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**SHORT TERM RENTALS TASK FORCE**

March 9, 2006

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

**Santa Fe, New Mexico**

**March 9, 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., at Warehouse 21 Santa Fe Art Center, 1614 Paseo de Peralta, Santa Fe, New Mexico. Roll call indicated a quorum as follows:

**ROLL CALL**

**MEMBERS PRESENT**

Jane Terry  
Pamela Macz  
Janet Reed-Rousselot  
Donald Martinez, Chair  
Richard Martinez

**MEMBERS ABSENT**

None

**STAFF PRESENT**

Carlos Martinez, staff liaison  
Anne McLaughlin, Planning and Land Use  
Jeanne Price, City Manager's Office  
Eddie Garcia, Zoning Inspector  
Georgia Urioste, Building Inspector  
Dan Esquibel, Senior Planner  
Jim Salazar, Permit and Development Review Director  
Denise Cox, stenographer

**CITY COUNCILORS PRESENT**

Karen Heidmeyer

**APPROVAL OF THE MINUTES**

**January 9, 2006**

**Mr. Martinez made a motion to approve the minutes of January 9, 2006 as presented. Ms. Terry seconded the motion which passed by unanimous voice vote.**

**APPROVAL OF THE AGENDA**

**Ms. Maes made a motion to approve the agenda as presented. Ms. Terry seconded the motion which passed by unanimous voice vote.**

## NEW BUSINESS

### **1. Neighborhood comments on short term rentals**

Chair Martinez explained that the intent of this meeting is to hear from the neighbors. He asked everyone to state their name and address when getting up to speak.

Reggie Cox, 314 Delgado Street, stated that she is personally very offended by this. She asked whose responsibility it is to give the tenants a copy of the noise ordinance. She recounted an experience last summer where a film crew rented a home two doors down from her home. She said once the film crew finished there was a huge party for which she had to call the police three times to get the party stopped at 1 a.m. She noted that neighbors from Canyon Road, Calle Corvo and as far as Acequia Madre were calling and asking her what was going on. She added that she had to go down to the home herself to make sure the party really stopped. The next morning she went down and knocked on the door to get the name of the management company that rented the home. She said the management company was so rude and hateful that it was unbelievable telling her, "Are you against economic development?; Don't you know that the Governor is enticing films to come into this City and stay?" She noted that she is well aware of this as she works in the industry. She said the same home was rented four weeks ago and every night they went out and left the dog. She said some of the people that come in and rent homes in the core historic neighborhoods have no respect for those living in the neighborhoods. She said renters need to be given the noise ordinance. She said the other issue is the trash as it is not put out on the proper days so dogs strew the trash all up and down the neighborhoods for the neighbors that live there to pick up. She said she is mad and wants this corrected. She said she is not anti-business, anti-tourism or anti-economic development, but simply wants her neighborhood preserved.

Dina Aquelina, 327 Sanchez Street, President of the Historic Neighborhood Association, said this was an issue about 20 years ago at the first neighborhood association meeting she went to. She said the ordinance prevents renting a home for less than 30 days which she views as a protection for the people that live there. She said in her neighborhood there were two houses for a period of two years that were short term rentals with only 12 homes total on her street. She said the City told the neighbors to monitor the home. She said every 2-3 days there would be a new car which is appropriate for a motel parking lot, but not a residential neighborhood. She said common values of the neighbors are not communicated to people who stay for two nights. She said by being nosy the neighbors have stopped crimes in their area. She noted that short term rentals are legal in C zones and the BCD which are appropriately zoned for this. She felt that the neighbors have a right to know who is living next door to them. She said illegal short term rentals are hurting the hotel occupancy rates. She fails to understand why the City is not enforcing this and in the meantime they continue to not enforce the ordinance for what appear to be strange reasons.

Shane Cronin-Wyeth, 552 Garcia Street, said that 16 of her 19 years as a homeowner have been on the east side. She empathizes with some of the concerns, but has a different take on the issues. She feels it is incumbent on those in the business to have their

consciousness raised and take it upon themselves to inform visitors to the area to be sensitive to the neighbors. She said long term renters can be far worse than what has been described. She said some of the oddities make the fabric of the neighborhood. She said most of the people she sees in the neighborhood are those who do not want a hotel and will not stay in a hotel because they want a kitchen and may not be able to afford staying in a hotel. She said the short term rentals close to her home have always been respectful. She said the film crews are the exception and should not be tolerated ever. She said there needs to be a meeting of the minds to find better ways to handle this issue and to ensure the management companies step up. She felt that no matter what length of time is allowed for the renters that the issues will be the same.

