

Anya Grahn

From: BJ Warshaw <benjarwar@gmail.com>
Sent: Sunday, June 13, 2021 11:13 PM
To: Anya Grahn; Town Council
Cc: Alexa Nota
Subject: Latest STR Draft Ordinance

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Hello Anya, Mayor Hemminger, and Town Council,

I'm writing to you today about the [latest draft](#) of the proposed STR ordinance and, to be honest, I'm a little disappointed that the Town is moving in a more regulatory direction than where we were previously.

My particular issues of concern are as follows.

(i) Minimum Rental Age. An STR operator shall ensure that the primary responsible renter of a short-term rental shall be at least twenty-one (21) years old.

As I've previously stated, this creates an impossible burden on STR hosts. The platforms used (primarily AirBnB and VRBO) allow users to be 18 and older. We are not able to fully verify guests ages before bookings.

It also feels extremely discriminatory against STRs, when other rental properties in Town are rented to 18+ individuals. Please remember that the vast majority of parties/noise disturbances are already occurring in college/off-campus housing, so if this regulation is in service of "preventing party houses", the Town should be dealing with the problem at the true source.

Please also note that *even some hotels* in Town allow 18+ guests (for example the Carolina Inn).

I, and I'm sure other hosts, would greatly appreciate the ordinance being switched back to the perfectly reasonable age of 18+. Otherwise, I'd like to know precisely what problem we're trying to solve by increasing the age to 21+ for STRs in such a discriminatory fashion.

(f) Special Events. The STR operator shall not permit events, weddings, receptions, and other large gatherings that include more than five (5) individuals who are not guests of the STR to occur as part of the STR operations.

I'm frustrated that this regulation is back in play. As so many have stated, including the Planning Commission, there simply isn't a widespread enough problem with events/parties occurring at STRs to justify this regulation.

I've heard that there is one specific STR property in Town that has been hosting regular events/weddings, and that it's causing quality of life issues for neighbors. I can absolutely appreciate that being frustrating for the STR's neighbors. But I fail to see why this one issue couldn't be dealt with as what it is: a noise/civic disturbance complaint. Were the previous draft to be passed, I would imagine a property violating the Town's noise ordinances would be duly subject to STR license revocation.

Alternatively, why couldn't an STR apply for a temporary [special event permit](#) – like any other property in Town – and conduct parties on behalf or with their guests in a legal, safe, and respectful manner?

I'm also questioning how Town staff arrived at the number of 5 additional guests. It seems arbitrary to me. Please consider that many properties (ours, for one) are in lower density zones, with extra space and few neighbors. We feel we could, theoretically, accommodate more than 5 additional guests, with absolutely no detrimental effect on our neighborhood or neighbors. Therefore, this ban feels discriminatory when other processes and regulations already exist (such as the aforementioned special event permit and noise ordinances).

By creating this cap, the Town will be prohibiting other means of income generation for hosts. For example, AirBnB recently launched their [Experiences](#) platform which allows people to host informal workshops, classes, and gatherings. It's yet another way for our creative community to increase the ways they can earn a living in this challenging gig economy. Think drawing classes, group meditations or yoga, community garden seed exchanges: all of these things would suddenly become illegal (or severely restricted) for an STR host – but not for other primary residence owners or long-term renters. It's truly a "throwing the baby out with the bathwater" situation. Many guests that travel through STR platforms are looking for a unique, positive, and memorable experience when they're visiting Chapel Hill. It seems unnecessary and deeply unfortunate to limit potential tourism experiences, due to a fear that every STR aspires to host weddings or rowdy parties.

I'm also concerned for other STR hosts whose neighbors might conflate primary residence hosts holding their own legal, safe gatherings as an excuse to complain about an STR if they have an axe to grind.

In short, this cap is a "one size fits all" approach that doesn't fit all. It is also another example of a solution in search of a problem, especially considering the new, stricter regulations forbidding "Dedicated" STRs in all residential zones and the previously set STR occupancy caps.

(e) Parking. There shall be no more than three (3) vehicles parked at any time on- or off-street associated with the STR use.

Our STR is a two bedroom ADU that customarily hosts up to 4 people. If each individual drove their own vehicle, we'd be in violation, and we don't even have a large house! Many STRs have ample parking to accommodate guests.

