public survey and information shared was not even publicly available until October - and then no additional opportunities since then to participate - less the last two meetings with citizen participation at city hall the past 3 weeks.

The ordinance is going to Council on February 10th. In preparation of this event, I submitted a formal, legal protest per means described in our existing zoning law of the Zoning Charter ([See Section 17.15](#))... See item #8 on the [pending legislation website](#). Per Mr. Olinger, he anticipates that a "max number of operators" will pay for the proposed \$40,000 cost to use a 3rd party compliance service. Based on the \$300 permit fee, this means that 133 operators must register to be financially in the green. The protest contained approximately 40 signatures - over the minimum of 20% citizen feedback to prompt special voting outcome by council.

Not only should the protest be considered for amendment to the specific part of the legislation which most short term rental operators are in opposition - these same people will be the ones that will become ineligible by the new ordinance if passed as written - making the "max number of applicants" insufficient to sustain the financial expense of 3rd party compliance.

In summary, I am again offering myself as an "insider" who has been operating short term rentals since 2016 with city of Richmond business licenses. I have been working with a group of concerned citizens and owner-operators who would like to eliminate the 185-day owner occupancy rule - especially in multi-family districts. This change would similarly match regulation which is active in Nashville, TN after years of operation and refinement.

While I cannot attend on the 10th, I am still hoping I can continue to operate my short term rental business without being a 185-day a year occupant - I literally wander around between my properties with a bin of clothes depending on what's rented. I am a resident, property owner, good neighbor, and advocate for those who are attempting to be heard. There are so many things that have been implemented poorly in the past - let's not make this one of them.

Respectfully,

Thomas Courtney
TomCo Properties LLC
RVA Account # 1027660 - Business License for Lodging - Issued 2016
RVA Account # 1027662 - Business License for Lodging - Issued 2016



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Response to Public Protest.pdf

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Thomas Courtney <thomas.r.courtney@gmail.com>

Pending Ordinance 2019-343 - Short Term Rentals

Thomas Courtney <thomas.r.courtney@gmail.com>

Wed, Feb 5, 2020 at 12:39 PM

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Hello Council Members and Liaisons,
BCC: 80+ people who support short term rentals.

While unable to attend on the 10th, my interests and opinions will be represented by others speaking at the meeting on Monday (and the original formal protest document).

Recognizing that I will continue to legally operate short term rentals regardless of the outcome of the owner-occupancy rule (opposed), there are some questions that should be asked and answered as follows:

A) When will the zoning department be ready to accept and process CZC applications for STR operators in preparation of the July 1 implementation? Renters can make reservations 3-6 months out and many properties are likely to become ineligible after July 1.

B) How will the new rules be enforced and violations reported? Will warnings and notifications go out in the coming months with enforcement action starting July 1?

C) Who will be the person / owner / system for tracking complaints? The City of Richmond Code Enforcement, 3rd Party Vendor, See Click Fix, 311, or Other?

Prior to pending regulation, there were few concerns or complaints - prompting operators to ask why regulation was even necessary. Following implementation of the regulation, a plethora of activities will follow that may not be well considered in regard to scope and operating cost. A positive financial outcome is dependent on THE MOST PEOPLE REGISTERING as possible (\$300 x 134 Registrants = \$40,000 expected cost).

I look forward to be the first compliant STR rental (again) despite my pre-existing business licenses with the City, sustained and prominent operation since 2016. If there are not sufficient registrants by July 1, the city should expect that they will again be "in the red" for this new activity.

Those STR Operators who are interested in remaining compliant AFTER July 1 legislation is active, feel free to meet with me at New York Deli in Carytown on Friday 2/7 around 6:30 PM. I would like to form an organization of Richmond-based STR operators who seek to optimize the business practices and strategies for interacting with the city in the future - and keep you compliant if you do not currently know how to continue operating.

This future organization would be similar to that of a housing association or real estate organization with official legal representation. Details pending - and I expect that as a collective unit, there could be financial

benefits for shared services, as well (insurance rates, cleaning services, and services assisting with operations). I will have details to share Friday at New York Deli - contact me if unable to attend.

Respectfully,

Thomas Courtney

TomCo Properties LLC

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