**Marilyn Bane, 622 1/2 Canyon Road**, said that she has been against reducing the time period of 30 days. She said tourists love the idea of being in the neighborhood and talking to the locals. She said she is disturbed because she does not think there will continue to be people to talk to. She noted that during her campaign she went door to door throughout the historic district and it was amazing how many people do not live there. She said it has gotten to the point that with no neighbors around the reasons for coming to Santa Fe and living within the neighborhoods will not continue to be enticing as there will be no neighbors. She would like to see the ordinance kept at 30 days and money will still be made just not as quickly but it will guarantee a longer investment and ability to live in the core historic neighborhoods.

**Donna Chamisa, 325 Sanchez Street**, stated that she has lived in her home for 10 years and loves her home. She said when she moved there it was mainly older residents which some have died. She said every time someone dies the neighbors fear another short term rental will be bought. She said this is an incredibly seductive way to make money. She said soon 3 out of the 12 will be short term rentals. She noted that often they have been told that the owner will live in a home and then later it pans out differently. She said the neighbors have gone and tried to talk to one of the owners with no response and they also had a meeting at the City to which the owner and Jack Barcla showed up, but then later did not respond to further requests. She expressed concern that the ordinance is being ignored at this level. She said the \$500 penalty for renting under 30 days has been ignored as well. She said the renters also do not speak to the neighbors which has changed the feeling in the neighborhood. She added that she did not spend the amount of money she did on her home to live in a hotel.

**Dorothy Perry, 604B Griffin Street**, agreed that many of the owners do not live in their condos full time, but many plan to at some point. She said many of the condos have been bought for people to come on a part time basis until they retire. She said some people cannot afford to buy a place and leave it empty, but need to rent it and have some income. She felt short term rentals should be allowed as you should be able to do what you want with your own place.

**Corrine Knowlton, 322 Sanchez**, explained that for the last 15 years the home across the street from hers has been a short term rental. She did not feel renting a home was very affordable compared to staying in a hotel as another speaker had suggested. She

said some neighborhoods might not feel the impact of the in and out tenants as greatly as the small streets do. She noted that her home is at the end of the street and so many turn around in her driveway making her the recipient of a lot of noise pollution. She added that she often picks up litter and trash cans as they get left out often at the rental properties. She suggested the industry having some areas where the short term rentals are not allowed.

**Amalie Starkey, Alejante Street**, said Santa Fe has a vibrant hotel and bed and breakfast industry so the neighborhoods should not be for short term rentals. She noted that she lived in four different neighborhoods over four years trying to find a neighborhood, but could not afford homes in those neighborhoods as the rentals were mainly short term. She agreed that trash is a problem with short term rentals as well as parking. She said that the cleaning people are often loud as well. She said the short term rentals really displace the atmosphere in neighborhoods. She wanted the ordinance to remain at 30 days for rentals and that it not be anything less than that.

**Penn LaFarge, 647 Old Santa Fe Trail**, disagreed with the price issue as long term rentals are much less expensive than hotels because the price can be discounted. He said in the historic neighborhood there is no such thing as a cheap rental. He said the issue is whether those in the rental industry are good neighbors and good citizens. He said everyone wants stability in their neighbors by knowing their neighbors. He said neighborhoods with constant turnover do not have integrity or knowledge of each other. He said those short term tenants do not vote, do not care about each other, do not pay taxes and do not read the newspaper so they cannot be good citizens. He commented that those renting out short term rentals all this time when it is not allowed are breaking the law and disrespecting the City, the neighbors and the neighborhood which is not good citizenship. He said those not in the business have to be respected. He said so many people are angry because they feel abused and exploited for the economic benefit of others. He said the locals resent this and if they want everyone to support this then it has to be something that is good for everyone and not at the neighbor's expense. He agreed that enforcement is needed.

