

CITY COUNCIL REPORT



Meeting Date: *October 25, 2022*
 Charter Provision: *Provide for the orderly government and administration of the affairs of the city*
 Objective: *Enact Local Legislation*

ACTION

Vacation Rental Ordinance Amendments. Adopt Ordinance No. 4566 repealing and replacing Article IX of Chapter 18 of the Scottsdale Revised Code concerning vacation and short-term rentals.

BACKGROUND

As of Sept. 20, 2022, city staff have identified about 2,800 short-term rental properties advertising or recently listed properties for rent in Scottsdale. Identification of these properties was made through use of the city's contracted technology provider and other city systems. These are properties that are known to be advertising, and their locations are known. In addition, there are at least 1,500 additional live listings in Scottsdale where the address is unknown. These are typically condominium or townhome properties. city staff have asked Airbnb and VRBO for assistance in identifying these properties. This adds up to a total estimate of about 4,300 short-term rental properties currently operating in Scottsdale.

In 2021, the Short-term Rental Working Group of twelve Scottsdale residents, including two councilmembers, met six times over twelve weeks to develop nine recommendations, which were unanimously approved by the City Council. City staff have been implementing the recommendations and providing quarterly updates. The city's short-term rental response strategy is summarized as:

- Increase likelihood that impacts can be prevented and minimized
- Enforcement is timely when violations occur
- Residents are informed about how to address and resolve problems
- Ordinances reflect the authority granted under state law

In December 2021, the Scottsdale vacation rental and nuisance party ordinances were amended, with a promise to advocate for necessary changes to State law to return needed short-term rental oversight to the city of Scottsdale, and to continue to evaluate additional necessary public health and safety regulations and bring forward additional revisions.

In July 2022, Governor Ducey signed SB 1168 allowing local governments to require short-term rentals to obtain and maintain a local regulatory permit or license, which can only be denied for limited reasons, and suspended for limited reasons. Provisions relating to neighborhood notification, liability insurance, and sex offender background checks were also included. These changes provide tools for local governments to hold "bad actors" responsible for their actions.

ANALYSIS AND ASSESSMENT

Recent Staff Action

Ordinance No. 4566 was drafted by staff to reflect the authority granted to cities under state law. This draft was presented during a City Council Work Study Session on September 20, 2022. Public comment was submitted, and feedback was received from the City Council, and has continued to be received from the industry and residents. A redline version of changes since Sept. 20, 2022, is made available in Attachment 2.

Policy Implications

Ordinance No. 4566 amends the city's vacation rental ordinance to add new provisions based on the authority granted through SB 1168, as well as restating existing provisions, and adding new requirements that are necessary to protect the public health and safety.

Regulatory License Requirement – Effective January 8, 2023, all short-term rentals will have to have a license to operate in the city. SB 1168 allows cities to set a fee not to exceed the actual cost of issuing the license or \$250, whichever is less. City staff recommends setting the fee at \$250 as it is lower than the anticipated actual cost to the city to issue the permit. In estimating the cost, city staff considered the cost of additional licenses to the licensing system, the centralized database, city incurred credit card fees, digital equipment (such as computers, servers), and staffing cost to review and approve licenses within the 7-day period. These costs will be incurred annually, as a result city staff recommends that each license be renewed annually.

The proposed ordinance institutes the SB 1168 requirements regarding what is required for the license application, license issuance, and the limited conditions under which a license could be denied. The proposed ordinance includes a section for license revocation being if grounds for denial exist for a license that already was issued. In addition, the proposed ordinance includes the SB 1168 criteria for the limited conditions when a license can be suspended. There are certain conditions where certain three verified violations within a twelve (12) month period (does not include violations based on an aesthetic, solid waste disposal or vehicle parking violation that are not also a serious threat to public health and safety) could trigger a suspension and other more serious conditions where a single incident would suffice. Whenever an application is denied or a license is revoked or suspended, there will be a hearing process, either administratively in most cases, or through the courts for certain serious incidents involving any attempted or completed felony act, arising from the occupancy or use of a vacation rental or short-term rental, that results in a death, or actual or attempted serious physical injury.

Other Requirements - Non-residential usage continues to be prohibited, and the requirement that emergency contacts respond at the request of public safety staff remains in place as well. There are new requirements for short-term rentals to obtain liability insurance, to conduct sex offender background checks, and a neighbor notification process. SB 1168 authorizes each of these items.

Public Health and Safety Requirements – State law allows cities to regulate short-term rentals for the purposes of protecting the public's health and safety if the city demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety. These additional

requirements are based on this authority, and a city staff team has met to review complaints, review state law and other ordinances, and make a recommendation on some provisions necessary for the primary purpose of protecting the public's health and safety.

Included are requirements relating to trash and garbage. Trash issues are one of the most common complaints involving vacation and short-term rentals, and Solid Waste staff have spent significant time addressing these. These requirements are applicable to all single-family properties via Chapter 24 of the Scottsdale Revised Code and therefore do not require authorization under A.R.S. Section 9-500.39. Inclusion in the proposed ordinance in addition to the existing requirements in Chapter 24 of the Scottsdale Revised Code will make it easier for Code Enforcement staff to enforce these requirements.

In addition, there are several fire and life safety requirements. These are necessary because renters of vacation rentals and short-term rentals are not familiar with these homes as they would be in their own long-term rental or residence. Requiring working smoke alarms and a map showing exit/egress helps create a safer environment for short-term renters. Members of the City of Scottsdale Fire Department have stated that based on their training and experience these measures will improve the safety of vacation rentals and short-term rentals.

There are also public health reasons to ensure that properties are cleaned between bookings, and there is regular pest control treatment. These are necessary to prevent the spread of disease and ensure a healthy experience in Scottsdale. The Maricopa County Environmental Health Code Chapter 10, Section 2 requires certain cleanliness and pest standards for transient dwellings for public health reasons. The same public health reasons applicable to transient dwellings can be found for vacation rentals and short-term rentals.

Also, if the rental includes a swimming pool, spa or hot tub that is accessible to the renters, they must comply with the barrier requirements required with any new construction. This was particular concern as there was a death from a child at a Scottsdale short-term rental with a pool. These are common requirements in new homes and at hotels, but there are many rentals that predate these requirements and have not been updated, and as renters are not familiar with the properties as they would be if this were their own home, including this requirement is also recommended as well. The City's Building Official was consulted on this proposed requirement and based on his training and experience believes that these barrier requirements will reduce the risks of drownings at these properties significantly.

Finally for life safety purposes, as briefly discussed above there is a requirement that they provide a map of the floor plan for emergency access, this is to familiarize rentals with the exits and location of safety equipment. In addition, a notice requirement has been added for display in all rentals to make renters aware of the rules governing short-term rentals, and information about the property including the license number and the local contact information. That posting is required to be in bold font, 14-point size or higher, and the city will provide a model posting to simplify compliance.

Significant Issues to be Addressed

Since the Work Study Session, staff has continued to review and update the ordinance to ensure effective implementation after adoption and based on feedback received from public comment. The key changes are highlighted below and included in the current draft of Ordinance No. 4566.

- 18-151(a). The date upon which short-term rental owners must be licensed was extended by 15 days to Jan. 8, 2023. This was based on industry feedback and allows additional time for applications to be received and processed by staff after the holidays.
- 18-151(d). The language making a second violation of operating a rental without a license a class one misdemeanor was removed based on industry feedback. Ongoing violations will be handled through the courts as civil violations.
- 18-152(c). A paragraph was added to clarify that fees and penalties related to licensing, when unpaid, shall be deemed a debt to the city. This will aid in collection efforts.
- 18-154(a)3. Language was added to require the owner to certify the owner's designee is authorized to act upon the owner's behalf. This was added based on feedback that SB 1168 states that the owner or owner's designee's contact information can be required on the application. Because SB 1168 states that the city can require an owner to obtain and maintain a license, the city needs both the owner's name and contact information and needs a certification that the designee can act on the owner's behalf.
- 18-154(a)8. The requirement to provide evidence of liability insurance has been moved to 18-173 as it was pointed out that this was not something that was required to be including in the license application in SB 1168. Industry representatives also requested the removal of the proof of lawful presence subsection, but it was not removed as it is required for all licenses issued by the city under State law.
- 18-155(a)6. Based on industry feedback it was clarified that this subsection applies only to that specific license application.
- 18-157. Based on industry feedback that the prior draft would necessitate the denial of all subsequent applications from the same owner for one year, this has been modified to give discretion by the hearing officer to reduce the 1-year period following denial based on certain conditions. This was inserted to mitigate concerns that something like a failed payment of the license could prevent the renting of a property for an entire year.
- 18-171(b). Staff included language regarding special events that was included in SB 1168.
- 18-173. This section was written to require proof of insurance following licensure, rather than during the application process.
- 18-175(c). Language relating to records of smoke alarm inspections and maintenance activities was deleted, as the other subsections do not include record-keeping provisions.
- 18-175(d). Language relating to telephones was removed, as an onsite telephone is not required in this ordinance.

- 18-175(e). It has been clarified that the property must be cleaned between “stays” rather than “bookings.” Language referencing the Maricopa County Environmental Health Code was included to give guidance regarding minimum cleaning standards.
- 18-175(g). Language was inserted to give all properties six months to come into compliance with pool, spa and hot tub barrier requirements.
- 18-175(h). The license number has been added to the required safety posting, creating a common reference to the property, and was added at the request of the police department.
- 18-176. To address industry concerns, the sex offender background checks section has been updated to clarify that this requirement only relates to the booking guest, consistent with SB 1168, and to require the check no later than 24-hours prior to the stay, rather than within 24 hours of booking. It has also been clarified that use of the U.S. Department of Justice’s online national sex offender public website will satisfy this requirement. Also added is language in (c) about booking on behalf of a sex offender.

Community Involvement

Prior to the Sept. 20, 2022, work study, staff sent out the ordinance draft to the 2021 Short-Term Rental Working Group members, the list of Interested Parties, as well as the list of Industry representatives who registered regarding SB 1168. The draft ordinance was also posted on the city’s Short-Term Rental webpage, go to ScottsdaleAZ.gov and search “Short-Term Rentals” with an address to send comments.

Following the Sept. 20, 2022, work study, staff met with representatives of the Scottsdale Area Association of Realtors, Airbnb, Vrbo, Arizonans for Responsible Tourism, members of the 2021 Short-term Rental Working Group, other short-term rental owners and hosts who requested to meet with staff, as well as reviewing all public comments received, and following up via email as needed. All requests were reviewed, and changes have been made as noted where applicable.

RESOURCE IMPACTS

Available funding

Developing a licensing program was not anticipated in the FY 2022/23 budget, however, revenues are anticipated between \$500,000 and \$1 million depending on the volume of applications received and processed (2,000 – 4,000 short-term rental applications). Likewise, expenditures related to this program are anticipated to range between \$580,000 and \$1,172,000 to implement the program. The cost to administer the program is anticipated to be more costly than the revenues received, but as noted previously the maximum fee is set by SB 1168. The net difference will be absorbed in existing budgets, and contingency will be requested if needed to cover deficits within the divisions.

Staffing, Workload Impact

Staff anticipates that twelve staff will be involved in some way in implementing the licensing process. This will include some legal work, and more technology work, but will primarily be borne by two tax and license specialist and one code inspector, under the review of the tax and license manager, and the business services director. It is anticipated that one or two temporary or contract

workers will be used in addition to the current staffing levels in Business Services and Code Enforcement.

Maintenance Requirements

To implement Ordinance No. 4566, staff will take necessary actions, including:

- preparing the business licensing system to accept the fully online applications from short-term rental owners,
- preparing a written notice to send out to all properties to inform them of the need to apply for a license from the city by Jan. 8, 2023,
- preparing a webform regarding the neighborhood notification and liability insurance attestations,
- finalizing a resident’s guide to living next to a short-term rental based on the new requirements,
- preparing the posted notice template, and
- identifying the process for sharing the contact information out of the licensing system with the police department and code enforcement unit.

Future Budget Implications

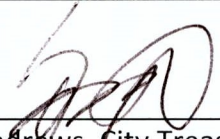
Based on the experience with implementing Ordinance No. 4566, staff will account for the anticipated revenues and associated expenditures in the proposed FY 2023/24 budget.

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10/11/2022

Date



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10/11/2022

Date

ATTACHMENTS

1. Ordinance No. 4566
2. Redline of Changes Since the Version Presented at the Sept. 20, 2022, Work Study Session

ORDINANCE NO. 4566

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE,
REPEALING AND REPLACING ARTICLE IX OF CHAPTER 18 OF THE
SCOTTSDALE REVISED CODE CONCERNING VACATION RENTALS AND
SHORT-TERM RENTALS

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Chapter 18, Article IX is hereby repealed.

Section 2. Chapter 18, Article I, Section 18-2 of the Scottsdale Revised Code is amended and renumbered to conform by adding two new definitions as follows with new language shown in shaded format:

Owner's designee means a person authorized to act on behalf of the owner of a vacation rental or short-term rental.

Verified violation means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in A.R.S. Sections 9-500.39(B) or 9-500.39(K) that has been finally adjudicated.

Section 3. Chapter 18, Article IX of the Scottsdale Revised Code is hereby added as follows with new language shown in shaded format:

ARTICLE IX. – VACATION RENTALS AND SHORT-TERM RENTALS.

DIVISION 1. – LICENSING.

Sec. 18-150. – Purpose.

This article is necessary to protect the health, safety and welfare of the public.

Sec. 18-151. - Vacation rental license required; invalid license; penalties.

(a) Effective January 8, 2023, no person shall operate a vacation rental or short-term rental in the city without first having obtained a current vacation rental license from the city and paying the applicable fees. A separate current vacation rental license is required for each house or dwelling unit where a vacation rental or short-term rental is operated.