We work hard to ensure safety of our guests, and adequate parking space, without impacting our neighbors. For instance, we bumped out our gravel driveway to host a pro-angler that visits with his boat annually for the Bass Pro Fishing Tournament! We are not sports fans, but we do care deeply that our guests are comfortable and the space meets their needs.

The STR ordinance does not need this additional restriction, especially when no such restriction exists for other property types. Given that we already have an occupancy cap in the ordinance, and that parties/events can be dealt with via existing noise/public disturbance regulations, I again feel that this new restriction is a bridge too far, serving only to further burden STR hosts in the guise of placating the anti-STR crowd.

In short: we're so close! I think, in general, the ordinance otherwise serves the interests of hosts, residents, concerned citizens, and the hotel industry very well. I'm happy to have a formal licensing process, and relieved that the "three strikes your out" language has been removed in favor of recognizing that "the town manager may revoke an STR permit". But these new items listed above go too far, seem targeted at preventing the "party house issue" that, in actuality, isn't a widespread problem requiring additional stringent regulation. They create challenges for us as hosts in a way that feels considerably unfair and in conflict with our attempts to already abide by the Town's ordinances, make a living, and to accommodate our guests.

Thanks as always for your continued attention,
BJ Warshaw

Anya Grahn

From: Eric Plow <ericplow1@aol.com>
Sent: Wednesday, June 16, 2021 7:24 AM
To: Town Council
Cc: rbadgett@sog.unc.edu; Ann Anderson; Anya Grahn; Colleen Willger; Judy Johnson; joeevalentine@gmail.com; celiebrichardson@aol.com
Subject: Re: astounding new information from your finance department

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Correction: in my haste to assemble the figures at 2 AM, I made an error. The Airbnb presence is between 4.5 and 5.5 %. But this is still a negligible number compared to what special interest groups would have us believe.

In a message dated 6/16/2021 7:13:16 AM Eastern Standard Time, ericplow1@aol.com writes:

Mayor and Town Council:

Before this evening's STR council meeting, I will email to you figures obtained directly from your finance department from a public records request which demonstrate that Airbnb rentals approximate only 4/10 of 1% of overall hotel revenue. This is negligible, and should put to rest the continuing false allegations put forth by special interest groups that STRs have and will continue to infiltrate every corner of Chapel Hill.

Airbnb accounts for the overwhelmingly vast majority of short term rentals, and some have questioned whether or not Airbnb submits the proper occupancy taxes that they collect. Suffice is to say that Airbnb is a world-wide organization, and any class action lawsuit against Airbnb regarding this matter would destroy the company. It therefore follows that the documentation from the town's own finance office is reliable, and can be used to accurately estimate the presence of STRs in Chapel Hill. You will be surprised.

Stay tuned ...
Eric Plow

Anya Grahn

From: Joe Valentine <joevalentine@gmail.com>
Sent: Wednesday, June 16, 2021 10:57 AM
To: Town Council
Cc: Eric Plow; rbadgett@sog.unc.edu; Ann Anderson; Anya Grahn; Colleen Willger; Judy Johnson; Joe Valentine; celiebrichardson@aol.com; alexa.nota@gmail.com
Subject: Proposed STR Ordinance

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Dear Mayor and Town Council Members,

I would like to respectfully put forward the following points for your kind consideration, before your upcoming vote on the proposed ordinance that seeks to regulate short term rentals (STRs) in Chapel Hill.

