

R.W.

INDEX OF MINUTES

SHORT TERM RENTALS TASK FORCE

January 26, 2006

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE(S)</u>
CALL TO ORDER	Quorum	1
ROLL CALL	Quorum	1
INTRODUCTION		1
APPROVAL OF AGENDA		1
NEW BUSINESS		2-7
1. Review of Task Force's Mission – It's creation and scope		
2. Discussion of work plan for this year		
3. Appointment of recorder		
ITEMS FROM CITY STAFF		7
ITEMS FROM THE FLOOR		7
ADJOURNMENT		7

**MINUTES OF THE**  
**CITY OF SANTA FE**  
**SHORT TERM RENTALS TASK FORCE MEETING**

**Santa Fe, New Mexico**

**January 26, 2006**

A regular meeting of the City of Santa Fe Short Term Rentals Task Force was called to order by Chair, Donald Martinez on this date at 2:00 p.m., in the City Council Chambers at City Hall, Santa Fe, New Mexico. Roll call indicated a quorum as follows:

**ROLL CALL**

**MEMBERS PRESENT**

Jane Terry  
Pamela Maez  
Janet Reed-Rousselot  
Donald Martinez, Chair

**MEMBERS ABSENT**

Richard Martinez

**STAFF PRESENT**

Carlos Martinez, staff liaison  
Anne McLaughlin, Planning and Land Use  
Jeanne Price, City Manager's Office  
Eddie Garcia, Zoning Inspector  
Denise Cox, stenographer

**INTRODUCTION**

Chair Martinez asked Ms. Reed-Rousselot to lead the group in the pledge of allegiance. He then introduced himself as the Chairman of this task force as well as the Vice Chairman of the City Planning Commission and a member of the Summary Committee. He introduced the rest of the Task Force: Pamela Maez and Janet Reed-Rousselot representing the business community and Jane Terry and Richard Martinez representing the neighborhoods. He recognized Councilor Karen Heldmeyer and mayoral candidate and CPPC Chair Karen Walker.

**APPROVAL OF AGENDA**

Ms. Maez made a motion to approve the agenda as published. Ms. Reed-Rousselot seconded the motion which passed by unanimous voice vote.

## NEW BUSINESS

1. **Review of Task Force's Mission – It's creation and scope**
2. **Discussion of work plan for this year**
3. **Appointment of recorder**

Chair Martinez explained that the resolution calls for public hearings and so they will continue to receive input from the citizens along the way. He read the resolution and asked if anyone had any ideas regarding the mission. He suggested conducting hearings regarding the business end, the non-business end, enforcement and code amendments. He said at the next meeting they could hear from how the non-business people perceive the issue and then at the following meeting hear from the business community.

Mr. Carlos Martinez said there have been a number of concerns regarding the ambiguity in the existing ordinance which has not allowed the enforcement to address the concerns adequately.

Chair Martinez noted that also Chapter 14 does not address this in great detail either. He then asked if meeting the first Thursday of every month at 2 p.m. worked well which everyone agreed to.

Chair Martinez reported that a recorder was supplied by the City Clerk so this item would not need to be addressed. He then invited the public to come forward and speak.

**Karen Walker**, 205 Delgado Street, feels that a compromise has to be struck. She said some members of the Neighborhood Network have told her that when they were deciding to move here they wanted to live in a neighborhood to see what it was really like. She said there could still be some neighborhoods that feel that any compromise does not work for their particular neighborhood and they could form a Homeowner's Association to properly record regulations for their neighborhood which could include not allowing short term rentals. She added that then the rules would be known prior to purchasing in that area.

**Dina Aquelina**, President of the Historic Neighborhood Association, said this is quite a burden on the historic neighborhoods with outrageous percentages of the homes being used for short term rentals. This has caused the fabric of the neighborhood to unravel as no one is home increasing the crime. She said it is a matter of enforcement and they are shocked that the City has not enforced this when there are websites demonstrating this illegal activity. She said that prohibiting 30-days or less is excellent. She added that this harms the occupancy rates at the hotels. She said people coming for 1-2 days do not care about the common values of the neighbors and thus they speed and steal items from yards. She noted that when she visits a city she stays in a hotel as it would seem like an intrusion to stay in someone's neighborhood.