(b) No person shall operate a vacation rental or short-term rental in the city with an expired, suspended or revoked vacation rental license.

(c) Representations or advertisements including online listings that reference the property, house or dwelling unit location within the city is prima facie evidence that a vacation rental or short-term rental is operating in the city.

(d) A violation of this section is a civil offense and shall be punished by a fine of not less than one thousand dollars (\$1,000.00) per violation. The court shall not suspend any part of any fine required by this section.

Sec. 18-152. - License fees.

(a) Every application, including any renewal application, for a vacation rental license under this article shall be accompanied by a non-refundable two hundred fifty-dollar (\$250.00) license fee and penalties incurred pursuant to this section.

(b) If the applicant failed to apply for a vacation rental license upon receiving written notice from the city of the requirement to do so, the applicant shall pay an additional one-thousand-dollar (\$1,000.00) penalty for every thirty (30) day period the applicant failed to apply. Any penalty shall be non-refundable. For purposes of this section, written notice includes, but is not limited to, a notice sent by electronic means, United States mail or hand delivered to the physical location of the vacation rental or short-term rental or the address on file with the county assessor for the property. Written notice is deemed served on the date it is sent by electronic means, hand delivered or, if mailed, on the date it is deposited in the United States mail.

(c) The amount of any license fee and any penalty imposed by the provisions of this article shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction for the amount of any delinquent license fee and penalties.

Sec. 18-153. - Term of license; transfer.

(a) A vacation rental license issued under this article shall be valid for a period of one (1) year from the date of issuance unless suspended or revoked.

(b) No license shall be transferable either as to location or as to person.

Sec. 18-154. – Application for license.

(a) An applicant for a vacation rental license including for a renewal application shall file an application on a form prescribed by the city manager or designee and contain the following information:

(1) The physical address of the house or dwelling unit to be used as a vacation rental or short-term rental.

(2) The name, address, email and telephone number of the owner of the vacation rental or short-term rental. If the owner is a fictitious person, the name, address, email and phone number of the owner's statutory agent.

(3) The name, address, email and telephone number of the owner's designee, if any. The owner shall certify that the owner's designee is authorized to act upon the owner's behalf.

(4) The name, address, email and twenty-four (24) hour telephone number of the individual who will serve as the emergency point of contact for the vacation rental or short-term rental. An individual pursuant to this subsection must be a real person and cannot be a fictitious person.

(5) Agreement by the owner and each designee to comply with all applicable laws, regulations, and ordinances.

(6) The owner and each owner's designee shall attest that they are not registered sex offenders, have not been convicted of any felony act that resulted in death or serious physical injury, and have not been convicted of any felony use of a deadly weapon within the past five (5) years.

(7) Proof of a valid transaction privilege tax license.

(8) If the applicant is an individual, proof of lawful presence in the United States in accordance with A.R.S. §§ 1-502 and 41-1080 unless exempted by A.R.S. § 41-1080(B).

Sec. 18-155. – License issuance; denial.

(a) The city shall issue a vacation rental license within seven (7) business days after receipt of a complete application unless grounds for denial exist as follows:

(1) Failure to provide the information required by this article;

(2) Failure to pay the required license fee(s) including any penalties;

(3) At the time of application, the owner has a revoked or suspended license for the same vacation rental or short-term rental;

(4) The applicant has provided false information;

(5) The owner or designee of the owner: (i) is a registered sex offender; (ii) has been convicted of any felony act that resulted in death or serious physical injury; (iii) or has been convicted of any felony use of a deadly weapon within five (5) years of submitting the application; and

(6) Any grounds for revocation or suspension of a vacation rental license exist for the specific license application.

(b) The city manager or designee shall give notice of any denial of an application, and the right of appeal from the denial, as provided for in this article.

Sec. 18-156. – License revocation.

The city manager or designee shall initiate revocation proceedings if any grounds for denial exist for a vacation rental license that already has been issued.

Sec. 18-157. – Reapplication after denial or revocation.

No person who has had a vacation rental license denied or revoked pursuant to this article may apply for another vacation rental license for one (1) year at that same property after the decision affecting the applicant's license has become final. At the time of sustaining a denial, the hearing officer may reduce in whole or in part the one (1) year period described above in this section, if the denial was based on a good faith failure to provide complete information pursuant to section 18-155(a)(1) or failure to pay the required license fee(s) and any penalties provided that the applicant has paid all required fees and penalties by the time of the denial hearing.

Sec. 18-158. - License suspension; term of suspension.

(a) The city manager or designee shall initiate suspension proceedings against a vacation rental license for any of the following:

(1) Three verified violations within a twelve (12) month period, not including any such violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.

(2) One verified violation that results in or constitutes any of the following:

(a) A felony offense committed at or in the vicinity of a vacation rental or short-term rental by the owner of the vacation rental or short-term rental or by the owner's designee;

(b) A serious physical injury or wrongful death at or related to a vacation rental or short-term rental resulting from the knowing, intentional or reckless conduct of the owner of the vacation rental or short-term rental or the owner's designee;

(c) An owner of the vacation rental or short-term rental or the owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, sexual offenses, or prostitution, or operating or maintaining a sober living home; or

(d) An owner of the vacation rental or short-term rental or the owner's designee knowingly or intentionally allowing the use of a vacation rental or short-term rental for a special event that would otherwise require a permit or license pursuant to this code or a state law or rule or for a retail, restaurant, banquet space or other similar use.

(b) The city manager or designee shall give notice of any suspension, and the right of appeal from the suspension, as provided for in this article.

(c) Any final suspension shall be for a period of one (1) year except that a hearing officer may reduce the suspension period to a period of six (6) months upon a finding that the owner of the vacation rental or short-term rental has taken substantial and significant steps to prevent the reoccurrence of the actions that led to the suspension.

Sec. 18-159. – Judicial relief for certain grounds of suspension.

(a) Notwithstanding section 18-158, any attempted or completed felony act, arising from the occupancy or use of a vacation rental or short-term rental, that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a vacation rental or short-term rental for a period that shall not exceed twelve (12) months.

(b) The city attorney may initiate proceedings in the city court or other court of competent jurisdiction to enforce this section.

Sec. 18-160. - Information updates.

All applicants and persons holding licenses issued pursuant to this article shall give written notice to the city manager or designee of any material changes in information submitted in connection with an application or application for renewal of a license. Any information required for an application pursuant to section 18-154 is deemed to be material for purposes of this section. This information shall be provided to the city manager or designee by the licensee or the effected person, as applicable, within ten (10) business days of any such change.

Sec. 18-161. - Appeals.

(a) Any person aggrieved by any decision with respect to the denial of or a refusal to issue a vacation rental license, the revocation of a vacation rental license, the suspension of a vacation rental license or a verified violation penalty imposed pursuant to section 18-177, shall be entitled to the review and appeal procedures provided in chapter 16, article I.

(b) This section is not applicable for judicial actions brought pursuant to section 18-159 or penalties including fines imposed by a court.

Sec. 18-162. – City use of license information.

Unless otherwise provided for by law, the city may use any information obtained from licensing applications including contact information pursuant to this article for any lawful purpose including, but not limited to, communicating or providing information regarding compliance with laws, public health and safety regulations, general city updates and reminders to keep required information updated with the city.

Secs. 18-163 -169. – Reserved.

DIVISION 2. – PROHIBITIONS AND OPERATIONAL REQUIREMENTS.

Sec. 18-170. – Compliance with laws.

(a) A vacation rental or short-term rental must at all times comply with all federal, state, and local laws, rules and regulations including but not limited to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing, residential rental property recording, traffic control, pollution control, noise, property maintenance, and nuisance abatement.

(b) No person including an owner or operator shall operate a vacation rental or short-term rental in violation of this section.

Sec. 18-171. – Non-residential usage by vacation rentals or short-term rentals prohibited.

(a) No vacation rental or short-term rental may be used for any non-residential use or purpose including but not limited to any of the following:

1. Any commercial, industrial, manufacturing, or other non-residential purpose; or
2. Operating a retail business, restaurant, event center, banquet center or similar use; or
3. Housing sex offenders; or

4. Operating or maintaining a structured sober living home; or

5. Selling liquor, controlled substances or pornography; or

6. Operating any adult-oriented business including nude and topless dancing.

(b) The owner of a vacation rental or short-term rental or the owner's designee shall not knowingly or intentionally allow the use of a vacation rental or short-term rental for a special event that would otherwise require a permit or license pursuant to this code or a state law or rule.

(c) No person including, but not limited to, an owner, owner's designee, tenant, guest, business, vendor or operator shall operate a vacation rental or short-term rental in violation of this section.

(d) Representations or advertisements including online listings that advertise one of the prohibited activities pursuant to this section that reference a vacation rental or short-term rental property, house or dwelling unit location within the city is prima facie evidence that a vacation rental or short-term rental is operating in violation of this section.

Sec. 18-172. – Failure to respond to an emergency; penalties.

(a) In the event of an emergency, any person designated as an emergency contact pursuant to section 18-154 upon the request of public safety personnel shall respond in-person within one (1) hour to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact.

(b) For the purpose of this section "in the event of an emergency" means any time police, fire or other public safety personnel respond to a vacation rental or short-term rental for a call for service including responding to a nuisance party or unlawful gathering.

(c) It shall be a civil offense for any person designated as an emergency contact upon request by public safety personnel pursuant to subsection (a) of this section to either fail to respond to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact or fail to arrive within one (1) hour to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact. Failure to respond shall be punished by a minimum fine of five hundred dollars (\$500.00) and failure to arrive within one (1) hour shall be punished by a minimum fine of two hundred fifty dollars (\$250.00).

(d) It shall be a civil offense for the owner of a vacation rental or short-term rental to intentionally, knowingly or recklessly have the owner's emergency contact fail to comply with the requirements of subsection (a). A violation of this subsection shall be punished by a minimum fine of five hundred dollars (\$500.00). Evidence such as failure of an owner to keep contact information current may be considered when determining whether the owner acted intentionally, knowingly or recklessly.

Sec. 18-173. – Insurance required; failure to maintain insurance; penalty.

(a) Unless provided by an online lodging market place that provides primary liability insurance coverage of at least five hundred thousand dollars (\$500,000) for the vacation

rental or short-term rental, every owner of a vacation rental or short-term rental shall maintain liability insurance to cover each vacation rental or short-term rental in the aggregate of a least five hundred thousand dollars (\$500,000).

(b) Within thirty (30) days of obtaining a vacation rental license issued pursuant to this article, the owner or owner's designee shall provide evidence to the city of liability insurance to cover the vacation rental or short-term rental in the aggregate of at least five hundred thousand dollars (\$500,000) or evidence that each vacation rental or short-term rental transaction will be provided through an online lodging market place that provides equal or greater primary liability insurance coverage for the vacation rental or short-term rental.

(c) The owner or owner's designee of vacation rental or short-term rental shall provide proof of compliance with subsection a above upon demand by the city.

(d) It shall be unlawful for the owner or operator of a vacation rental or short-term rental to fail to comply the requirements of this section.

(e) A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred dollars (\$500.00). Upon a showing that the owner or operator has obtained the required insurance, the court may reduce the fine pursuant to this section to one hundred dollars (\$100.00).

Sec. 18-174. – Advertising license number required; penalty.

(a) It shall be unlawful for the owner, operator or owner's designee of a vacation rental or short-term rental to fail to display or list a city vacation rental license number on each advertisement for a vacation rental or short-term rental located within the city.

(b) A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred dollars (\$500.00). Upon a showing that the owner, operator or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section to one hundred dollars (\$100.00).

Sec. 18-175. - Additional health and public safety regulations.

(a) The health and public safety regulations in this section are for the primary purpose of protecting the health and safety of the public as vacation rentals and short-term rentals create unique public health and safety issues.

(b) No person owning or operating a vacation rental or short-term rental shall:

- (1) leave trash or garbage within public view, except in proper collection containers for the purpose of collection in accordance with the residential collection schedule outlined in section 24-17.
- (2) collection containers shall not be placed for collection before 6:00 p.m. on the day preceding the date of collection, and after the containers are emptied, they shall be removed from the curblin on the day of collection.

(c) Any person owning or operating a vacation rental or short-term rental shall ensure that every vacation rental or short-term rental has working smoke alarms, which may require the

installation and maintenance of several detection units and maintained annually as required under National Fire Protection Association (NFPA) 72.

(d) The owner or owner's designee of a vacation rental or short-term rental shall provide and prominently display a map of the floor plan of the property showing the following information: safe routes of egress in the event of a fire or other emergency; the location of fire detection and suppression equipment; and any additional information relevant to such emergency preparedness measures. Such maps shall include the full property address, emergency information (911), and owner/emergency contact information.

(e) The owner or owner's designee of a vacation rental or short-term rental shall have the property cleaned between stays. It shall be a defense to any prosecution of this subsection that the owner or owner's designee followed the cleaning standards outlined in the Maricopa County Environmental Health Code, Chapter 10, Section 2 relating to Transient Dwelling Establishments.

(f) The owner or owner's designee of a vacation rental or short-term rental shall ensure that the property receives regular (at least bi-monthly) pest control treatments to keep the interior of all buildings and structures and exterior area of the premises free from infestation of insects, rodents, and other noxious pests where such infestation threatens the health, safety, or welfare of a person or persons.

(g) The owner of a vacation rental or short-term rental that includes a swimming pool, spa or hot tub that is accessible to the renters, shall comply with the barrier requirements outlined in Scottsdale Revised Code § 31-68, AG105, Barrier Requirements. Owners of vacation rentals or short-term rentals shall have six months from the effective date of this article to come into compliance with this subsection.

(h) The following notice must be completed in 14-point or larger bold font, on a laminated or otherwise similarly shielded paper, and prominently displayed on the inside of the front door and the primary door to the backyard or a conspicuous location near each such door. The notice shall include information regarding the location of any fire or life safety equipment such as fire extinguishers, and the City of Scottsdale nuisance waste disposal regulations.