1. The proposed ordinance reads like a copy and paste from other ordinances that were presumably passed in other cities. It makes numerous assertions and conclusory statements which are not based on any objective detailed study. To that extent, it is premature and is not likely to address the specific needs of Chapel Hill town.
2. Chapel Hill is not New York or Boston or Chicago or even Wilmington or Asheville. It is not a big city and it does not have a White House or a Smithsonian or even mountains and beaches that should attract significant tourist inflow. When there is no significant tourist traffic, it does not attract corporate investment in STRs due to lack of profitability. Therefore, the regulations that apply to other cities and towns with significant tourist traffic are inappropriate for Chapel Hill.
3. There is no evidence that conversion of homes to STRs has affected the housing market in Chapel Hill. Most of the STRs are owned by individuals who run it in their own private homes either on a sharing or dedicated basis, purely to generate income to maintain, and upgrade their homes as well as meet expenses on mortgage and tax payments. Banning STRs will deprive these individuals of income forcing them to sell their homes and move elsewhere.
4. STR owners have invested time and money in upgrading their homes. Forcing them to close will be an irreparable economic injury without due process. The ordinance is silent about any financial or other compensation to be paid to STR owners who are forced to close.
5. The ordinance appears to state that families who visit Chapel Hill should stay near the town center where there are more amenities and restaurants. This assertion is another example of misguided thinking which is driving the proposed draft ordinance. Most of the families who have stayed in our dedicated STR have not come to Chapel Hill to eat at its restaurants or enjoy its amenities. They come for family reunions or graduations or anniversaries or for medical attention at the hospitals. These families wish to stay together in privacy and comfort with the ability to cook their own food and accommodate their pets. Hotels do not meet their requirements and they have no desire to stay near downtown to use the amenities.
6. During and after the pandemic, families like to socially distance themselves from other strangers. This is not possible in hotels which are usually large high rise buildings accommodating hundreds of strangers at any given time.
7. Dedicated STRs meet a real need of traveling families and these people spend money on food, beverages, local transport, shopping etc. in Chapel Hill which supports the local economy. They also pay taxes to the Town on their

accommodation and other purchases. The Town stands to lose significant tax income by banning dedicated STRs as then these families will simply choose to stay in other nearby towns.

8. Local governments have delegated powers from the state to issue zoning ordinances to regulate land use. This does not extend to regulating ownership as held by numerous courts in North Carolina. The proposed ordinance seeks to regulate ownership and goes beyond the powers available to the Town. It is therefore ultra vires NC law.

9. The definition of dedicated STR has stipulations that require a homeowner to stay in his home for a certain period of time to qualify for primary home ownership. The Town does not have the powers to legislate that homeowners have to stay in their homes for any period of time. In many cases, homeowners are forced to travel and stay outside the state for reasons of employment. Requiring owners to stay in their homes to qualify for non dedicated STR ownership is not within the powers delegated to the Town and the distinction between short and long term rentals is impermissible under delegated powers.

10. Records available with the Town show only 3 nuisance complaints relating to STRs in the past year. There are far more nuisance complaints from long term student rental housing which is not addressed by this ordinance. The Town has produced no facts to show that short term rentals create more nuisance than long term rentals. The rationale for this ordinance which proposes to ban dedicated STRs is unclear. Regulation must not be whimsical or arbitrary but must be based on solid reasoning to solve a real problem. That does not appear to be the case here.

11. We are for responsible regulation in the interest of public health and safety. The cap on the number of people, age limit on who can book accommodation, minimum stay of one night, restrictions on parking, no parties or large group functions, availability of a dedicated support service system - these are all reasonable regulations which are in fact already insisted upon by the STR platforms in most cases.

12. The STR platforms also have a review system where hosts and guests rate each other on numerous parameters. If a guest has created problems in any STR, the review system provides the ability to make that information known to other hosts so they can maintain control over who is provided accommodation at their STR.

In view of these facts, I would urge you to accept your Planning Commission's recommendations and vote No for the ordinance in its present form. I am available to provide additional information and answer your questions.

Best regards,

Joe Valentine, J.D., LL.M., M.B.A.

Licensed Attorney (NC, DC, FL) & Licensed Customs Broker

Phone: [919\) 923 4280](tel:9199234280)

Anya Grahn

From: Katie Loovis <kloovis@carolinachamber.org>
Sent: Wednesday, June 16, 2021 10:25 AM
To: Anya Grahn; Badgett, Rebecca; Colleen Willger; Pam Hemminger; Jess Anderson; Hongbin Gu; Tai Huynh; Allen Buansi; Karen Stegman; Michael Parker; Amy Ryan; Maurice Jones; Ann Anderson
Cc: Aaron Nelson; Julie McClintock; Anthony Carey; Manish Atma; John Quintero; Linda Carol Davis; Dr Bryan; Rosemary Waldorf
Subject: We Support the STR Ordinance with 2 Points for Reconsideration
Importance: High

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Dear Mayor and Council,

Thank you for your continued focus and attention on developing a fair and reasonable framework for regulating short-term rentals (STRs) in the Town of Chapel Hill.

The most recent draft of the ordinance reflects much thought and compromise, and **we are very supportive of this proposed regulatory framework**. We do ask you to **reconsider two items** that have been revised from earlier versions of the proposed ordinance.

