



DC-19-0005: Proposed Boulder County Text Amendments related to Short-Term Rentals and Bed and Breakfast uses

Planning Commission
October 21, 2020



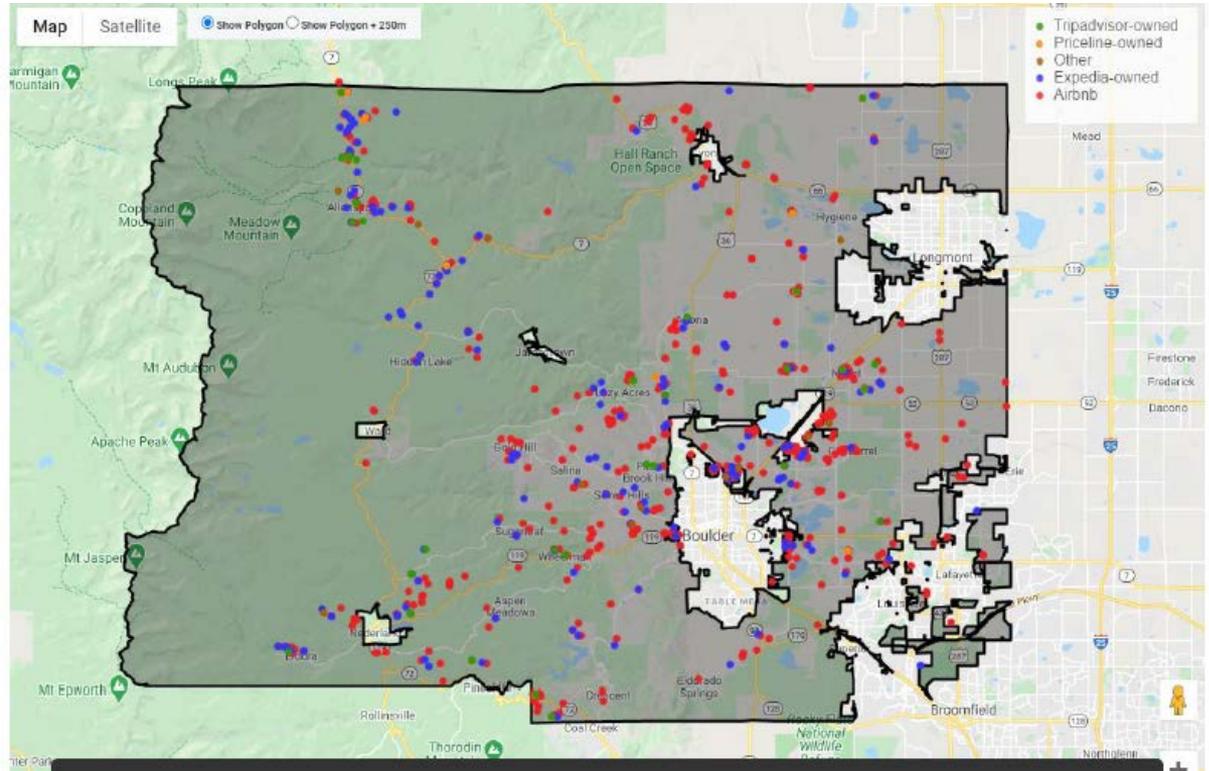
Background Research

- **Boardinghouses 19th/29th Century**
 - Early form of affordable housing, allowed residents to get “City sea legs”
- **Colorado rich history with recreation and summer homes or seasonal cabins**
 - Eldora → Mining Cabins turned into summer houses for tourism
 - Internet’s very first vacation rental was condo in Colorado in 1995
- **Housing Stock/Affordability**
 - Short-Term Rentals Negatively Impact housing stock and affordability
 - Demand for housing inelastic meaning small changes in supply can cause significant changes in cost
- **Racial and Socioeconomic Equity**
 - Short-Term rentals can spur displacement, gentrification, and segregation
 - Housing Wealth concentrated among high-income households, being able to rent on short-term can both increase wealth gaps or offer solution for more individuals to purchase homes
 - People don’t rent as frequently in lower/middle income communities
 - Minority hosts make less money and are often denied lodging



Why Amend the Code

- Airbnb founded in 2008, now over 100 platforms
- Global Short-Term Rental Market grown 1,000% since 2011
- 700 listings in Boulder County





Goals

- **Prevent Loss of Housing Stock and Increase Housing Affordability**
 - Housing Stock:
 - Long-Term Rentals turning into Short-Term Rentals
 - Housing Affordability:
 - Property Values Increase (and price people out) in areas dense with short-term rentals
 - Short-Term Rentals might offer opportunity for people who cannot afford to live in Boulder County to subsidize the cost of a home
- **Balance the Benefits and Burdens of Short-Term Rentals on the Community as a whole**
 - Positive: Supplemental Income, Support Local Economy (tourism/jobs), Tax Revenue, Build Community
 - Negative: Housing Stock/Affordability, Residential Character (Traffic, Parking, Noise), Community Safety (Wildfire), Occupant Safety (Septic/Building)
- **Improve Enforcement Mechanisms**