NOTICE

USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED; VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:

1. Any commercial, industrial, manufacturing, or other non-residential purpose; or
2. Operating a retail business, restaurant, event center, banquet center or similar use; or
3. Housing sex offenders; or
4. Operating or maintaining a structured sober living home; or
5. Selling liquor, controlled substances or pornography; or
6. Operating any adult-oriented business including nude and topless dancing; or
7. Any uses prohibited under A.R.S. § 9-500.39, or federal, state or local law; or
8. Any use that constitutes a substantial disturbance of the quiet enjoyment, and peace, health, safety or general welfare of private or public property through a nuisance party or unruly gathering, including, but not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter, spirituous liquor served to, or in the possession of, or consumed by any minor, or where illegal drugs are in the possession of, or consumed by, any person.

9. The occupancy of this premises is limited to a single family of one to six adults and, if any, their related dependent children as defined in Appendix B, Sec. 3.100 of the Scottsdale Zoning Ordinance.

10. None of the following may occur where such acts may reasonably be viewed by the public whether at ground level or from a reasonable vantage point of a nearby property, such as a deck or balcony:

- a. Urination or defecation;
- b. Nudity; or
- c. Sexual acts.

UNLESS THE CITY EXPRESSLY PERMITS SUCH A USE IN WRITING, USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED; VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENTALTIES:

Use for any nonresidential use, including:

1. For a special event that would otherwise require a permit or license pursuant to city ordinance, or a state law or rule; or

2. Operating a retail business, restaurant, event center, banquet space, or similar use.

Your local contact person's name is _____ and can be reached by phone 24 hours a day, seven days a week, at ____-____-____.

City of Scottsdale Vacation Rental License # _____.

Sec. 18-176. – Sex offender background checks.

(a) No later than twenty-four (24) hours before every stay the owner or owner's designee shall perform a background check on the person booking a vacation rental or short-term rental through the online national sex offender public website operated by the United States Department of Justice to ensure that there are no sex offenders at the vacation rental or short-term rental.

(b) An owner or owner's designee shall retain a printout (either in hard copy or electronic form) of the background check on the person booking the property for twelve (12) months after the booking date. Records of each background check shall be made available for inspection by the city upon demand during normal business hours.

(c) It shall be a civil offense for owners or owner's designees to fail to comply with the requirements of subsections a and b above and shall be punished by a mandatory minimum fine of one thousand dollars (\$1,000.00). The court shall not suspend any part of any fine required by this section.

(d) It shall be a civil offense for a person to intentionally or knowingly book a vacation rental or short-term rental on behalf of a sex offender when the person booking the reservation will not be staying at the vacation rental or short-term rental. A violation of this subsection shall be punished by a mandatory minimum fine of one thousand dollars (\$1,000.00). The court shall not suspend any part of any fine required by this section.

(e) The requirements of subsections a and b above are satisfied and/or waived if the online lodging marketplace on which the vacation rental or short-term rental is advertised performs the background check.

(f) For the purposes of this section, booking means the act of securing a reservation for the use of a vacation rental or short-term rental.

Sec. 18-177. – Verified violation penalties.

(a) In addition to any other penalty pursuant to this code, and notwithstanding any other law, the following civil penalties shall be imposed by the city upon the owner of a vacation rental or short-term rental related to the same vacation rental or short-term rental property within the same twelve-month (12) period:

(1) Up to \$500.00 or up to an amount equal to one night's rent for the vacation rental or short-term rental as advertised, whichever is greater, for a first verified violation.

(2) Up to \$1,000.00 or up to an amount equal to two nights' rent for the vacation rental or short-term rental as advertised, whichever is greater, for the second verified violation.

(3) Up to \$3,500.00 or up to an amount equal to three nights' rent for the vacation rental or short-term rental as advertised, whichever is greater, for a third verified violation and any subsequent violation.

(b) If multiple violations arise out of the same response to an incident at a vacation rental or short-term rental, those violations are considered one violation for the purpose of assessing the civil penalties provided in this section.

(c) Unless an appeal is filed in a timely manner pursuant to section 18-161, a civil penalty assessed pursuant to this section shall be due within thirty (30) days of the initial notice sent to the owner by the city. For purposes of this section, written notice includes, but is not limited to, a notice sent by electronic means, United States mail or hand delivered.

Secs. 18-178 -18-190. – Reserved.

DIVISION 3. – NEIGHBOR NOTIFICATION.

Sec. 18-191. - Neighbor Notification.

(a) Prior to offering a vacation rental or short-term rental for rent for the first time, the owner or owner's designee is required to notify all single-family residential properties adjacent to, directly and diagonally across the street from the property, or in a multi-family residential building, to all units on the same building floor. After providing such notification, the owner or owner's designee shall attest compliance on a form prescribed by the city manager or designee and contain the following information:

(1) The vacation rental license number required by this article;

(2) The address of each property notified;

(3) How the notification was provided; and

(4) The name and contact information of the person attesting to compliance.

(b) The notification required by subsection (a) above is also required anytime the contact information for the vacation rental or short-term rental changes. Notification pursuant to this subsection shall occur within fifteen (15) business days.

(c) The notice required by this section shall be in writing and include the following information: the vacation rental license number issued pursuant to this article, the physical address of the vacation rental or short-term rental, and the name, address, and twenty-four (24) hour telephone number of the emergency point of contact. For purposes of this section, written notice includes notice sent by electronic means, United States mail or hand delivered.

(d) Vacation rentals or short-term rentals that are lawfully operating prior to the effective date of this section must comply with this section within thirty (30) days of obtaining a vacation rental license required by this article.

(e) It shall be unlawful to operate a vacation rental or short-term rental without complying with the notification requirements in this section.

(f) A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred dollars (\$500.00). Upon a showing that the owner or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section to one hundred dollars (\$100.00).

(g) For purposes of this section, adjacent shall mean the condition of being near to or close to but not necessarily having a common dividing line, i.e., two (2) properties which are separated only by a street or alley shall be considered as adjacent to one another.

Secs. 18-192 -18-195. – Reserved.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ___ day of _____ 2022.

ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

Ben Lane, City Clerk
APPROVED AS TO FORM:

David D. Ortega, Mayor

Sherry R. Scott, City Attorney
By: Luis E. Santaella, Deputy City Attorney

UNDERLINED IN RED ARE THE SUBSTANTIVE CHANGES SINCE THE VERSION REVIEWED AT THE SEPT. 20, 2022 CITY COUNCIL WORK STUDY SESSION

ORDINANCE NO. 4566

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, REPEALING AND REPLACING ARTICLE IX OF CHAPTER 18 OF THE SCOTTSDALE REVISED CODE CONCERNING VACATION RENTALS AND SHORT-TERM RENTALS

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Chapter 18, Article IX is hereby repealed.

Section 2. Chapter 18, Article I, Section 18-2 of the Scottsdale Revised Code is amended and renumbered to conform by adding two new definitions as follows with new language shown in shaded format:

Owner's designee means a person authorized to act on behalf of the owner of a vacation rental or short-term rental.

Verified violation means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in A.R.S. Sections 9-500.39(B) or 9-500.39(K) that has been finally adjudicated.

Section 3. Chapter 18, Article IX of the Scottsdale Revised Code is hereby added as follows with new language shown in shaded format:

ARTICLE IX. – VACATION RENTALS AND SHORT-TERM RENTALS.

DIVISION 1. – LICENSING.

Sec. 18-150. – Purpose.

This article is necessary to protect the health, safety and welfare of the public.

Sec. 18-151. - Vacation rental license required; invalid license; penalties.

(a) Effective ~~December 24, 2022~~January 8, 2023, no person shall operate a vacation rental or short-term rental in the city without first having obtained a current vacation rental license from the city and paying the applicable fees. A separate current vacation rental license is required for each house or dwelling unit where a vacation rental or short-term rental is operated.

(b) No person shall operate a vacation rental or short-term rental in the city with an expired, suspended or revoked vacation rental license.

(c) Representations or advertisements including online listings that reference the property, house or dwelling unit location within the city is prima facie evidence that a vacation rental or short-term rental is operating in the city.

(d) A ~~first~~ violation of this section is a civil offense and shall be punished by a fine of not less than one thousand ~~(\$1,000.00) per violation. A second or subsequent violation of this section~~

~~within one (1) year of conviction of a first violation is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than one thousand dollars (\$2,000.00) per violation. dollars (\$1,000.00) per violation.~~ The court shall not suspend any part of any fine required by this section.

Sec. 18-152. - License fees.

(a) Every application, including any renewal application, for a vacation rental license under this article shall be accompanied by a non-refundable two hundred fifty-dollar (\$250.00) license fee and penalties incurred pursuant to this section.

(b) If the applicant failed to apply for a vacation rental license upon receiving written notice from the city of the requirement to do so, the applicant shall pay an additional one-thousand-dollar (\$1,000.00) penalty for every thirty (30) day period the applicant failed to apply. Any penalty shall be non-refundable. For purposes of this section, written notice includes, but is not limited, to, a notice sent by electronic means, United States mail or hand delivered to the physical location of the vacation rental or short-term rental or the address on file with the county assessor for the property. Written notice is deemed served on the date it is sent by electronic means, hand delivered or, if mailed, on the date it is deposited in the United States mail.

(c) The amount of any license fee and any penalty imposed by the provisions of this article shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction for the amount of any delinquent license fee and penalties.

Sec. 18-153. - Term of license; transfer.

(a) A vacation rental license issued under this article shall be valid for a period of one (1) year from the date of issuance unless suspended or revoked.

(b) No license shall be transferable either as to location or as to person.

Sec. 18-154. – Application for license.

(a) An applicant for a vacation rental license including for a renewal application shall file an application on a form prescribed by the city manager or designee and contain the following information:

(1) The physical address of the house or dwelling unit to be used as a vacation rental or short-term rental.

(2) The name, address, email and telephone number of the owner of the vacation rental or short-term rental. If the owner is a fictitious person, the name, address, email and phone number of the owner's statutory agent.

(3)– The name, address, email and telephone number of the owner's designee, if any. The owner shall certify that the owner's designee is authorized to act upon the owner's behalf.

(4) The name, address, email and twenty-four (24) hour telephone number of the individual who will serve as the emergency point of contact for the vacation rental or short-term rental. An individual pursuant to this subsection must be a real person and cannot be a fictitious person.

(5) Agreement by the owner and each designee to comply with all applicable laws, regulations, and ordinances.

(6) The owner and each owner's designee shall attest that they are not registered sex offenders, have not been convicted of any felony act that resulted in death or serious physical injury, and have not been convicted of any felony use of a deadly weapon within the past five (5) years.

(7) Proof of a valid transaction privilege tax license.

~~(8) Evidence of liability insurance appropriate to cover the vacation rental or short-term rental in the aggregate of at least \$500,000 or evidence that each vacation rental transaction will be provided through a platform that provides equal or greater primary liability insurance coverage for the vacation rental.~~

~~(9)~~(8) If the applicant is an individual, proof of lawful presence in the United States in accordance with A.R.S. §§ 1-502 and 41-1080 unless exempted by A.R.S. § 41-1080(B).

Sec. 18-155. – License issuance; denial.

(a) The city shall issue a vacation rental license within seven (7) business days after receipt of a complete application unless grounds for denial exist as follows:

(1) Failure to provide the information required by this article;

(2) Failure to pay the required license fee(s) including any penalties;

(3) At the time of application, the owner has a revoked or suspended license for the same vacation rental or short-term rental;

(4) The applicant has provided false information;

(5) The owner or designee of the owner: (i) is a registered sex offender; (ii) has been convicted of any felony act that resulted in death or serious physical injury; (iii) or has been convicted of any felony use of a deadly weapon within five (5) years of submitting the application; and

(6) Any grounds for revocation or suspension of a vacation rental license exist for the specific license application.

(b) The city manager or designee shall give notice of any denial of an application, and the right of appeal from the denial, as provided for in this article.

Sec. 18-156. – License revocation.

The city manager or designee shall initiate revocation proceedings if any grounds for denial exist for a vacation rental license that already has been issued.

Sec. 18-157. – Reapplication after denial or revocation.

No person who has had a vacation rental license denied or revoked pursuant to this article may apply for another vacation rental license for one (1) year ~~after the decision affecting the applicant's license has become final at that same property after the decision affecting the applicant's license has become final.~~ At the time of sustaining a denial, the hearing officer may reduce in whole or in part the one (1) year period described above in this section, if the denial was based on a good faith failure to provide complete information pursuant to section 18-155(a)(1) or failure to pay the required license fee(s) and any penalties provided that the applicant has paid all required fees and penalties by the time of the denial hearing.

Sec. 18-158. - License suspension; term of suspension.

(a) The city manager or designee shall initiate suspension proceedings against a vacation rental license for any of the following:

(1) Three verified violations within a twelve (12) month period, not including any such violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.

(2) One verified violation that results in or constitutes any of the following:

(a) A felony offense committed at or in the vicinity of a vacation rental or short-term rental by the owner of the vacation rental or short-term rental or by the owner's designee;

(b) A serious physical injury or wrongful death at or related to a vacation rental or short-term rental resulting from the knowing, intentional or reckless conduct of the owner of the vacation rental or short-term rental or the owner's designee;

(c) An owner of the vacation rental or short-term rental or the owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, sexual offenses, or prostitution, or operating or maintaining a sober living home; or

(d) An owner of the vacation rental or short-term rental or the owner's designee knowingly or intentionally allowing the use of a vacation rental or short-term rental for a special event that would otherwise require a permit or license pursuant to this code or a state law or rule or for a retail, restaurant, banquet space or other similar use.

(b) The city manager or designee shall give notice of any suspension, and the right of appeal from the suspension, as provided for in this article.