**Charles Batz, 2 Plaza Fatima**, explained that his street is a little 7-house cul-de-sac off of Delgado Street. He said three of the homes on his street are short term rentals. He said the issue is one of quality of life. He said he has lived in his home for 38 years and raised his family there. He said in his experience some of the short term renters are very nice and others are horrible.

**Lynn Goodwin, 552 East Coronado Road**, empathized with the people who have spoken. She said the historic neighborhoods are what makes Santa Fe and without these neighborhoods Santa Fe would be a very different place. She said she supports an alternative to hotel space for short and long term people who come to the City either as visitors or on business as well as for the opera. She agreed the code needs to be amended and it needs to take into consideration single family residences and the needs of those coming into Santa Fe supporting the economy. She said there are some neighborhoods that are more conducive to providing rental options. She believes this is a much bigger

industry than people realize. She added that no matter what changes are made there will always be people who circumvent the law so the City has to have a reliable and functioning enforcement arm with an immediate response.

X

**Charles Gamlin, Closson Street**, observes that the short term rentals are far less of a problem than one particular long term rental. He said bad long term renters are there for a year and bad short term renters are gone much sooner. He said the problem is the people not the length of stay. He said no matter if someone is in Santa Fe for one hour or their life they need to obey the rules and there should be enforcement. He said it is not how long you are in Santa Fe, but what you do while you are here. He felt proper enforcement of the law including noise, dogs, and litter would eliminate the problems.

X

**Joseph Romero, living on Duran Street for 55 years**, stated that he has vacation rentals having some of the nicest people in the world staying in his rentals. He said he lived in a nasty neighborhood for 50 years and people were afraid to go into the neighborhood as there were drug addicts and thieves, but he cleaned up the neighborhood with his vacation rentals. He said that he turned his compound into a vacation rental after generations of his family had the property and he was planning to give it to his daughter, but grew tired of getting letters from the City saying he was in violation of short term rentals. He said he sold his place and the neighbors are all upset. He said this is the way his family made their living for over 80 years. He said that now everyone wants to live in this neighborhood. He noted many more problems with long term renters rather than the short term renters.

X

**Martin Lopez, 151 Calle Ojo Feliz**, said 30 years ago it was probably frightening for people to think about breaking the law. He said there are very few Hispanic families left on the east side. He expressed concern about private property rights. He said if someone can make some money off of their home it should be allowed. He did not think others should impose what can or cannot be done with your own property.

X

**Annie Campbell, 150 East Barcelona Road**, refuted the fact that short term renters don't care at all about Santa Fe. She said most of those that chose to rent a house in a neighborhood and interact in the neighborhood do so because they love Santa Fe. She said often people return to the same homes year after year. She said every Christmas her family comes and rents the same home so they can put up their own Christmas tree and enjoy Santa Fe. She said if a home becomes available for sale in a neighborhood and someone buys it for rental purposes they have to take good care of the property as it cannot be rented without immaculate care being taken. She said those that rent their homes are also very concerned about what goes on in their home and the care taken to keep the home in good shape. She said when someone buys a home and there are numerous dogs and teenagers it can be much worse than a short term rental as you live with these conditions every day. She did not see negating short term rentals as a solution to these problems.

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**Councilor Karen Heldmeyer, 325 East Berger**, said this was supposed to be divided into two segments with one for the neighbors and one for business. She said at the next

meeting she hopes the neighbors that could not be here will have the same consideration given as those speaking at this meeting. She said she has heard many of these complaints as they have come to her. She said she has put all the complaints received through the City Manager's Office, but somehow they do not make it to the enforcement. She said there are political and financial pressures put on the people within City Hall to not enforce this law. She noted that there are legal places downtown that are available for short term rental depending on the zoning. She said the places she hears about are managed by some management companies who continue to have problems. She said the bottom line is that people want enforcement. She knows of people who have moved because they cannot deal with the rentals and feel like they are an exhibit in their own neighborhood. She said normally people complain to the management companies before the City and are often told that these are their customers and they have to keep them happy. She pointed out that this is affecting the cost of housing in Santa Fe as homes are bought as residential properties and treated as commercial properties so the buyers are willing to pay more than the going residential rate because it will make money for them. She said the bottom line is that if someone is buying a place not because they love it and want to be there the motivation changes and the treatment of the neighbors' changes. She felt that if the neighborhood tips and there are more short term rentals than residents then people move because they feel they cannot live there and property values go very high. She wished that the people pushing short term rentals were worried about some of these issues.