Summary of Amendments

CODE UPDATE

Two Accessory Residential Uses (*allowed in all zoning districts*)

- Primary Accessory Short-Term Rental
- Secondary Accessory Short-Term Rental

Two Principal Lodging Uses (*allowed in limited zoning districts*)

- Vacation Rental
- Bed & Breakfast

LICENSING ORDINANCE

License will be required for all Short-Term and Vacation Rentals (not B&B)

Licensing Regulations:

- Mitigate burdens of Short-Term and Vacation Rentals (Occupancy limits, guest information, wildfire certification)
- Enforcement Mechanisms



Short-Term Rental and Bed & Breakfast Code Update

Accessory Residential Use

Short-Term Rental License
Vacation Rental License

Lodging Use

Primary Accessory Short-Term Rental
(Low intensity/risk, low housing impact)

Secondary Accessory Short-Term Rental
(Moderate intensity/risk, moderate housing impact)

Vacation Rental
(High intensity/risk, high housing impact)

Bed & Breakfast
(Low/Moderate intensity/risk, moderate housing impact)
No License Required

Single-Family Dwelling
Primary Residence
One Party

Single-Family Dwelling
Not Primary Residence
One Party
Rented 60 days or fewer per year
Two-night minimum stay

Single-Family Dwelling
Not Primary Residence
One Party
Rented more than 60 days per year

A facility
One meal provided
Manager/owner resides and present during all rental periods.
One or more Parties

By Right: All districts

Limited Impact Special Review or Waiver: All districts

Limited Impact Special Review (Unsubdivided, >5acres): F, A, RR, MI
Special Review (Unsubdivided, 1-5 acres): F, A, RR, MI
Limited Impact Special Review: B,C,LI, GI, H
Not Allowed: ER, SR, MF, MH, H, ED, T

Limited Impact Special Review or Waiver (6 guests/3 rooms): F, A, RR, SR, ER, MI, H
Special Review (more than 6 guests/3 rooms): F, A, RR, SR, MI, H
By Right: B, C, LI, GI
Not Allowed: MH, ED, T, MF



Licensing Ordinance Overview

Program:

- 2 Year License
- Only one license issued to each person/associated entities

Fees:

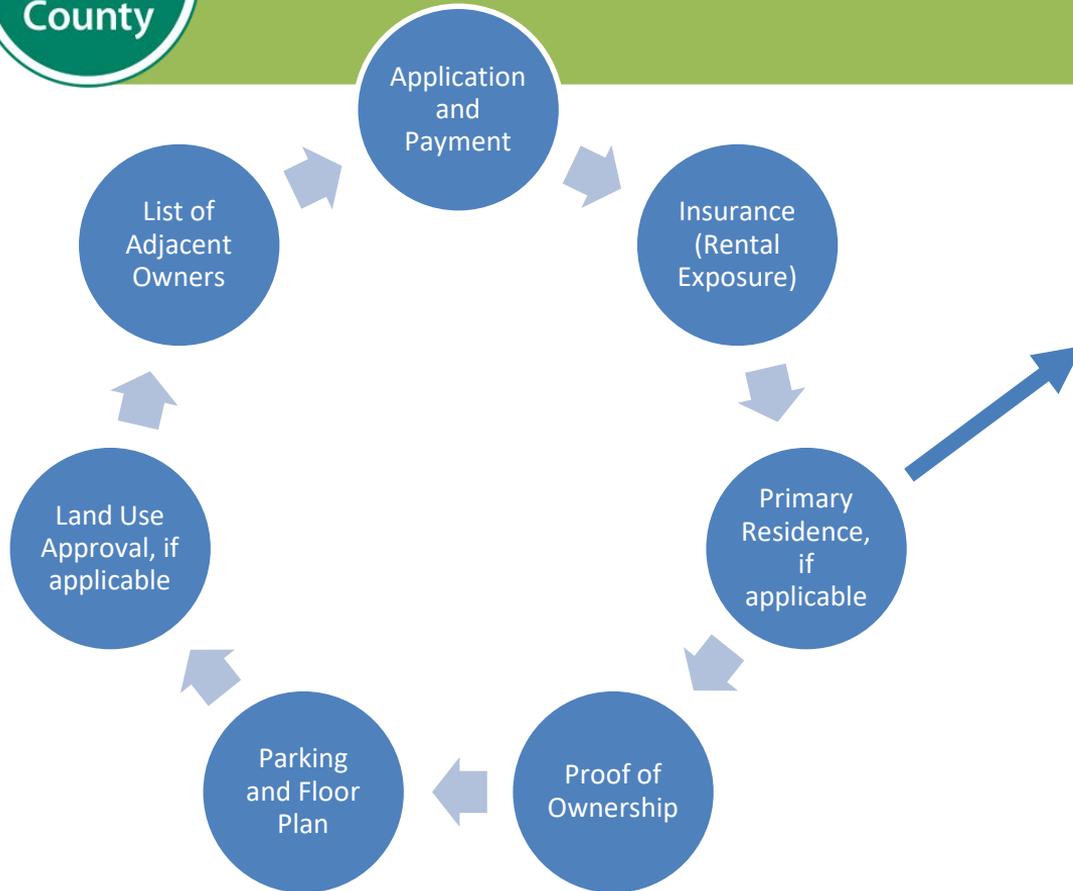
- Short-Term Rental: \$200/\$150
- Vacation Rental: \$800/\$600