(c) Any final suspension shall be for a period of one (1) year except that a hearing officer may reduce the suspension period to a period of six (6) months upon a finding that the owner of the vacation rental or short-term rental has taken substantial and significant steps to prevent the reoccurrence of the actions that led to the suspension.

Sec. 18-159. – Judicial relief for certain grounds of suspension.

(a) Notwithstanding section 18-158, any attempted or completed felony act, arising from the occupancy or use of a vacation rental or short-term rental, that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a vacation rental or short-term rental for a period that shall not exceed twelve (12) months.

(b) The city attorney may initiate proceedings in the city court or other court of competent jurisdiction to enforce this section.

Sec. 18-160. - Information updates.

All applicants and persons holding licenses issued pursuant to this article shall give written notice to the city manager or designee of any material changes in information submitted in connection with an application or application for renewal of a license. Any information required for an application pursuant to section 18-154 is deemed to be material for purposes of this section. This information shall be provided to the city manager or designee by the licensee or the effected person, as applicable, within ten (10) business days of any such change.

Sec. 18-161. - Appeals.

(a) Any person aggrieved by any decision with respect to the denial of or a refusal to issue a vacation rental license, the revocation of a vacation rental license, the suspension of a vacation rental license or a verified violation penalty imposed pursuant to section 18-177, shall be entitled to the review and appeal procedures provided in chapter 16, article I.

(b) This section is not applicable for judicial actions brought pursuant to section 18-159 or penalties including fines imposed by a court.

Sec. 18-162. – City use of license information.

Unless otherwise provided for by law, the city may use any information obtained from licensing applications including contact information pursuant to this article for any lawful purpose including, but not limited to, communicating or providing information regarding compliance with laws, public health and safety regulations, general city updates and reminders to keep required information updated with the city.

Secs. 18-163 -169. – Reserved.

DIVISION 2. – PROHIBITIONS AND OPERATIONAL REQUIREMENTS.

Sec. 18-170. – Compliance with laws.

(a) A vacation rental or short-term rental must at all times comply with all federal, state, and local laws, rules and regulations including but not limited to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing, residential rental property recording, traffic control, pollution control, noise, property maintenance, and nuisance abatement.

(b) No person including an owner or operator shall operate a vacation rental or short-term rental in violation of this section.

Sec. 18-171. – Non-residential usage by vacation rentals or short-term rentals prohibited.

(a) No vacation rental or short-term rental may be used for any non-residential use or purpose including but not limited to any of the following:

1. Any commercial, industrial, manufacturing, or other non-residential purpose; or
2. Operating a retail business, restaurant, event center, banquet center or similar use; or
3. Housing sex offenders; or
4. Operating or maintaining a structured sober living home; or
5. Selling liquor, controlled substances or pornography; or
6. Operating any adult-oriented business including nude and topless dancing.

~~(b)~~ The owner of a vacation rental or short-term rental or the owner's designee shall not knowingly or intentionally allow the use of a vacation rental or short-term rental for a special event that would otherwise require a permit or license pursuant to this code or a state law or rule.

(c) No person including, but not limited to, an owner, owner's designee, tenant, guest, business, vendor or operator shall operate a vacation rental or short-term rental in violation of this section.

(ed) Representations or advertisements including online listings that advertise one of the prohibited activities pursuant to this section that reference a vacation rental or short-term rental property, house or dwelling unit location within the city is prima facie evidence that a vacation rental or short-term rental is operating in violation of this section.

Sec. 18-172. – Failure to respond to an emergency; penalties.

(a) In the event of an emergency, any person designated as an emergency contact pursuant to section 18-154 upon the request of public safety personnel shall respond in-person within one (1) hour to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact.

(b) For the purpose of this section "in the event of an emergency" means any time police, fire or other public safety personnel respond to a vacation rental or short-term rental for a call for service including responding to a nuisance party or unlawful gathering.

(c) It shall be a civil offense for any person designated as an emergency contact upon request by public safety personnel pursuant to subsection (a) of this section to either fail to respond to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact or fail to arrive within one (1) hour to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact. Failure to respond shall be punished by a minimum fine of five hundred dollars (\$500.00) and failure to

arrive within one (1) hour shall be punished by a minimum fine of two hundred fifty dollars (\$250.00).

(d) It shall be a civil offense for the owner of a vacation rental or short-term rental to intentionally, knowingly or recklessly have the owner's emergency contact fail to comply with the requirements of subsection (a). A violation of this subsection shall be punished by a minimum fine of five hundred dollars (\$500.00). Evidence such as failure of an owner to keep contact information current may be considered when determining whether the owner acted intentionally, knowingly or recklessly.

Sec. 18-173. – ~~Failure– Insurance required; failure~~ to maintain insurance; penalty.

~~(a)~~ (a) Unless provided by an online lodging market place that provides primary liability insurance coverage of at least five hundred thousand dollars (\$500,000) for the vacation rental or short-term rental, every owner of a vacation rental or short-term rental shall maintain liability insurance to cover each vacation rental or short-term rental in the aggregate of a least five hundred thousand dollars (\$500,000).

~~(b)~~ (b) Within thirty (30) days of obtaining a vacation rental license issued pursuant to this article, the owner or owner's designee shall provide evidence to the city of liability insurance to cover the vacation rental or short-term rental in the aggregate of at least five hundred thousand dollars (\$500,000) or evidence that each vacation rental or short-term rental transaction will be provided through an online lodging market place that provides equal or greater primary liability insurance coverage for the vacation rental or short-term rental.

~~(c)~~ (c) The owner or owner's designee of vacation rental or short-term rental shall provide proof of compliance with subsection a above upon demand by the city.

~~(d)~~ It shall be unlawful for the owner or operator of a vacation rental or short-term rental to fail to comply ~~with the insurance requirements specified in of this~~ section ~~18-154~~.

~~(e)~~ A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred dollars (\$500.00). Upon a showing that the owner or operator has obtained the required insurance, the court may reduce the fine pursuant to this section to one hundred dollars (\$100.00).

Sec. 18-174. – Advertising license number required; penalty.

(a) It shall be unlawful for the owner, operator or owner's designee of a vacation rental or short-term rental to fail to display or list a city vacation rental license number on each advertisement for a vacation rental or short-term rental located within the city.

(b) A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred dollars (\$500.00). Upon a showing that the owner, operator or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section to one hundred dollars (\$100.00).

Sec. 18-175. - Additional health and public safety regulations.

(a) The health and public safety regulations in this section are for the primary purpose of protecting the health and safety of the public as vacation rentals and short-term rentals create unique public health and safety issues.

(b) No person owning or operating a vacation rental or short-term rental shall:

- (1) leave trash or garbage within public view, except in proper collection containers for the purpose of collection in accordance with the residential collection schedule outlined in section 24-17.
- (2) collection containers shall not be placed for collection before 6:00 p.m. on the day preceding the date of collection, and after the containers are emptied, they shall be removed from the curblin on the day of collection.

(c) Any person owning or operating a vacation rental or short-term rental shall ensure that every vacation rental or short-term rental has working smoke alarms, which may require the installation and maintenance of several detection units and maintained annually as required under National Fire Protection Association (NFPA) 72. ~~The owner or owner's designee shall keep and make available for inspection upon request by the city a record of all inspections and maintenance activities.~~

(d) The owner or owner's designee of a vacation rental or short-term rental shall provide and prominently display a map of the floor plan of the property showing the following information: safe routes of egress in the event of a fire or other emergency; the location of ~~telephone(s) required under this section;~~ the location of fire detection and suppression equipment; and any additional information relevant to such emergency preparedness measures. Such maps shall include the full property address, emergency information (911), and owner/emergency contact information.

(e) The owner or owner's designee of a vacation rental or short-term rental shall have the property cleaned between ~~bookings~~ stays. It shall be a defense to any prosecution of this subsection that the owner or owner's designee followed the cleaning standards outlined in the Maricopa County Environmental Health Code, Chapter 10, Section 2 relating to Transient Dwelling Establishments.

(f) The owner or owner's designee of a vacation rental or short-term rental shall ensure that the property receives regular (at least bi-monthly) pest control treatments to keep the interior of all buildings and structures and exterior area of the premises free from infestation of insects, rodents, and other noxious pests where such infestation threatens the health, safety, or welfare of a person or persons.

(g) The owner of a vacation rental or short-term rental that includes a swimming pool, spa or hot tub that is accessible to the renters, shall comply with the barrier requirements outlined in Scottsdale Revised Code § 31-68, AG105, Barrier Requirements. Owners of vacation rentals or short-term rentals shall have six months from the effective date of this article to come into compliance with this subsection.

(h) The following notice must be completed in 14-point or larger bold font, on a laminated or otherwise similarly shielded paper, and prominently displayed on the inside of the front door and the primary door to the backyard or a conspicuous location near each such door. The notice

shall include information regarding the location of any fire or life safety equipment such as fire extinguishers, and the City of Scottsdale nuisance waste disposal regulations.

NOTICE

USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED; VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:

1. Any commercial, industrial, manufacturing, or other non-residential purpose; or
2. Operating a retail business, restaurant, event center, banquet center or similar use; or
3. Housing sex offenders; or
4. Operating or maintaining a structured sober living home; or
5. Selling liquor, controlled substances or pornography; or
6. Operating any adult-oriented business including nude and topless dancing; or
7. Any uses prohibited under A.R.S. § 9-500.39, or federal, state or local law; or
8. Any use that constitutes a substantial disturbance of the quiet enjoyment, and peace, health, safety or general welfare of private or public property through a nuisance party or unruly gathering, including, but not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter, spirituous liquor served to, or in the possession of, or consumed by any minor, or where illegal drugs are in the possession of, or consumed by, any person.
9. The occupancy of this premises is limited to a single family of one to six adults and, if any, their related dependent children as defined in Appendix B, Sec. 3.100 of the Scottsdale Zoning Ordinance.
10. None of the following may occur where such acts may reasonably be viewed by the public whether at ground level or from a reasonable vantage point of a nearby property, such as a deck or balcony:
 - a. Urination or defecation;
 - b. Nudity; or
 - c. Sexual acts.

UNLESS THE CITY EXPRESSLY PERMITS SUCH A USE IN WRITING, USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED; VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENTALTIES:

Use for any nonresidential use, including:

1. For a special event that would otherwise require a permit or license pursuant to city ordinance, or a state law or rule; or
 2. Operating a retail business, restaurant, event center, banquet space, or similar use.
- Your local contact person's name is _____ and can be reached by phone 24 hours a day, seven days a week, at ____-____-_____.

City of Scottsdale Vacation Rental License # _____.

Sec. 18-176. – Sex offender background checks.

(a) ~~Within~~**No later than** twenty-four (24) hours ~~of before~~ every ~~booking, stay~~ the owner or owner's designee shall perform a background check on ~~every guest or renter of the person booking~~ a vacation rental or short-term rental through the online national sex offender public website operated by the United States Department of Justice to ensure that there are no sex offenders at the vacation rental or short-term rental.

(b) An owner or owner's designee shall retain a full printout (either in hard copy or electronic form) of the background check on each guest or renter the person booking the property for twelve (12) months after the booking date. Records of each background check shall be made available for inspection by the city upon demand during normal business hours.

(c) It shall be a civil offense for owners or owner's designees to fail to comply with the requirements of this section subsections a and b above and shall be punished by a mandatory minimum fine of one thousand dollars (\$1,000.00). The court shall not suspend any part of any fine required by this section.

(d) It shall be a civil offense for a person to intentionally or knowingly book a vacation rental or short-term rental on behalf of a sex offender when the person booking the reservation will not be staying at the vacation rental or short-term rental. A violation of this subsection shall be punished by a mandatory minimum fine of one thousand dollars (\$1,000.00). The court shall not suspend any part of any fine required by this section.

(e) The requirements of this section subsections a and b above are satisfied and/or waived if the online lodging marketplace on which the vacation rental or short-term rental is advertised performs the background check.

(f) For the purposes of this section, booking means the act of securing a reservation for the use of a vacation rental or short-term rental.

Sec. 18-177. – Verified violation penalties.

(a) In addition to any other penalty pursuant to this code, and notwithstanding any other law, the following civil penalties shall be imposed by the city upon the owner of a vacation rental or short-term rental related to the same vacation rental or short-term rental property within the same twelve month (12) period:

(1) Up to \$500.00 or up to an amount equal to one night's rent for the vacation rental or short-term rental as advertised, whichever is greater, for a first verified violation.

(2) Up to \$1,000.00 or up to an amount equal to two nights' rent for the vacation rental or short-term rental as advertised, whichever is greater, for the second verified violation.

(3) Up to \$3,500.00 or up to an amount equal to three nights' rent for the vacation rental or short-term rental as advertised, whichever is greater, for a third verified violation and any subsequent violation.

(b) If multiple violations arise out of the same response to an incident at a vacation rental or short-term rental, those violations are considered one violation for the purpose of assessing the civil penalties provided in this section.

(c) Unless an appeal is filed in a timely manner pursuant to section 18-161, a civil penalty assessed pursuant to this section shall be due within thirty (30) days of the initial notice sent to the owner by the city. For purposes of this section, written notice includes, but is not limited to, a notice sent by electronic means, United States mail or hand delivered.

Secs. 18-178 -18-190. – Reserved.

DIVISION 3. – NEIGHBOR NOTIFICATION.

Sec. 18-191. - Neighbor Notification.

(a) Prior to offering a vacation rental or short-term rental for rent for the first time, the owner or owner's designee is required to notify all single-family residential properties adjacent to, directly and diagonally across the street from the property, or in a multi-family residential building, to all units on the same building floor. After providing such notification, the owner or owner's designee shall attest compliance on a form prescribed by the city manager or designee and contain the following information:

- (1) The vacation rental license number required by this article;
- (2) The address of each property notified;
- (3) How the notification was provided; and
- (4) The name and contact information of the person attesting to compliance.