**Gilbert Pino**, said he is glad to see this Task Force. He is a Native Santa Fean. He has lived in Casa Solana for 44 years and built his triplex according to all the regulations. He said the area is very quiet as all of the children have grown up and moved away. He

explained that the home across the street is rented and they never know who will be there. He has one renter himself that is ready to move out because he cannot handle the noise. The said that he could make a lot of money if he rented that way, but it is not legal, right or good for the neighborhood. He hopes the Task Force comes up with something to address this issue.

**Marcia Emerton** said what she is hearing is very different from her experience. She used to be a property manager and the people who came were so nice and respectful. She said the tourists keep the opera going, buy art on Canyon Road, hire the caterers, and keep our way of life going through the money they bring to spend. She said that many of these tourists come every year to the same house and then bring friends who then also continue to return. She said these people pay the way for the rest of us to live in a place this beautiful. +

**James Russell** said he is a native of this area and has seen many changes to the community. He told of an experience in his neighborhood where a house was rented to the FBI and National Parks for a sting operation with no regard for the rental law. He said the shorter term period is the problem, not the longer rentals. He said all he wants is the law enforced. He said nobody asks the neighborhoods before they start renting these homes. He said there is no compromise because if you come to the City with restrictive covenants they will tell you that they do not deal with restrictive covenants so your only choice is a lawsuit. He does not know of anyone objecting to the rentals that are over 30-days. -

**Corrine Norton, Sanchez Street,** said she feels strongly that the ordinance should be observed. She said she lives across the street from a short term rental with 3-4 different cars seen every weekend. She added that the street is narrow and unpaved, so her driveway is used often for them to turn around. The rental has been a source of stress and conflict. She said the owners should speak to the neighbors and respect their opinions. -

**Todd Davis, 510 Johnson Lane,** said he is a leasing agent for the Management Group. He said that he first came to Santa Fe in 1992 and it was his goal to make it his home. He said in 2002, he purchased a home and offered the home up to the Management Group to manage it for him while he lived in Dallas, Texas and then in June of this year he moved here. He said the benefit of this was introducing the home to friends who also fell in love with the area and have since purchased homes as well. He said a full evaluation of the short term vacation rental industry and its impact on the City relative to real estate, taxes, crime, traffic, tourism and the economy should be explored. He said the Management Group has a positive impact on the city as they are cheerleaders for Santa Fe introducing the growth of this town. He sympathized with the concerns of the residents and said the Management Group takes great care in screening their clients. He said the rentals raise the bar, not lower it with many owners putting lots of money into their properties to keep them up. He felt that if everyone works together they can get to a place where there is agreement. +

**Marilyn Proctor**, 2839 Don Quixote, said she has lived in Santa Fe for almost 35 years with three children born and raised in Santa Fe. She has been a property manager since 1980 owning her own firm for many years and ten years ago joined the Management Group. She said that she has been doing vacation rentals for all these years and now dealing with some of the children that she started renting to. She said they often work with film companies. She said they advertise on the City directory, pay lodger's tax and she does know of any complaints. She said these people come and stay spending money with the average stay being 14.7 days. She did not know of any neighbors coming and complaining. She said they employ landscapers, window washers, housekeepers and plumbers, etc. She said they want to make this right, but the fact is that this has been going on a long time. +

Chair Martinez asked staff to explain what zoning does.

**Eddie Garcia**, zoning inspector, explained that they only go out and enforce the ordinance when they receive complaints. He said lately there have not been many complaints. He said short term leasing is only allowed in BCD (business capitol district) and C-2 (commercial) districts.

Mr. Carlos Martinez said there is no type of ordinance that gives any teeth for enforcement. He said from the ordinance transient lodging is defined as 30-days or less. He said the lack of any ordinance makes it very difficult to enforce. He said he receives concerns and complaints regarding the ambience and privacy as well as safety concerns.