+ Jane Bates, 116 Grand Street, lived in her neighborhood for 11 years. She agreed changing the end of Duran Street closest to Lotta Burger has made a big difference in the neighborhood. She said what needs to be thought about is protecting property rights and enforcement should be vigorous where there are problems. She understood how Sanchez Street or Plaza Fatima would be a problem for short term rentals. She felt having the homes scattered around town with short term rentals is better than empty homes waiting to be burglarized. She said if the tenants are good it is a sort of neighborhood watch. She said the property owners who do not follow the noise ordinances or pick up garbage and let dogs run wild should be cited. She said if there are not complaints then she does not see the problem. She suggested more dialogue with the owners to solve many of the issues. She thanked Joseph for how he changed her neighborhood with short term rentals.

+ Michael Mulbary, 112 Vigil, said he has owned his home for 13 years and had short term rentals for 6 of those. He did not remember the police ever being called to the property and the management company was meticulous in maintaining the property. He said for the amount of money he spent on the home he should be able to do what he wants.

+ Casey Martin, Acequia Madre, said it seems that the opinion is that people are against Santa Fe if short term renters are accepted. She said the biggest issue is accountability and enforcing the law. She said the question is who is running the homes and how are they handling issues. She said there needs to be appropriate rules enforced upon the management companies. She brought up the tax issue as the management companies pay

a lodgers' tax to the City. She said getting rid of the short term rentals would remove the accountability. She said it is illegal yet they are paying tax to the City. She did not see how the City could actively police this and enforce this and run it. She felt the management companies could make suggestions as how to better manage this. She did not want to see the ability to manage the issue lost by not allowing this at all because it will still happen. She noted that when she travels she always rents a home because she has children and wants to continue having a family life. She said if she could not rent a home at her destination she would not go. She said the renters are bringing money to the economy as the City relies heavily on tourism.

**Todd Davis, 510 Johnson Lane**, stated that he is for vacation rentals and what is good for the City of the Santa Fe. He said for the last four years he has lived on this street where 6 of the 12 are second homes and three are used as vacation rentals. He noted that he does work for the Management Group. He said it is the right of owners to do what they want with their property. He said many people want to come to Santa Fe and take advantage of the same things that make others want to live here. He said to maintain this special place there has to be a tax base to support all the industries. He suggested an economic impact study be completed prior to any changes being made to the ordinance.

x

**Marilyn Proctor**, commented on Councilor Heldmeyer's remarks. She said in her opinion this is a neighborhood meeting and no industry people have spoken. She wanted it clear that industry people are not speaking at this meeting. She asked if any property managers have spoken at this meeting. Mr. Lopez replied that he works for a property management company, but was speaking on behalf of himself.

**Jenny Ford, Valle del Sol**, said that she has been in her home for 16 years and a great majority of her neighborhood is part time residents. She said she has been lucky with the short term rentals as the homes are kept up to higher standards due to the management company. She said the visitors are given strong direction about trash and they never see trash sitting around. She has found some of the short term renters to be better tenants than full time people. She felt the problems are probably with certain management companies. She said the same families come year after year often coming more frequently than the actual homeowners. She added that often the returning renters end up buying the homes if they are sold. She noted that she rented while she was looking to buy so she could get the feel of the neighborhood.

x

Chair Martinez encouraged everyone to attend the next meeting where the industry would give testimony. He asked staff to invite OTAB to the next meeting to talk about the tax ramifications. He thanked everyone for their input and the respect that was given to everyone speaking. He asked that some letters from citizens not attending be attached to the minutes which are incorporated herewith to these minutes as Exhibit "1."

**ITEMS FROM CITY STAFF**

**The next meeting was scheduled for April 6<sup>th</sup> at City Hall at 2 p.m.**

**ITEMS FROM THE FLOOR**

None.

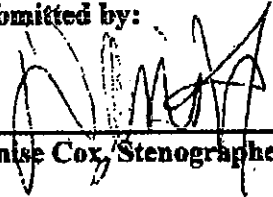
**ADJOURNMENT**

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