(b) The notification required by subsection (a) above is also required anytime the contact information for the vacation rental or short-term rental changes. Notification pursuant to this subsection shall occur within fifteen (15) business days.

(c) The notice required by this section shall be in writing and include the following information: the vacation rental license number issued pursuant to this article, the physical address of the vacation rental or short-term rental, and the name, address, and twenty-four (24) hour telephone number of the emergency point of contact. For purposes of this section, written notice includes notice sent by electronic means, United States mail or hand delivered.

(d) Vacation rentals or short-term rentals that are lawfully operating prior to the effective date of this section must comply with this section ~~when the contact information for the~~within thirty (30) days of obtaining a vacation rental ~~or short-term rental changes~~license required by this article.

(e) It shall be unlawful to operate a vacation rental or short-term rental without complying with the notification requirements in this section.

(f) A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred dollars (\$500.00). Upon a showing that the owner or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section to one hundred dollars (\$100.00).

(g) For purposes of this section, adjacent shall mean the condition of being near to or close to but not necessarily having a common dividing line, i.e., two (2) properties which are separated only by a street or alley shall be considered as adjacent to one another.

Secs. 18-192 -18-195. – Reserved.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ___ day of _____
2022.

ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

Ben Lane
City Clerk

David D. Ortega
Mayor

APPROVED AS TO FORM:

Sherry R. Scott, City Attorney
By: Luis E. Santaella
Deputy City Attorney

From: [Aaron Lawson](#)
To: [Feedback](#)
Subject: ORDINANCE NO. 4566
Date: Friday, September 30, 2022 6:01:09 PM

External Email: Please use caution if opening links or attachments!

I want to provide feedback that I support this ordinance. However, this new ordinance should only be considered one step in a process to prohibit any short term rentals in our beautiful city.

As a resident and homeowner in Scottsdale, I want our leaders to enact strict laws that discourage “short term rentals” (which ought to be called “nightly party house rentals”).

Short term rentals are RUINING our neighborhoods and should be outlawed.

Aaron Lawson

Feedback

From: Cheryl Haines <cheryl.haines.1@gmail.com>
Sent: Thursday, October 06, 2022 2:28 PM
To: Feedback; Cheryl Haines
Subject: Short Term Rental draft ordinance feedback

⚠ External Email: Please use caution if opening links or attachments!
Hello,

My name is Cheryl Haines, I live at and own 5164 N 83rd St, Scottsdale, AZ 85250 for 19 years now. Last year, the property next to me, 5166 N 83rd St., became a STR. I feel there is no interest in helping or belonging to our community from the new owner or his property management company. The renters certainly do not care. These townhomes were built in 1969 and do not have sprinklers or meet any modern safety requirements of a commercial property but it is being used in a commercial capacity. I am a single 61 year old woman who has had her lovely quiet home disrupted by strangers in and out next door, more traffic to the area, trespassing in the parking lot, noise and general rudeness such as a big door ding on my vehicle, people constantly taking my parking spaces, kids screaming and banging on the patio right next to me, the smoke from the grill billows directly under my patio roof, broken beer bottles in the parking lot and the list goes on.

I feel strongly that permits should not be allowed for properties that share walls, do not have commercial fire safety equipment installed, have limited parking and in general have close living arrangements such as townhomes and condos. It is a safety hazard to permanent residents. The quality of life for me has decreased significantly and babysitting the renters is frustrating and infuriating.

Please make the permit regulations stricter and help the permanent residents of Scottsdale regain some normalcy and peace in their neighborhoods.

Thank you,
Cheryl Haines


CITY MANAGER'S OFFICE

3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251

PHONE 480-312-2800
WEB www.ScottsdaleAZ.gov

Date: October 18, 2022
To: Honorable Mayor and Members of the City Council
From: Brent Stockwell, Assistant City Manager
Subject: Ordinance No. 4566 Feedback Summary and Responses

Below is a summary of feedback received to the draft of Ordinance No. 4566 which was presented to the Scottsdale City Council in a work study session on Sep. 20, 2022. This document reflects feedback received from residents, property owners, hosts, and industry representatives through October 7, 2022. It is organized according to the section of the ordinance to which it is relevant, with a section at the end for more general suggestions or new recommendations. For the sake of clarity and brevity multiple pieces of feedback may have been condensed into a single statement, and some identifying information has been removed. Comments are represented by words presented in *italics* and city staff responses are indented below each comment.

Sec. 18-151. – Vacation rental license required; invalid license; penalties.

The 30-day window for obtaining a license is rather tight and getting broad compliance early on will be difficult within only 30 days.

The window has been increased to 45 days, this will still meet the city's goal of having the requirement in place prior to the height of event season while making the compliance work more manageable for the industry and for city staff. Owners are encouraged to apply as early as possible and not wait until the deadline.

The misdemeanor for continued operation without a license was not anticipated by the booking industry, is the criminal element of the ordinance necessary?

This section has been modified. In a meeting with industry representatives that were part of the SB 1168 negotiations, the point was raised that SB 1168 references civil penalties throughout and makes no mention of criminal penalties. City staff discussed, and it was believed we could effectively enforce the ordinance through civil penalties.

Sec. 18-152. – License fees.

\$250 seems high, especially considering the other taxes paid by short-term rental properties. There should be an even lower fee for renewals, otherwise this will crush small operators and benefit larger corporations. If this could be outlined more clearly, where the money will go, it would be more acceptable.

SB 1168 allows cities to set a fee not to exceed the actual cost of issuing the license or \$250, whichever is less. Staff recommends setting the fee at \$250 as it is lower than the anticipated actual cost to the city to issue the permit. In estimating the

cost, staff considered the cost of additional licenses to the licensing system, the centralized database, city incurred credit card fees, digital equipment (such as computers, servers), and staffing cost to review and approve licenses within the 7-day period. The funds received will go 100 percent to cover the costs associated with licensing vacation and short-term rentals.

Sec. 18-153. – Term of license; transfer.

We did not anticipate that this would be an annual license, we thought the term of the license would last until the property changed ownership. There is nothing in SB 1168 which allowed for an expiration.

From a separate commenter – We see that the term of the license is for one year, that was “left open” as SB 1168 was negotiated. I imagine this mirrors your terms for other similar licenses, is that correct?

As Senate Bill 1168 remained silent on the term of the license this language was drafted similarly to other licenses issued by the city which are renewed annually. These costs will be incurred annually, so staff recommends that each license be renewed annually. This will also have a benefit of ensuring that contact information is checked at least annually.

Sec. 18-154. – Application for license.

The city already requires most, if not all of the items mentioned in this section.

Yes, some of this is already in City Code. However, Ordinance No. 4566 will remove that existing language and replace it with the new language. If those requirements were not included in Ordinance No. 4566 they would no longer exist.

This section requires the contact information of both the owner and when applicable the owner’s designee. SB 1168 only allowed for cities to require the information of either the owner or the designee, should only the information of the owner or the owner’s designee be required?

SB 1168 authorized cities to require the owner of a rental to obtain and maintain a permit or license. As a result, the city must know who the owner is, and also to certify if the owner has designated someone else to act on the owner’s behalf. In addition, the city must be able to review certain facts about the owner, for example if they are a registered sex offender or have been convicted of a felony resulting in death or serious injury. To fulfill the obligation to protect the health and safety of the public the city will need to collect information associated with the property owner, and when applicable their designee.

Sec. 18-155. – License issuance; denial.

Can the city deny licenses for properties that are not abiding by rules imposed by homeowners’ associations? My HOA has a rule against short-term renting.

The city does not have the authority to enforce contracts to which it is not a party, such as the CC&Rs of homeowners’ associations or deed restrictions, so this cannot be included this in the ordinance.

Penalties and fines should transfer with the ownership of the property.

The penalties and fines are assessed to owners and cannot be transferred because properties don’t commit violations, people do. The person responsible for the

violation is the one that needs to be assessed the penalties and fines. There are various collection tools available if a person fails to pay penalties and fines, which could include placing a lien on the property the person owns.

(a)(6) could be construed to mean that if a property owner sees their license suspended at any property, then future licenses could be denied at any and all of their properties. There are grounds for revocation or suspension which are property specific and should not transfer along with an individual owner.

The words “for the specific license application” have been added to clarify that this will not be the case.

Sec. 18-156. – License revocation.

As written, could a license being revoked for a bounced check result in a short-term rental property owner not being able to be licensed for a year thereafter? It seems like in such a case they should have to correct the failed payment and obtain a license.

Only online payments are accepted, and the payments are confirmed before the application can be submitted, so this is unlikely. However, language has been added to allow for a hearing officer to exercise discretion when a denial is the result of a “good faith failure” such as the one described in this piece of feedback.

Sec. 18-157. – Reapplication after denial or revocation.

This could be interpreted to mean that if a short-term rental property owner has been denied or revoked of their license at a separate property they may not be allowed to apply for a separate license for an entire year. Some of the reasons for which a license could be denied or revoked are property specific and should not follow the owner.

The words “at that same property” have been added to the ordinance to clarify that this will not be the case.

Sec. 18-158. – License suspension; term of suspension.

Suspending a license for the criminal activity of an occupant is unfair to an owner, the actions of guests are outside of their control. It may also prevent another guest from being able to stay in an already booked property. This may push them out of Scottsdale or require them to make late and expensive arrangements.

Licenses would only be suspended for a single criminal offense if the owner or their designee either committed the crime themselves, participated in reckless conduct leading to serious injury or death, or if the owner knowingly allowed a special event to occur. Otherwise, it would require a pattern of multiple verified violations within one year.

License suspensions should apply to the property and carryover through a change in property ownership.

This is not allowable under the language in Senate Bill 1168.

If an owner of 10 short-term rentals is being suspended for 3 violations on 1 property, can all of the properties be suspended or just the one in violation? If three of the owners' short-term rental properties have one violation, can they be combined for suspension?

Based on a local ordinance passed consistent with State Law (SB 1168), if the owner of 10 short-term rental properties is being suspended because there have been three verified violations on one property – the only license that can be suspended is the one for the property on which the violations occurred.

No, three violations cannot be combined from three separate properties to allow for the suspension of one or more properties.

That being said, however, if there is a “one-strike” violation, such as a felony offense committed at the rental by the owner of the rental, that would also serve as grounds for denial of the other properties (which includes being convicted of a felony act that results in death or serious injury, or being convicted of a felony use of a deadly weapon), then that could apply to all of the owner’s properties within the city, and the city could suspend the license of the property in which the felony occurred, and initiate revocation against the other properties.

Sec. 18-171. – Non-residential usage by vacation rentals or short-term rentals prohibited.

Prohibiting vendors from visiting properties will exclude them from economic benefits. If I stay in a short-term rental and hire entertainment during my stay, and city staff do not like it should the owner of the property be punished? Laws should protect the rights of citizens, not limit individual rights.

Non-residential uses are prohibited in residential properties in Scottsdale regardless of their status as a short-term rental. This protects neighborhoods from many negative impacts of property use and is fundamental to the zoning capabilities of local communities. Outside vendors, such as entertainment can be hired at any residential property, including short-term rentals, as long as it does not contribute to a nuisance party and constitute a violation.

Sec. 18-172. – Failure to respond to an emergency; penalties.

Fines for failure to respond should double every time an owner or agent does not respond to an emergency. Their response gives the Police Department somebody to work with.

It is important that emergency contacts respond when contacted regarding an emergency on their property. If an owner or agent is found responsible of failure to respond that would be a verified violation and would be eligible for the increasing civil penalties outlined in Sec. 18-177 which start at \$500 and go up to \$3,500 or a calculation based on one to three night’s rent, as allowed under State law, for multiple verified violations.

Sec. 18-173. Insurance required; failure to maintain insurance; penalty

The requirement to provide proof of liability coverage may create too complex of an application and reduce compliance, what would sufficient proof be?

The industry standard is to provide a certificate of insurance. Proof of insurance coverage is required under other ordinances and has not proved burdensome. Proof of insurance has been moved from the application list to this section so that it can be provided after an application. In addition, owners booking through an online lodging marketplace platform would typically have this insurance provided through the platform.

Sec. 18-175. – Additional health and public safety regulations.

Sec. 18-171 states that commercial and non-residential uses are prohibited. The fact that property owners are now being asked to meet many commercial-use requirements (similar to hotels) seems inconsistent and contrary to the goal of this ordinance. Homes are not difficult to navigate like a hotel, a requirement for extinguishers to be placed in reasonable areas, such as in the kitchen and near a grill, could be sufficient here.

Commercial and non-residential uses have already been prohibited by ordinance since 2019. The lack of familiarity with the property is the primary purpose for requiring these postings. During an emergency people can be disoriented, even in familiar settings, these postings can provide information on how to address emergencies in less familiar places such as a short-term rental. Of course, posting requirements in hotels are also partially done because of the complexity of floorplans that can exist, but even in simpler buildings it is still required because while disoriented during an emergency even simpler layouts can prove challenging to navigate. Under state law since 2019, cities and towns can adopt additional public health and safety rules and regulations specific to short-term rentals if the city demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

Removing the language related to the requirement for onsite telephone, creates a safety risk because of no onsite telephone number for address verification by police and emergency services and responses could be delayed.

Staff looked at the phone requirements in other ordinances and don't have the coverage issues that other communities have, and cell phones have enhanced 911 that takes care of the location issue. The requirement had not been included in the Sept. 20, 2022 draft, and now the holdover language from a prior draft referencing the required telephone has been removed as well.

The cleaning requirements in this section distract from the larger, more important parts of this ordinance. This stipulation is too detailed.

Property owners and designees have latitude on who does the cleaning and how the property is cleaned. The Maricopa County Environmental Health Code has also been referenced to identify minimum standards.

If pest control is required for short-term rentals on a bi-monthly basis, the same requirement should be made of every resident in Scottsdale.