- 1) Reconsider the 18-month "sunset" period.** - The current draft ordinance allows existing, illegally-operating STRs that will be unable to obtain a zoning compliance permit to continue operating for 18 months after the effective date of the ordinance. While some "sunset" period may be practical, we recommend returning to the six-month period specified in earlier versions of the draft ordinance. Remember that most existing STRs already are operating illegally, and allowing impermissible activity to continue for another 1.5 years seemingly rewards people for prior bad behavior. This overly generous sunset window also is inconsistent with any and all town policies and practices. Keep in mind, this is not a hardship for the STR operator. In a mere moment and without any fees, STR operators can easily and immediately shift their short-term commercial market operation for transients to a long-term residential rental use, thereby helping to meet our community's strong demand for affordable rental housing.
- 2) Reconsider the 50% minimum occupancy requirement for primary residence STRs.** - Throughout this process, our working group has focused primarily on dedicated STRs, not primary residence ones. However, the current draft ordinance requires operators of primary residence to be present for just 50 percent of the calendar year. In our view, a unit that could be rented out for as many as six months a year without a primary resident present really has, for all intents and purposes, crossed the line into a Dedicated STR. We recommend raising this minimum primary occupancy threshold to at least 60%, with a preference for a 75% standard. This will ensure that primary residence STRs are operated by members of the community and not become a "back door" to the kinds of activity the council is seeking to limit.

Again, thank you for your leadership and hard work on this important and complicated emerging business phenomena. We believe the final ordinance will provide a much-needed framework to get STR operators out of the shadows, give them a clear and proper path to permit for their commercial activity, and help them operate

safely in appropriate, allowable zones while also ensuring a more level playing field for the hospitality industry.

With appreciation,

Aaron Nelson and Katie Loovis, The Chamber For a Greater Chapel Hill-Carrboro
Julie McClintock, Linda Carol Davis, and John Quinterno, Chapel Hill Alliance for a Livable Town
Anthony Carey, Managing Director, The Siena Hotel
Manish Atma, President & CEO, Atma Hotel Group
D. R. Bryan, President, Bryan Properties, Inc, and Co-owner, Hyatt Place Chapel Hill
Rosemary Waldorf, Former Mayor of Chapel Hill



Katie R. Loovis

Vice President for External Affairs

The Chamber For a Greater Chapel Hill-Carrboro

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[Website](#) | [Blog](#) | [Announcements](#) | [YouTube](#)

Thank you to our Community Champions!



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

Anya Grahn

From: Eric Plow <ericplow1@aol.com>
Sent: Thursday, June 17, 2021 7:55 AM
To: Town Council
Cc: rbadgett@sog.unc.edu; Ann Anderson; Anya Grahn; Colleen Willger; Judy Johnson; celiebrichardson@aol.com; alexa.nota@gmail.com; joeevalentine@gmail.com
Subject: why?
Attachments: 2021-05-18 Planning Comm recommendationl.pdf

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During this last day of written public input, this will be my final comment on STRs. I ask each council member to read these brief comments with as much care as I have put into writing them. Please also pay particular attention to my suggestion at the end.

I once again ask why you feel the need to pass legislation without having any concrete facts? If you have not already done so, read the attached recommendation from the planning board advisory commission, recommending that no ordinance be passed at this time until further study has been done. It has been clearly shown that existing STRs are not causing any problems, and in actuality are a benefit to the community.

MOST IMPORTANTLY, it is also clear that you may not legally legislate separate requirements for "dedicated" rentals since they are simply another name for "investor-owned rentals". If you decide to legislate rentals, you may not do so based on the ownership of the property, nor may you require an owner to live in his or her property for a certain amount of time in order to use it for residential purposes.

The recently discussed sunset provision sounds "fair", but will eventually terminate certain currently operated rentals at the end of the sunset period. Some have said that we should sell the property or convert them to long-term rentals. This is not as easy as it may sound. Some of us has spent many years and dollars (such as furnishings) creating affordable short-term housing serving the community for a much-needed service, and we may not wish to abandon this activity. Our property is ours to do as we wish so long as we do not cause a nuisance to others. Last time I heard, we live in the United States of America where freedom and individual rights are a bedrock of our society.