Ms. Price referred to section 14-6.2 (B)(6)(A) stating that in residential districts, dwelling units shall not be rented on a transient basis being defined as 30-days.

Mr. Garcia said that they do not have the personnel to go through the newspaper and enforce the ordinance on all those properties listed as rooms for rent. He said the code does not really say what they can do regarding the issue either.

Ms. Reed- Rousselot asked if this was passed as part of a larger land use ordinance in 2002 because no one in the industry knew about this. She said in 1979 when she started her business, nothing applied to what they do.

Ms. Price said that in 1986 when she came to the City it was always her impression that there was a 30-day requirement. She noted that in 2001 there was a reorganization and some clarifications were made to Chapter 14.

Chair Martinez said that there is a push to make changes to Chapter 14 and so they are taking section by section.

Councilor Heldmeyer said the 30-day limitation has been in the code as long as she knows, but the 2002 change was part of a reorganization of the code, but not a rewriting of the code. She said the content did not change for at least 15 years and probably longer.

Ms. Terry said the problem is that she would like to know who is next door to her and how long they will be there. She said she feels unsafe when she comes home and there is someone new next door. She agreed that the property managers try to screen the renters as close as they can. She said a small minority make it difficult for all of us. She hoped to come up with some solutions to this.

Ms. Reed-Rousselot replied that if particular homeowner's associations decide that they want to put restrictive covenants into place, then the property management abides by that.

Ms. Aquelina said that many areas don't violate, but not one of her complaints has ever been enforced.

Ms. Proctor encouraged those with complaints to get the names and phone numbers of the property manager's present so that the residents can call and find out who manages the properties that there are issues with.

Ms. Aquelina said the law says that you should not be doing these rentals at all, so the neighbors should not even have to complain, the law should just be enforced.

Ms. Proctor replied that they prefer to do rentals over 30-days, but each case should be taken on an individual basis and the entire industry should not be attacked as some are doing their jobs very well.

Ms. Aquelina said that people should be staying at hotels or motels, not residences.

Mr. Garcia said most of the time complaints are received from anonymous callers and if they do give their name they are not willing to go to court to testify. He said this makes it very difficult to enforce. He said if he knocks on the door and the person who answers says they are not a short term rental then it is hard for him to do anything.

Ms. Reed-Rousselot understood the concerns and said she would hate to know that a bad tenant was living beside a neighbor. She said registering the houses with the City might help the issue. She said many people would not come if they had to stay in a hotel because they want to play like they live her and want to be able to cook.

Chair Martinez asked the audience to get the word out that they would be hearing from the neighborhoods at the next meeting.

The Task Force agreed to meet March 9<sup>th</sup> for the next meeting.

Councilor Heldmeyer suggested having an evening meeting to get a greater turnout.

Mr. Carlos Martinez asked if there is a network amongst the property managers.

Ms. Maez said it is not a formal network, but they could help provide a list.

Mr. Carlos Martinez asked if the understanding in the industry is that it is 30-days or less.

Ms. Maez said that is what they are trying to clarify.

**ITEMS FROM CITY STAFF**

Ms. McLaughlin said in terms of enforcement there was one complaint about a property management company which presented a dilemma as staff felt they would have to notify all the property management companies to be fair. She understands that many are not aware of the 30-day time limit for rentals in residential areas. She said they have put together a letter to all the property management companies informing them that they will enforce the ordinance on a complaint basis while this Task Force is meeting.

**ITEMS FROM THE FLOOR**

None.

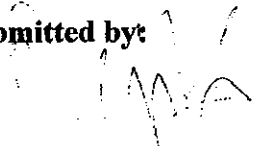
**ADJOURNMENT**

**With no further matters to discuss and the agenda having been completed, Ms. Maez made a motion to adjourn at approximately 3:25 p.m. and Ms. Reed-Rousselot seconded the motion which passed by unanimous voice vote.**

Approved by:

  
Chair Donald Martinez

Submitted by:

  
Denise Cox, Stenographer