Keeping the property free from infestation is already a requirement of all properties under the city's Property Maintenance Ordinance. The requirements for pest control specific to short-term rentals are in the ordinance because of the turnover of guests. The number of contacts made with the property increase the likelihood of pests that could be detrimental to the health and safety of the guest and the public generally.

Ideally, the city would provide standardized posters for hosts to post and be compliant. Leaving it up to interpretation may cause confusion and noncompliance.

The city will be providing standardized versions of the required posting to simplify compliance for short-term rental properties.

Requiring all short-term rentals with pools to meet the latest code requirements seems like a broad-brushed approach. My home has a pool with grandfathered fencing requirements met. My posted rules do not allow for guests younger than 12 (I assume this is meant to protect young children), this mitigates my exposure. Why am I singled out and held to a higher standard when no more risk is created than if my property were not a short-term rental.

To ensure properties have ample time to bring their barriers up to the necessary standard a six-month grace period has been included. The requirement for barriers is in-part intended to protect younger children from potential drowning. As short-term rentals are an unfamiliar setting, and guests may not be used to having a pool on site, the barrier provides additional security. Barrier requirements have been standard in the building code for a long time, many Scottsdale properties already have the necessary barriers.

A pool barrier is a compliance requirement expense and giving time for compliance, delays, but does not avoid that expense. Giving time for compliance only allows a short-term rental to operate with a known safety risks, and excuses an owner for not being aware of the pool barrier requirement and having it in place first. Since drowning is currently the number one cause of accidental death for children between one and four years old, why is it reasonable to give six months of time for compliance when children could be at risk? How was "reasonable time" determined to be six months? An owner should not need six months to comply, since with a few phone calls, anyone should be able to locate a contractor that could get a pool barrier designed and installed in weeks, not months. No one wants to read a story about a child dying at a Scottsdale short-term rental because the pool barrier had not been installed. Pool Barriers help save children from drowning and property pool sanitation helps save both adults and children from disease.

On the pool barrier issue, we thought it reasonable to give some additional time for compliance as there could be considerable cost and need for contractors which can be delayed during these times. As this is a new requirement on existing operations, this is setting an initial delayed effective date.

Sec. 18-176. – Sex offender background checks.

The burden of this regulation is too high. There are a wide range of guests that book short-term rentals from across the state, the country and the world, how can I perform a check on all of them? This is especially burdensome for small operators that do not work with a booking site that will do this for them. This stipulation is ambiguous and unfeasible, without a clear path to compliance the \$1,000 fine seems high.

Language has been updated to ensure clearer compliance with this stipulation. The city will be working with platforms, owners and hosts and answering their questions to achieve maximum compliance.

It is not required of long-term landlords to ensure that there are no sex offenders living in their properties. This is targeted towards short-term rentals to make it more difficult to rent the property. This will make compliance too difficult and encourage noncompliance.

There are many mechanisms in place to ensure that registered sex offenders do not live where prohibited in both long-term rentals and owner-occupied units. The city does want this to be simple to comply with, as stated above language in the ordinance has been updated and the city will be a resource to properties as they comply.

How is this different from any neighbor having an overnight guest who may happen to be a sex offender? Hotels do not have to adhere to the same standard in performing sex offender background checks, why are short-term rental properties singled out?

Short-term rentals are held to a different standard as allowed by Senate Bill 1168, because they are located in residential neighborhoods and complexes whereas hotels are not. Prohibiting the use of a short-term rental to house sex offenders has already been part of State Law and city ordinance since 2019. Compared to long-term rentals and owner-occupied residences, short-term rental properties will generally see a far greater number of overnight guests occupying the unit. This inherently increases the likelihood that at some point a registered sex offender will be a guest of the property. Also, when visiting as a true personal guest of a property owner, rather than an unknown booked guest, the circumstances of a registered sex offender are much more likely to be known.

How will booking sites that do this on behalf of hosts be asked to prove compliance?

This will be up to the online lodging marketplace to determine. They were involved in the drafting of SB 1168 and agreed to the language allowing cities and towns to require background checks for sex offenders, and to waive the requirement if the online lodging marketplace does this on the short-term rental owner's behalf.

Online marketplaces should be required to document their verification methods and maintain records for one year to be readily accessed by the city.

State law does not allow for cities to make this requirement of online marketplaces, additionally there are federal digital privacy laws which are prohibitive to such a requirement.

At least one major booking site does not do this on behalf of their hosts. This is especially problematic because they do not give hosts the guest last name, photo or contact information until well after the booking has been made and confirmed.

This will not be possible to comply with for guests that book at the last minute.

The requirement for screening has been amended to allow for the check to occur no later than 24 hours before a stay.

This is possible to comply with for the individual doing the booking, but not possible for all guests during every stay.

Language in the ordinance has been updated to state "booking guest" consistent with SB 1168.

Addressing industry concerns by limiting the sex offender background checks to the booking guest, creates a safety risk because an accompanying person could be a sex offender and be too near neighboring children and that could lead to reoffending.

The limit on booking guests is in state law and city staff did add language to make it an offense if someone knowingly tries to subvert the law.

Sec. 18-177. – Verified violation penalties.

Multiple violations occurring during a single incident should be allowed to count as multiple verified violations as they pertain to this ordinance.

The language regarding verified violations has been lifted directly from what was allowed under Senate Bill 1168, the city cannot include this suggestion.

Sec. 18-191. – Neighbor Notification.

This section should include notifying neighbors when a problem occurs at a short-term rental property near them. Neighbor notification should also be required of existing short-term rental properties, with that information reshared annually.

Short-term rental owners will be required to reshare contact information anytime the information is changed, and the city will be aware of changes at least annually due to the term of the license. It is not advisable for the city to add additional requirements for the neighbor notifications because the current language reflects exactly what is allowable under state law established by Senate Bill 1168.

The word “adjacent” is unclear, how will I know which properties I need to provide notification to as a short-term rental operator?

Adjacent is defined within the city’s zoning ordinance as follows,

“Adjacent shall mean the condition of being near to or close to but not necessarily having a common dividing line, i.e., two (2) properties which are separated only by a street or alley shall be considered as adjacent to one another.”

Single-family property owners should think in terms of all properties around their short-term rental, regardless of whether the properties are separated by a street or alley, to the front, back, corners and sides.

New Recommendations or General Suggestions

There are companies that contract to manage the trash at short-term rentals, but they have proven to be unreliable. Perhaps the city can perform a trash concierge problem in exchange for a monthly fee. This could be made mandatory, and the revenue could be profitable for the city and solve the sanitation issues.

At this point in time, providing a concierge service would be cost prohibitive and create inefficiencies in collection services. The property owner should be responsible for determining the appropriate container capacity needed for each rental property based on the amount of material disposed of. Adding additional container capacity will be far less costly to address the issue and maintain efficient collection services than adding additional equipment and staff dedicated to concierge service.

Requirements should be less strict for hosts that live on site, they have fewer negative impacts on neighbors.

Hosts living on site should be better able to handle problems as they occur, and as a result would be less like to have a situation that would constitute a violation of this ordinance.

The city should work with major hosting sites to de-platform properties that are not compliant with licensing requirements. Other cities have had success with this in other states.

Yes, the city will work with the online lodging marketplace platforms to request this.

The Scottsdale City Attorney should shut down any property that is a proxy hotel right now. No judge is going to make a ruling that the legislature intended to bypass existing regulations on hotels and the residents’ rights to engage in zoning meetings.

This authority is not granted to the Scottsdale City Attorney or to the City of Scottsdale.

Property owners should be permitted to rent detached casitas on their property when the main house is owner-occupied.

This would change the nature of single-family zoning in Scottsdale. The City Council has discussed this issue, and while they are sympathetic to certain circumstances, have stated their opposition to such a determination to protect the city's zoning authority.

All short-term rentals should have a minimum stay of 30 days, imposed by city ordinance.

This is not allowed under State law.

Short-term rentals should be required to adhere to 'quiet hours' at all times of day.

Instituting quiet hours at short-term rentals at all hours would require that the same is done for long-term rentals and owner-occupied homes, as noise related ordinances need to be applied to apply single-family properties uniformly.

Parties, events and gatherings should be prohibited at short-term rentals regardless of the time of day.

Events would often fall under a non-residential use and are prohibited. However, prohibiting parties and gatherings would require that the same is done for long-term rentals and owner-occupied homes, as such an ordinance need to be applied to apply single-family properties uniformly.

If people want to live in an area where their personal liberties of property ownership are limited, then they should live in a neighborhood with a homeowners' association. These requirements should not apply generally across the entire city.

This ordinance is intended to protect the rights of all property owners to enjoy the benefits of property ownership, including the owners of short-term rental properties and nearby neighbors. Neighbors citywide have expressed frustrations with the negative impacts of short-term rental properties, and the city's ordinance set the minimum standard for all properties in the city.

Fine reduction measures throughout the ordinance should not allow for such large reductions after compliance.

The objective of the ordinance is to hold short-term rental properties to a reasonable standard and gain voluntary compliance. The fine reduction structures in this ordinance are crafted to maximize opportunities to encourage voluntary compliance.

Only the large hosting sites should be regulated further, not the individual property owners. Burdens placed upon smaller businesses will push them out of the market, leaving behind the big players that buy entire condo complexes and do not care for the community.

Some short-term rental properties have had negative impacts on their neighborhoods, mitigating these impacts has been identified as a top priority by the City Council. State law only allows for local governments to impose necessary regulations on the owners and hosts. The standards are such that that all owners and hosts can and should be able to meet such as the ones included in this ordinance.

Short-term rental property owners should be held liable (criminally and civilly) for crimes that occur on their property.

There are circumstances, such as willful negligence, in which property owners may be legally liable for activities which have occurred on their property. However, other than how those events may apply to licensing those legal liabilities are outside of the scope of this ordinance.

Per rental costs placed on owners are likely to be biased against minorities and lower-income visitors.

The fines and fees included in the draft ordinance are applied either by property as a flat fee or are imposed according to the number of persistent violations. City imposed fees and fines are not “per rental.”

Short-term rental owners should be required to have an occupancy list for all bookings, which is made available to the Police Department and Code Enforcement.

Such a provision is not allowable under state law, federal law, or the United States Constitution.

Vacation Rental Code Amendment

City Council Meeting

October 25, 2022

Brent Stockwell, MPA, ICMA-CM
Assistant City Manager

Background

- Estimated 4,300 short-term rental properties citywide
- Implementing recommendations from 2021 Working Group
- Nuisance Party Ordinance updated December 2021
- SB 1168 allows local governments to require properties to obtain and maintain a local license; licenses can only be denied or suspended for limited reasons
- Vacation Rental Ordinance changes proposed to ensure ordinances reflect the full authority granted under state law

Ordinance No. 4566 overview (1/2)

- Regulatory license requirement
 - Starting January 8, 2023 a license is required to operate in Scottsdale
 - Annual license required with annual fee of \$250
 - Institutes SB 1168 requirements for application, issuance and denial
 - Includes SB 1168 criteria for suspension
 - Establishes hearing process for denial, revocation and suspension

Ordinance No. 4566 overview (2/2)

- Other requirements consistent with state law
 - Continues non-residential prohibition, emergency contact response
 - Adds liability insurance requirement, sex offender background checks and neighbor notification
- Public health and safety requirements
 - Fire and life safety – working smoke alarms; exit map
 - Public health – trash/garbage; required cleanings; regular pest control
 - Barrier requirements for accessible swimming pool, hot tub, spa
 - Notice requirement of applicable laws and property information

Significant changes since work study

- Extended date by 15 days to Jan. 8, 2023
- Made continued operation without a license a civil violation
- Clarified application requirements regarding owner/designee
- Moved all liability insurance requirements to 18-173
- Changed “bookings” to “stays” where appropriate
- Effective date of pool barriers now six months or May 23, 2023
- Sex offender background check for booking guest only, must be done no later than 24 hours prior to stay, and checking the national sex offender website satisfies this requirement

Key ordinance timeframes

| Item | Example |
|--|--|
| Ordinance takes effect 30 days after adoption | Live by Nov. 24, 2022 |
| Licenses must be issued within 7 business days | If apply on Nov. 28, issued by Dec. 7 |
| Notify neighbors within 30 days of getting license | Done by Jan. 7, 2023 |
| License required to operate 45 days after Nov. 24 | Update listing by Jan. 8 |
| Pool barrier delayed effective date of six months | Barrier by May 23 |

Next steps

To implement Ordinance No. 4566, staff will take necessary actions, including:

- preparing the business licensing system to accept the fully online applications from short-term rental owners
- preparing a written notice to send out to all properties to inform them of the need to apply for a license from the city
- preparing a webform regarding the neighborhood notification and liability insurance attestations
- finalizing a resident's guide to living next to a short-term rental based on the new requirements
- preparing the posted notice template
- identifying the process for sharing the contact information out of the licensing system with the police department and code enforcement unit

Requested action

Adopt Ordinance No. 4566 repealing and replacing Article IX of Chapter 18 of the Scottsdale Revised Code concerning vacation and short-term rentals

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Monday, October 17, 2022 4:26 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Tarrin Schultz

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale

Web Scottsdale City Council Meeting Written Comment Form

[Open Form](#)

Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Tarrin Schultz

Contact Information

EMAIL tarrinschultz6@gmail.com

CITY Scottsdale

Comment

COMMENT I am a homeowner in Scottsdale. We bought in a quiet neighborhood almost 11 years ago. My husband and I are full time residents and hold full

time jobs in the area. We now have TWO Airbnb/short term rentals next to us. One to our immediate left and one directly behind. It is ridiculous. We are constantly dealing with a stream of vehicles and people. The music at the pool at both homes is loud and we are always dealing with bright lights and noise late at night. People ring our doorbell because pool toys go over the wall. We are so angry that there is no limit to these rentals. Not only in number but also in proximity to each other. Will you allow our entire street or neighborhood to be signed over to short term rentals or investors who give nothing back to our community at our expense?? Will we end up being the only house on the street that is owned by a resident at some point to the point that we will be forced to sell? Do you want communities with members who are committed to the community or do you want transients? This should not be ok. We should not have to call the police every time we have a noise or party issue based on the current rental code. At the very least there should be some limit to the number of rentals within a certain proximity to each other. How would you feel if your every neighbor was a rental?