If you feel the pressure to issue an ordinance now, you must treat all STRs the same, regardless of owner. I am sure all other STR hosts would agree with me that we have no objection to reasonable safety, nuisance, occupancy, age, and parking requirements. **However, I would urge you to add wording to the effect that all STRs in existence prior to the ordinance may continue to be operated in their current residential zones, without caps or density restrictions, until the property ownership passes to another entity. This will provide natural attrition over time, and is only fair to those of us who have worked very hard for many years on our STRs.**

In closing, I am sure that all of you have also worked many years getting to where you are today, whether it be by education, experience, or both. How would you feel if your source of income was dried up due to the government restricting or banning the type of work that you do?

Short Term Rentals

Mayor and Members of the Chapel Hill Town Council, I have been requested to write to you concerning the reasons for the Planning Commission's decision at our May 4th meeting to vote the proposed Land Use Management Ordinance Text Amendment, regarding Short Term Rentals (STRs), was Inconsistent with the Town's Comprehensive Plan.

The Planning Commission is aware that officially allowing STRs in residential areas of town will require Amendments to the Land Use Management Ordinance (LUMO), but it cannot be overlooked that there already exists a Short Term Rental market in Chapel Hill. The concerns expressed about STRs appear to be primarily based on incidents in other parts of the country, not on data from Chapel Hill. We do not have evidence, for example, that STRs:

- Negatively impact housing affordability or neighboring property values
- Are more damaging to a neighborhood's character or tranquility, nor affect parking availability more than student rentals
- Increase gun violence
- Have been more damaging to hotelier's profits than the addition of new hotels in recent decades
- Their prevalence will increase at the same rate in the future as they have recently with the emergence of platforms like AirBnB

We do not see evidence that STRs are the threat described by their opponents.

There are STRs that have been operating in Chapel Hill for over twenty years. Many of these operators are residents that opened their doors to renters so that they could afford to stay in their homes. These individuals will need to be protected by a 'Grandfather' clause that allows them to continue operation. We do not recommend modifying the LUMO without considering the impact on residents that rely on the Short Term Rental Market to continue living in Chapel Hill.

A citizen caller to the meeting has operated a non-profit organization that provides accommodation for Academics attending conferences in Chapel Hill. His non-profit is located in an historic neighborhood. Under the pro-

posed Amendment he could no longer operate this valuable resource in his neighborhood.

There are Designated STRs in operation today that solely operate as full house rentals in traditionally single family residential neighborhoods. Under the proposed Amendment these rentals would not be allowed except in high density residential and or commercial areas. All STRs have a commercial component, parking needs beyond single family residential, and require limits to occupancy. To date, we do not have the data necessary to require separation of types of STRs from one another, or to regulate certain STRs to areas with particular zoning classifications. Indeed, if the concerns over large parties, noise and parking availability are substantiated by the data, are Designated STRs better suited to areas of higher density, are the residents of multi-family developments to bear the brunt of Town policy? It would be inappropriate to create this distinction without data to support the policy.

The Planning Commission feels that officially recognizing STRs requires a comprehensive approach based on fairness and Data. As an Advisory Board, we feel that STRs should be allowed in all areas zoned residential. Existing operators should be granted a 'Grandfather clause' and be allowed to continue to operate. STR operators should be required to be licensed and inspected, initially at no fee to facilitate compliance. The Town should collect the data necessary to write a text Amendment to the present LUMO, and to refine the language for the proposed LUMO revision. The existence of an STR market in Chapel Hill is not new, but the suspicion towards STRs is. A data driven approach will inform us if indeed there are areas of concern.

James Baxter
Planning Commission Advisory Board
STR Subcommittee
May 18, 2021

Anya Grahn

From: Joe Valentine <joevalentine@gmail.com>
Sent: Thursday, June 17, 2021 12:57 AM
To: Town Council
Cc: Eric Plow; rbadgett@sog.unc.edu; Ann Anderson; Anya Grahn; Colleen Willger; Judy Johnson; celiebrichardson@aol.com; alexa.nota@gmail.com
Subject: Re: Proposed STR Ordinance

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Dear Mayor and Town Council members,

I would like to add an important point that the purpose of delegating powers to local governments is to enable them to craft regulations that are customized to solve local problems. It is about decentralization of governance to be more responsive to people's concerns.

Chapel Hill is a small University town better known for its education and health care. It does not have any major tourist attractions and does not attract an influx of tourists unlike some other towns. Therefore, there is no flow of capital from corporate investors seeking to buy homes to convert into STRs here. The number of STRs is so low that it does not materially impact the availability or prices of homes on the market.