Active Enforcement:

- Revocation/Suspension of License
- Fines:
 - Major Offense = \$750-1000
 - Minor Offense = \$150-1000



Licensing Procedure



Definition: The dwelling unit in which a person resides for more than six (6) months out of each calendar year. However, it is presumed that the dwelling unit is not a primary residence if (1) the entire unit is offered and available for rent for more than twenty days in any month; (2) the person's spouse or domestic partner has a different primary residence; or (3) the person's driver's license, voter registration or any dependent's school registration shows a different residence address. These presumptions are rebuttable, but each must be rebutted by credible evidence from the party claiming that the dwelling is a primary residence.

Proof: CO driver's license or CO state ID PLUS motor vehicle registration, tax returns, voter registration, or other corroborating document.



Licensing Ordinance Requirements

Building Inspection

- Fire Extinguishers, Smoke and Carbon Monoxide Detectors
- Potable Water,
- nothing poses significant risk to health, safety, welfare of occupants or properties
- No Structural Defects
- Plumbing, Electrical, Heating, Cooling are in good state of repair
- **Vacation Rental:** No unapproved uses/unpermitted uses/unpermitted work

Wildfire Mitigation (Zone 1)

- **Short-Term Rental**
 - Wildfire Partners Assessment
 - Wildfire Partners Certified upon Renewal
- **Vacation Rental**
 - Wildfire Partners Certified

Taxes

- **Proof Property Taxes have been paid**
 - Secondary Accessory and Vacation Rentals
- **Sales Tax License**
 - All properties must provide current Colorado Department of Revenue Sales Tax License Number
 - VRBO, Airbnb, HomeAway remit for owners, so proof only advertise on those platforms

Other

- Parking and Legal Access
- Public Health permitted Septic, if applicable
- Building Lot



Licensing Ordinance Operating Standards

Occupancy Limit:

- 2 adults per guest room
- Max= 8

Guest Information

- Wildlife, Wildfire, Septic Safety
- Fire Restrictions/Evac. Routes
- Good Neighbor Guidelines
- Parking/Property Map
- Trash/Recycling Info
- Contact Information for Property Owner and Local Manager

Local Manager

- 24/7 Contact to be on property in one hour in person

Posting of License

- Prominent Location on Property
- Provide Copy to Neighbors

Advertisements

- License Number
- Occupancy Limit
- Minimum Night Stay

Comply with Anti-Discrimination
Laws



Other Jurisdictions

Jurisdiction	Term of License/Permit	Estimated Annual Cost	Allowed in Secondary Residence?	Max Nights?	Min. Night Stay?	Allowed in all Residential Zoning Districts?	Allowed in all other Zoning Districts?	Limit on total number of licenses in jurisdiction or in areas of jurisdiction?	Limit on # of licenses per person?	Admin Approval?
Unincorporated Boulder County	2 years	STDR= \$100 VR= \$400	Yes -Limited	Yes (180 primary, 60 secondary accessory)	Yes - for some	Yes except Vacation Rentals	Yes except Vacation Rentals	No	Yes	Some
Boulder	4 years Annual recertification	\$26	No	No	No	Yes	No	No	De Facto Limitation b/c primary residence	Yes
Longmont	1 year	\$100	Yes, 1 per Longmont Resident.	No	No	Yes	Mostly	No	Yes for secondary residences	Almost All
Nederland	1 year	\$100	Yes - Limited	Yes (180 primary accessory, 45 secondary)	No	Yes	Yes	No	Yes	Yes
Chaffee County	1 year	\$200	Yes	No	No	Yes	Yes	No	No	Yes
Clear Creek County	1 year	\$250	Yes	No	No	Yes	Mostly	No	No	Yes
Summit County	1 year	\$100	Yes	No	No	Yes	Mostly	No	No	Some
Grand County	1 year	\$25 per advertised occupant	Yes	No	No	Yes	Mostly	No	No	Yes
Larimer County	One-time Permit	N/A	Yes	No	No	Yes	Mostly	No	No	No
Pitkin County	DOES NOT REGULATE.									