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Thursday, October 20, 2022 7:09 AM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Colter Ray

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Colter Ray

NAME OF GROUP OR ORGANIZATION N/A

Contact Information

PHONE (713) 824-1690

EMAIL colterray@gmail.com

CITY Scottsdale

Comment

COMMENT

I co-own a single short-term rental in south Scottsdale and am against these proposed ordinances. I am not a giant corporation, I'm a college professor who makes under \$70k a year and tries to supplement his income with this rental property. These additional requirements seem prohibitive to doing business. A \$250 annual fee for a license sounds like a money grab. I'm not against a license, but that seems like a big cost for someone operating a rental that generates just a little bit of extra income each month.

Additional pool barrier rules seems over-the-top, too. People have private pool parties and gatherings at their own place of residence all the time and the current barrier rules seem to be just fine.

I understand there have been problematic short-term rentals in Scottsdale, but please find a better way to address those problematic rentals instead of instituting these policies that will overall hurt more than they will help.

Thank you,
Colter Ray

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Thursday, October 20, 2022 7:40 AM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Andrew B. Kramer

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Andrew B. Kramer

Contact Information

PHONE (281) 793-7638

EMAIL abkramer05@yahoo.com

CITY Scottsdale

Comment

COMMENT

I co-own a single short-term rental in south Scottsdale and am against these proposed ordinances. I am not a giant corporation, I own this rental to try to supplement my income with a little extra money and use the property myself to visit family and friends. These additional requirements seem prohibitive to doing business. A \$250 annual fee for a license is high and could be handled differently.

Additional pool barrier rules seem over-the-top, too. People have private pool parties and gatherings at their own place of residence all the time and the current barrier rules seem to be just fine.

Overall these requirements will start to limit the opportunities for short term rentals, which would also result in lost business/revenue from other tourism that benefits from having more beds for guest to stay in.

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Thursday, October 20, 2022 3:40 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Kristie Hudson

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Kristie Hudson

Contact Information

EMAIL lefaye611@gmail.com

CITY Scottsdale

Comment

COMMENT This ordinance barely scratches the surface. It does absolutely nothing to benefit our neighborhoods. It does absolutely nothing to help

us Scottsdale residents who are surrounded by revolving doors of non-stop parties. There is nothing residential in nature about the types of gatherings that take place at these properties, especially the bachelor & bachelorette parties, & especially when you consider the consistent frequency. If it were typical families renting these properties, you would not have so many residents who are so upset. But the typical guests are anything but typical families. The types of guests who come here, come for one reason only, & that reason is to party. A lot of these guests don't even leave their STR. They spend days getting trashed in the backyards while forcing neighbors to listen to their music & their non-stop screaming & vulgar conversations. They treat our neighborhoods like their own personal circus. The STR industry people are lying to you when they say guests consist of well-behaved families. Respectful families only make up a small minority.

Earlier this year, the COS approved funding for a STR unit within SPD. We residents had high hopes for this unit. We thought this SPD unit would actually help us, but instead SPD has been instructing residents to contact property managers & owners to sort things out ourselves. Please believe me, a longtime Scottsdale resident, when I say this approach does not work. All it does is frustrate residents even further. The STR industry people are lying to you when they say they care about the neighbors & want to work with us. The STR industry people are only responsive to you & to the police. Most of the owners of these properties are out of state investors who only care about their passive income. The owner of the STR right by me lives in Oregon. He has absolutely no ties to Scottsdale other than this property he purchased just for AirBnB. While in town last spring he told me to my face that it didn't matter how long I had lived here. He said, "Neighborhoods change, so you should probably move." Property managers also do not care about us neighbors. Their one & only concern is making sure their guests write positive reviews. The COS & SPD should be helping us, not making things worse for us.

It boils down to this - do you want a city with happy residents who enjoy their quality of life? Or do you want a city that revolves around bachelor & bachelorette parties of event scale in residential

neighborhoods forcing longtime residents to move & forcing young families to raise their children elsewhere? The COS has got to acknowledge the fact that there is nothing residential in nature about these properties. The COS has got to acknowledge the fact that these properties are ruining people's lives. We have older residents who just want to enjoy their retirement in peace in their own homes, & we have younger residents who want to raise families, but both are being robbed of these basic life expectations. A young couple on my street just recently moved away because the wife is pregnant & they lived next door to a STR that caters to bachelorette parties. This is the ugly truth of how Scottsdale STRs effect real life everyday people.

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Friday, October 21, 2022 11:37 AM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Mac Graham

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Mac Graham

NAME OF GROUP OR ORGANIZATION Self

Contact Information

PHONE (480) 406-3364

EMAIL macg01@msn.com

ADDRESS 6073 E Beck Ln

CITY

Scottsdale

Comment

COMMENT

No need for additional government oversight. The vacation rental guest business is extremely competitive, which means all of the things suggested are already necessities for owners hoping to be selected as a guest site. If we snooze we lose. No need for wasting tax dollars on this. This is not low income housing where corners may be cut to save a buck. This is desirable Scottsdale. Vote no and reject this Unnecessary change. Thank you. Mac Graham

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Saturday, October 22, 2022 3:40 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Melissa Kovacs

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Melissa Kovacs

Contact Information

PHONE (602) 492-1406

EMAIL melissa.s.kovacs@gmail.com

ADDRESS 8544 E Mitchell Dr

CITY Scottsdale

Comment

COMMENT

I am writing to voice my support of the Vacation Rental Code Amendment. As a citizen member of the 2021 STR Working Group, I know that these suggestions have been carefully thought-through and represent an improvement for Scottsdale residents who are living with short-term rentals next to them. Thank you, Melissa Kovacs

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Monday, October 24, 2022 10:35 AM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Jeremy Bell

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Jeremy Bell

Contact Information

EMAIL oldtownscottsdalellc@gmail.com

CITY Scottsdale

Comment

COMMENT Hi, Thank you for taking the time to hear from me today. I am speaking in support of short-term rentals in Scottsdale.

I have lived in Scottsdale for 18 years. I own/manage short-term rentals. Scottsdale is highly dependent on tourism and I believe that eliminating or restricting a popular family-friendly lodging option is not in our best interest. Scottsdale is the premier destination in the valley and needs to be able to offer a scope/range of lodging options for visitors to bring tax revenue to our city and not another city in the valley, or another state if travelers do not come here due to lack of options to stay. Many short-term rentals offer a more accessible and desirable option for visitors. Issues are few and far between, onerous regulations and business license hoops and fee's will not solve that issue. Existing regulations are sufficient, please do not make it harder for citizens to rent their homes and welcome visitors who spend a substantial amount in our city (and generate substantial tax revenue on lodging tax and sales tax). The accommodation provided by a short term rental is not available in any other form.

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Monday, October 24, 2022 10:39 AM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Bennett Mankin

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Bennett Mankin

NAME OF GROUP OR ORGANIZATION B&E Equity Group, LLC

Contact Information

PHONE (480) 636-0170

EMAIL bennett2264@gmail.com

ADDRESS 3658 E Morrison Ranch Parkway

Comment

COMMENT

Dear Sir or Madams, my name is Bennett Mankin and I own an STR in South Scottsdale. Thank you for taking the time to listen to my comments.

I would like to speak today in support of short-term rentals in Scottsdale.

I have lived in Arizona since 1999. I own a short-term rental in South Scottsdale.

I employ several part-time local services and part-time contractors to help maintain my short-term rental property.

The income earned from my short-term rental property is essential to the economic livelihood of my family. The money that is not used to pay contractors or reinvested in maintenance helps me supplement my income for medical expenses and personal expenses.

Scottsdale is highly dependent on tourism and I believe that eliminating a popular family-friendly lodging option is not in our best interest in Scottsdale. Scottsdale needs to be able to offer lodging options for its many visitors. Many short-term rentals offer a more accessible option for visitors.

Furthermore, I am very compliant to the City of Scottsdale and it's neighbors. I respectfully have taken action to be neighbor friendly and communicate with them regularly. If there is ever any concerns they have my personal cell phone so I can handle any property maintenance or guest concerns immediately 24/7. I employ noise software, ring door bell and I am very active individually and personally with my neighbors in my STR neighborhood. Additionally, I employ a cleaning service for indoor needs as well as a landscaper, handyman and trash service to insure that trash cans are placed at the curb for pick up and removal from the curb immediately after containers are empty.

I respectfully ask that owners of STR's like myself do not get punished due to the few who are not abiding to the city ordinances or creating any chaos in the neighborhoods. Please give the owners of STR's like myself the opportunity to provide a

service without invoking laws and regulations that will hurt our opportunity to offer vacationers or business travelers a wonderful place to stay in our homes.

Thank you kindly,

Bennett Mankin
480-636-0170

Property address:
7314 E Taylor Street
Scottsdale AZ 85257

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Monday, October 24, 2022 11:23 AM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Tancy Grubb

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Tancy Grubb

NAME OF GROUP OR ORGANIZATION none

Contact Information

PHONE (928) 856-0707

EMAIL tancygrubb@gmail.com

ADDRESS 2435 N Keystone Dr

Comment

COMMENT

My husband and I are fixed-income seniors, who own a condo in Scottsdale and rent on a short term basis only through Airbnb. They hold a high standard of identity verification and regulations of quality control. Due to their strict vetting of guests, we have never had a problem with parties or disruptive behavior or criminal activity.

We have a TPT business license and report our taxes quarterly in accordance with the City of Scottsdale requirements.

While we definitely support Scottsdale's effort to maintain a safe standard for short-term rentals, we feel there are two proposals that are not practical to maintain our rental income:

1. Background verification of sex offenders 24 hours before booking. - This seems unrealistic while seriously discouraging anyone from renting, as well as diminishing revenue for Scottsdale.

2. The new \$250.00 per year registration fee. – This seems to be an exorbitant fee that discourages small, independent short-term rentals like ours.

We rely on the consistent revenue from our renovated rental and feel these two requirements will undoubtedly negatively impact our ability to rent.

Please consider significantly modifying or eliminating these two proposed requirements so we can continue to function as responsible landlords.

Thank you,
Tancy and Teryl Grubb

All detailed supporting information is available upon request from tancygrubb@gmail.com.

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Monday, October 24, 2022 1:01 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Gregory Romer

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Gregory Romer

NAME OF GROUP OR ORGANIZATION R7Host LLC

Contact Information

PHONE (714) 353-1711

EMAIL romer560@gmail.com

ADDRESS 24829 N 75th Way

CITY

Scottsdale

Comment

COMMENT

Hello, my name is Gregory Romer. Thank you for taking the time to read my response.

I have owned in Scottsdale for one year now. I own/manage one short-term rental. I employ a total of six local full-time and part-time contractors to help maintain my short-term rental property.

Scottsdale is highly dependent on tourism and I believe that eliminating a popular family-friendly lodging option is not in our best interest. In addition, I am convinced this will push more properties out of the City of Scottsdale and into neighboring towns. Scottsdale needs to be able to offer a scope/range of lodging options for visitors. Many short-term rentals offer a more accessible and cost effective option for visitors. Take this away and you will drive them to other cities or just lose the travel business altogether.

Really all this regulation/oversight just seems to be a total overreach. Why not step into this instead of jumping off the bridge. I believe this will drive STR business out of your city. These types of initiatives start out well meaning but end up increasing in scope and cost - especially when we go into a recession.

Why don't you set the fee to be based on the amount of rental traffic and income and adjust it when travel goes down.

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Monday, October 24, 2022 3:39 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Erik Stroud

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Erik Stroud

Contact Information

PHONE (602) 799-4797

EMAIL estroud2001@gmail.com

ADDRESS 3325 N 63rd street

CITY Scottsdale

Comment

COMMENT

In short, the house next door to me was rented out almost every weekend for parties. This went on for several years. I've witnessed fist fights in my driveway at 2:30 am, pop up businesses, sip and shops, photography businesses and parties almost every weekend with cruede loud disruptive behavior along with sleepless nights being woke up when the bars close and yelling at all hours of the night. Guests trying to check in my house in the middle of the night I reached out to the STR owners trying to collaborate and work together and this did nothing but create more frustration and friction on both ends. Today we are surrounded by 25 STR's in a small radius with no real regulation.

Nothing changed until Commander Coffee called the owner and took a stand and put a little fear into the owner of the STR(s) about the noise and partying and disruptions. C. Coffee issued fines and citations which in return caused the owner to fear losing their license (we neighbors don't have a license to live in our property) and the STR stopped renting out to bachelorette parties every weekend and showed some concern. The owners still don't show up and meet the guests at check in. The property managers or STR owners should be required to check guests in and go over the house rules in person or at least on weekends. It's still bad at times but nothing compared to what it was. So I am a firm believer that Scottsdale PD are the only ones that can manage these properties and I believe it needs to have conviction and come with fines and stricter regulations with a consistent message. The short term task force seems to have a laxed approach which isn't going to solve this problem.

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Monday, October 24, 2022 6:10 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Amy Legere

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Amy Legere

Contact Information

EMAIL scottsdalebnb@maildrop.cc

CITY Scottsdale

Comment

COMMENT Hello, my name is Amy. Thank you for taking the time to read my email. I am speaking in support of short-term rentals in Scottsdale. I have lived in

Scottsdale for 22 years. I own one short-term rental. The income earned from my short-term rental property is essential to the economic livelihood of my family. Scottsdale is highly dependent on tourism and I believe that imposing tough restrictions and fees to try and eliminate a popular family-friendly lodging option is not in our best interest.