The families who visit Chapel Hill do so for fairly well defined purposes such as seeking medical treatment or attending family reunions or gatherings. We have also housed families who were fleeing from natural disasters or whose homes were damaged by natural calamities or who were engaged in house hunting in Chapel Hill. They prefer to socially distance themselves in individual homes which have space and amenities for interacting with each other, preparing their food, and accommodating their pets. These facilities are not available in hotels. Further, these families cannot afford to stay in hotels for an extended period of time.

Regulation has to be judicious and tailored to the specific needs of the community. It also has to balance competing interests between producers, consumers and other stakeholders. The rights or property owners have to be respected. While the hotel lobby appears to have some excess capacity, with the economy recovering post pandemic, these hotel rooms should be filled to a healthy capacity soon. Market forces have to be allowed to operate to determine supply, demand and pricing and regulation should not be misused to stifle competition.

In any case, STRs are not a commercial activity. There is usually no corporate entity involved and no employment of full time service staff. No food and beverage or room service is provided. Further, the owner stays in the same home when it is not occupied by guests or shares it with guests. This is still a residential use of the property for housing single families. The zoning ordinance requirements of residential use by families is still satisfied.

Requiring homeowners to stay in their homes for 183 days and discriminating between short and long term rentals etc. is an overreach and is not part of the powers delegated to local governments. Zoning ordinances can only regulate land use, not the type of ownership as has been held by various courts in North Carolina. It is open to the homeowner to decide whether he should own the property as a primary, secondary, vacation, or rental home. In cases where the homeowner is employed out of state, they may not be able to stay in Chapel Hill for some time. They ought not to be discriminated against for reasons beyond their control.

Best regards,

Joe Valentine, J.D., LL.M., M.B.A.

Licensed Attorney (NC, DC, FL) & Licensed Customs Broker

Phone: [\(919\) 923 4280](tel:9199234280)

On Wed, Jun 16, 2021 at 10:56 AM Joe Valentine <joevalentine@gmail.com> wrote:

Dear Mayor and Town Council Members,

I would like to respectfully put forward the following points for your kind consideration, before your upcoming vote on the proposed ordinance that seeks to regulate short term rentals (STRs) in Chapel Hill.

1. The proposed ordinance reads like a copy and paste from other ordinances that were presumably passed in other cities. It makes numerous assertions and conclusory statements which are not based on any objective detailed study. To that extent, it is premature and is not likely to address the specific needs of Chapel Hill town.
2. Chapel Hill is not New York or Boston or Chicago or even Wilmington or Asheville. It is not a big city and it does not have a White House or a Smithsonian or even mountains and beaches that should attract significant tourist inflow. When there is no significant tourist traffic, it does not attract corporate investment in STRs due to lack of profitability. Therefore, the regulations that apply to other cities and towns with significant tourist traffic are inappropriate for Chapel Hill.
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4. STR owners have invested time and money in upgrading their homes. Forcing them to close will be an irreparable economic injury without due process. The ordinance is silent about any financial or other compensation to be paid to STR owners who are forced to close.
5. The ordinance appears to state that families who visit Chapel Hill should stay near the town center where there are more amenities and restaurants. This assertion is another example of misguided thinking which is driving the proposed draft ordinance. Most of the families who have stayed in our dedicated STR have not come to Chapel Hill to eat at its restaurants or enjoy its amenities. They come for family reunions or graduations or anniversaries or for medical attention at the hospitals. These families wish to stay together in privacy and comfort with the ability to cook their own food and accommodate their pets. Hotels do not meet their requirements and they have no desire to stay near downtown to use the amenities.
6. During and after the pandemic, families like to socially distance themselves from other strangers. This is not possible in hotels which are usually large high rise buildings accommodating hundreds of strangers at any given time.
7. Dedicated STRs meet a real need of traveling families and these people spend money on food, beverages, local transport, shopping etc. in Chapel Hill which supports the local economy. They also pay taxes to the Town on their accommodation and other purchases. The Town stands to lose significant tax income by banning dedicated STRs as then these families will simply choose to stay in other nearby towns.
8. Local governments have delegated powers from the state to issue zoning ordinances to regulate land use. This does not extend to regulating ownership as held by numerous courts in North Carolina. The proposed ordinance seeks to regulate ownership and goes beyond the powers available to the Town. It is therefore ultra vires NC law.
9. The definition of dedicated STR has stipulations that require a homeowner to stay in his home for a certain period of time to qualify for primary home ownership. The Town does not have the powers to legislate that homeowners have to stay in their homes for any period of time. In many cases, homeowners are forced to travel and stay outside the state

for reasons of employment. Requiring owners to stay in their homes to qualify for non dedicated STR ownership is not within the powers delegated to the Town and the distinction between short and long term rentals is impermissible under delegated powers.

10. Records available with the Town show only 3 nuisance complaints relating to STRs in the past year. There are far more nuisance complaints from long term student rental housing which is not addressed by this ordinance. The Town has produced no facts to show that short term rentals create more nuisance than long term rentals. The rationale for this ordinance which proposes to ban dedicated STRs is unclear. Regulation must not be whimsical or arbitrary but must be based on solid reasoning to solve a real problem. That does not appear to be the case here.

11. We are for responsible regulation in the interest of public health and safety. The cap on the number of people, age limit on who can book accommodation, minimum stay of one night, restrictions on parking, no parties or large group functions, availability of a dedicated support service system - these are all reasonable regulations which are in fact already insisted upon by the STR platforms in most cases.

12. The STR platforms also have a review system where hosts and guests rate each other on numerous parameters. If a guest has created problems in any STR, the review system provides the ability to make that information known to other hosts so they can maintain control over who is provided accommodation at their STR.

In view of these facts, I would urge you to accept your Planning Commission's recommendations and vote No for the ordinance in its present form. I am available to provide additional information and answer your questions.

Best regards,
Joe Valentine, J.D., LL.M., M.B.A.
Licensed Attorney (NC, DC, FL) & Licensed Customs Broker
Phone: [\(919\) 923 4280](tel:9199234280)

From: info@preservationchapelhill.org <info@preservationchapelhill.org>
Sent: Thursday, June 17, 2021 11:00 AM
To: Planning Department
Cc: Town Council
Subject: Comments on 6/16/2021 Council Discussion of STRs

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Flag Status: Flagged

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Dear Mayor and Council:

Preservation Chapel Hill is a private nonprofit which has sought to preserve our community's historic buildings and neighborhoods since 1973. PCH is proud of its role in preserving historic homes and in the establishment of the town's four national register districts, three local historic districts and much more.

Our board of trustees have voted to oppose STRs in our historic neighborhoods. Limiting "dedicated" STRs to mixed use or commercial areas is a good first step. A further step should be excluding hosted STRs from either National Register or local historic district overlays. Further consideration should be given to allowing town's neighborhood conservation districts to opt-out of hosted STRs.

The latest proposed amendment from the Town is that a space can be considered "hosted," if the owner is in residence at least 50% of the year. We believe this far too low. The percentage should be 100% or the Town will be taking-on an enforcement impossibility and placing the onus on neighbors to enforce or worse, becoming informants. Moreover, there is no easy and safe way to "inform" when violations occur. Calling 911 is not effective nor appropriate. An alternative must be found

The ordinance, as proposed at the Wednesday, June 16th Council meeting also includes a provision to discourage STR's being used to hold events like weddings and conferences. We believe this to be a good amendment.

And finally we are concerned about enforcement of the proposed new LUMO provisions. The Town of Chapel Hill already has a difficult time enforcing the existing rules of the Land Use Management Ordinance.

An example is the number of student renters who appear to be living and parking at the homes in the historic districts. About two years ago, the Town took moderately successful action about this problem in the Franklin-Rosemary historic district for which we are grateful. With the University returning to in-class learning this Fall, how will the Town enforce this provision of the LUMO, especially on street parking?

Investment groups and developers would like to be able to profit on the beauty and charm of the many historic neighborhoods in Chapel Hill that have made this town special. It is already happening. What is

needed is a continued emphasis on protecting the historic neighborhoods which contribute to the unique character of the town and attracts visitors and alumni alike

Our historic neighborhoods are especially vulnerable to threats to single family ownership as is seen in the large number of non-residential ownership in portions of two of the three local historic districts. The existence of Dedicated STR's will further diminish the uniqueness, charm and character of our town's historic neighborhoods.

With sincere thanks to Mayor and Council for considering these comments, which originate from historic neighborhood residents, we are,

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