Scottsdale needs to be able to offer a range of lodging options for visitors so that larger groups/families can afford to stay in one home together to make lasting memories. In a hotel this togetherness is not supported. Further, people need options of a full kitchen to support health issues they may have requiring healthy eating. In summary, short-term rentals offer a more accessible option for visitors. They bring a new experience for the traveler not supported by a hotel stay. Further if you are going to impose requirements on checking back grounds of guests, you must impose the same on all hotels. You can't discriminate by requiring that for Airbnb owners to comply with but not hotels. Stop wasting tax payer dollars by coming up with bogus, ridiculous unmanageable ways to eliminate airbnbs.

Thank you.

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Monday, October 24, 2022 6:49 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Cindy Studebaker

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 00. Public Comment.

Name

FULL NAME Cindy Studebaker

NAME OF GROUP OR ORGANIZATION WISH STR Enterprise

Contact Information

PHONE (586) 945-0117

EMAIL cindy@wishstr.com

ADDRESS 9625 W. Mountain View Rd, A

CITY

Peoria

Comment

COMMENT

Hello, my name is Cindy Studebaker. Thank you for taking the time to hear from me today. I am speaking in support of short-term rentals in Scottsdale. My company manages about 50 short-term rentals in the Scottsdale area and we employ a total of about 15 local full-time and part-time contractors to help maintain these short-term rental properties. The income earned for our clients from my short-term rental properties is essential to the economic livelihood of both their families and mine.

Having this job allows me to spend time at home with my elderly mother, who lives with me. It also allows me to take her to appointments, as she can no longer drive. Going back to a 9 to 5 office job would substantially impact the quality of life I can provide for my mom in her final years.

Scottsdale is highly dependent on tourism and I believe that eliminating a popular family-friendly lodging option is not in anyone's best interest. Short-term rentals allow groups of families/friends to room together at an affordable rate, as well as providing kitchen facilities that most hotels don't offer. It is essential that regulations be fair and reasonable and promote responsible hosting, while also allowing residents to live comfortably in their neighborhoods.

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Monday, October 24, 2022 6:57 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Mariana Maris Lowe

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Mariana Maris Lowe

Contact Information

PHONE (480) 242-5053

EMAIL bebemuxi@gmail.com

ADDRESS 3243 N 63RD ST

CITY SCOTTSDALE

Comment

COMMENT

The STR next door has been a tremendous source of stress for our family. Last weekend was not the first or second time we have been woken up in the middle of the night by drunk people and loud music being dropped off next door.

My 9 year old has been exposed to flyers of naked women from strip clubs on our lawn, he has heard talk about sex and porn and profane sick things while in the pool in our back yard from the guests next door. We have had garbage from them blown over on our property, we have been many times forced to keep our windows and doors closed to keep the cigarette, pot and booze smell out of our house. The smell in our back yard was that of a bar that allows smoking many times and we could not enjoy our own yard in the evening.

There were numerous times during the afternoons when I was working and could not focus to do my job due to the party on the other side of the wall. Our home used to be our safe space, the place where we would come to relax and escape the world, the place where we would recharge. Since the house next door has become a STR, we have been robbed of this in our own home. Every Friday the anxiety builds up. Who is coming and what will we have to put up with this weekend?

The law that states that a person can do as they please with their property needs to be amended in such a way that it clearly states "as long as what they do does not reduce the quality of life of the neighbors".

This STR has had a big negative impact on the quality of our family's life that we used to have before. I have had to seek therapy due to the stress induced by the activities that have taken place in the STR.

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Monday, October 24, 2022 7:07 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Laurie Flambouras

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Laurie Flambouras

Contact Information

PHONE (585) 483-9555

EMAIL Laurie.AZkukla@gmail.com

ADDRESS 7307 E Fillmore St

CITY Scottsdale

Comment

COMMENT

The number one problem homeowners are upset with concerning STRs is the noise. It seems like there is a simple solution - require all STRs to have noise monitors inside and outside their STR business. I don't want to be the noise monitor. Thx

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Monday, October 24, 2022 8:11 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Margaret Van Zee

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Margaret Van Zee

NAME OF GROUP OR ORGANIZATION Short term, vacation, rental manager's rent responsibly

Contact Information

PHONE (602) 695-2054

EMAIL margie@bellapalazzo.com

ADDRESS 4525 N. 66 street unit 73

Comment

COMMENT

Thank you for taking the time to hear from me today. I am speaking in support of short-term rentals in Scottsdale.

I have lived in Scottsdale for 40 years. I manage over 75 short-term rental(s). We have always operated with good neighbor guidelines, background checks, registration and emergency contact info. We think it's imperative, that everybody should operate with guidelines of cleanliness, safety, and what's best for our city and visitors, and especially our neighbors.

I employ a total of 36 local full-time and part-time contractors to help maintain my short-term rental property(s).

The income earned from my short-term rental property is essential to the economic livelihood my family and all of our owners that have investments in our beautiful state. The money that is not used to pay contractors or reinvested in maintenance helps me pay for my medical expenses, supporting my family and my team

Scottsdale is highly dependent on tourism and I believe that eliminating a popular family-friendly lodging option is not in our best interest. The city and state taxes that are collected and are given towards our state for tourism dollars and dollars that improve our city would be sorely missed.

Scottsdale needs to be able to offer a scope/range of lodging options for visitors. Many short-term rentals offer a more accessible option for visitors. It's much more cost affordable for a family to stay in a vacation rental than it is in the hotels that we have locally in our beautiful City of Scottsdale. A family can stay in a property for \$350 a night as opposed to one hotel room with no kitchen and no backyard for \$350 a night. This enables more families to visit our beautiful state and spend their tourism dollars in our restaurants and brick and mortar store fronts.

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Monday, October 24, 2022 11:00 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Kimberly S Light
Attachments: 2022.pdf

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale

Web Scottsdale City Council Meeting Written Comment Form

[Open Form](#)

Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Kimberly S Light

NAME OF GROUP OR ORGANIZATION The Sophia Apartment Complex @ 3212 N. 70th Street, Scottsdale, AZ 85251

Contact Information

PHONE (917) 655-7651

EMAIL kim@kimlightbox.com

ADDRESS

3212 N 70th St #1016

CITY

Scottsdale

Comment

COMMENT

Dear Scottsdale City Council,

I write to you as Representative of The Sophia community at 3212 N. 70th Street, Scottsdale, AZ.

We request respectfully request that the Vacation Rental Amendment, (Airbnb et al.), votes to transition to more long term, 30 days or more, or simply end it completely.

We live in a quaint apartment complex and have established a tight-knit community. We all look out for one another and our units, cars, packages sitting at the door. We close one another's umbrellas in high winds, help with pets when asked, and have community BBQ's and get together at the pool. Since the Airbnb situation began last spring, these short term visitors have up-ended our lives and lifestyle. We no longer gather by the pool, there has been a significant increase in trash in the parking lot, around the community and at the pool. Quite often the Airbnb visitors are impolite, rude, loud, have left broken glass around the pool. (Which we always clean up as soon as we see it.) AND, they treat us as though we are working for them.

The continuous revolving door of strangers also lends to a security problem, not only to our immediate complex, but also the neighborhood. They don't pick up after their pets, their pets constantly off leash causing ruckus with our pets. The pool is so crowded there is no room for us to use the pool. Visitors don't take pride in our community, they come make a mess, are loud, and again, rude to us and our neighbors. Parties at the pool, loud music, screaming and yelling — just over-all wild behavior. It's all unacceptable and simply miserable having them here.

Parking has become an issue, forcing long term residents to park on the street. Just last night one of the tenants cars was towed/impounded causing great inconvenience, cost, and stress. The police

stated it was a “tenant” that called them to tow the car. It wasn’t any of the tenants, we don’t do things like that to one another.

Moreover, the impact on the larger community must also be considered.

Short term rentals impede on affordable housing in an already congested rental market, reducing overall housing stock. When a long term tenant moves out they turn the unit into a short term rather than renting to a long term resident. As residents we would much more prefer a new resident lending to our sense of community and well-being.

Short term rentals also impact the hotel industry. It is unfair to our local hotels. We have plenty of affordable to high end hotels in and around Old Town for visitors, and hotels are much more equipped for vacationers.

Lastly, short term rentals don’t glean the taxes, and fees revenue as hotels. Thus, our city is missing out on what could be tens of thousands of dollars to put back into our community.

Overall, we believe it is your duty as city Council to protect your constituents and end this short term rental disruption. Ending short term rentals is a win/win for all who live and work in our beautiful Scottsdale, AZ.

We hope you take this into serious consideration and end this nightmare.

Thank you,

Kimberly Light

The Sophia
3212 N. 70th Street
Scottsdale, AZ 85251

Attachments

FILE UPLOAD

2022.pdf

The Sophia
3212 N. 70th Street
Scottsdale, AZ 85251

October 23, 2022

Dear Scottsdale City Council,

I write to you as Representative of The Sophia community at 3212 N. 70th Street, Scottsdale, AZ.

We respectfully request that the Vacation Rental Amendment, (Airbnb et al.), votes to transition to more long term, 30 days or more, or simply end it completely.

We live in a quaint apartment complex and have established a tight-knit community. We all look out for one another and our units, cars, packages sitting at the door. We close one another's umbrellas in high winds, help with pets when asked, and have community BBQ's and get togethers at the pool. Since the Airbnb situation began last spring, these short term visitors have up-ended our lives and lifestyle. We no longer gather by the pool, there has been a significant increase in trash in the parking lot, around the community and at the pool. Quite often the Airbnb visitors are impolite, rude, loud, have left broken glass around the pool. (Which we always clean up as soon as we see it.) AND, they treat us as though we are working for *them*.

The continuous revolving door of strangers also lends to a security problem, not only to our immediate complex, but also the neighborhood. They don't pick up after their pets, their pets constantly off leash causing ruckus with our pets. The pool is so crowded there is no room for us to use the pool. Visitors don't take pride in our community, they come make a mess, are loud, and again, rude to us and our neighbors. Parties at the pool, loud music, screaming and yelling — just over-all wild behavior. It's all unacceptable and simply miserable having them here.

Parking has become an issue, forcing long term residents to park on the street. Just last night one of the tenants cars was towed/impounded causing great inconvenience, cost, and stress. The police stated it was a "tenant" that called them to tow the car. It wasn't any of the tenants, we don't do things like that to one another.

Moreover, the impact on the larger community must also be considered. Short term rentals impede on affordable housing in an already congested rental market, reducing overall housing stock. When a long term tenant moves out they turn the unit into a short term rather than renting to a long term resident. As residents we would much more prefer a new resident lending to our sense of community and well-being.

Short term rentals also impact the hotel industry. It is unfair to our local hotels. We have plenty of affordable to high end hotels in and around Old Town for visitors, and hotels are much more equipped for vacationers.

Lastly, short term rentals don't glean the taxes, and fees revenue as hotels. Thus, our city is missing out on what could be tens of thousands of dollars to put back into our community.

Overall, we believe it is your duty as city Council to protect your constituents and end this short term rental disruption. Ending short term rentals is a win/win for all who live and work in our beautiful Scottsdale, AZ.

We hope you take this into serious consideration and end this nightmare.

Thank you,

Kimberly Light

The Sophia
3212 N. 70th Street
Scottsdale, AZ 85251
T: 917-655-7651

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Tuesday, October 25, 2022 8:20 AM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Kris Chatham

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 16. Ashler Hills Park Municipal Use Master Site Plan Conditional Use Permit (18-UP-2021)

Name

FULL NAME Kris Chatham

Contact Information

PHONE (480) 645-4088

EMAIL kris_han@msn.com

ADDRESS 7406 E. Camino Rayo de Luz

CITY Scottsdale

Comment

COMMENT

I am a resident of Las Piedras at Sevano Village, next to the proposed Ashler Hills Park. I would like to express my support for the park as it is currently designed, and my appreciation for the City of Scottsdale Parks and Recreation Department. I have attended the Planning Commission meetings and believe that all of our concerns about traffic, noise and light pollution have been satisfactorily addressed. All of the Las Piedras residents I have spoken to about the park are very much in favor of it, not in opposition as was reported in several news articles. We welcome the park and ask that you approve it. Thank you.

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Tuesday, October 25, 2022 12:08 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Joginder David Manhas

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Joginder David Manhas

NAME OF GROUP OR ORGANIZATION SGJM LLP

Contact Information

PHONE (480) 304-2038

EMAIL jdmanhas@hotmail.com

ADDRESS 4826 N Woodmere Fairway

Comment

COMMENT

To Scottsdale City Council and participants of the STRA being held on, Oct 25th, 2022

I have been a resident of Scottsdale for sixteen years and am writing in support of short-term rentals in Scottsdale, AZ. I have owned a short-term Rental since October of 2020 after purchasing the property from the previous owner who had been booking short-term rentals at the property since February of 2014. In that time period up to the present time, never has there been a complaint from neighbors or from other interested parties regarding any guests that have stayed there. simply put, we are responsible owners as were the previous owners who vetted all their guests. In addition to being a responsible owner, it is important to consider the positive impact to our local economy. Not only do we hire the services of local contractors, but our guests also pour thousands of dollars of vacation spending into the local economy. The income we earn is vital to the standard of living of my family. I am proud to operate an honest business that allows me to financially provide for my family. I believe the demand is high for the short-term rental business because of the unique service that is provided. in all honesty, I truly feel the hospitality accommodation while plentiful and adequately booked due to the popularity of our community and that there is room for both business models to successfully survive. I think all of this should be considered before making a decision to restrict the existence of the Short-term rental business in Scottsdale. In addition, keep in mind, all the owners are also tax paying citizens and should be considered partners with the city not adversaries. Thank you for the time to consider what I have written.

Regards,
Joginder Manhas
4826 N Woodmere Fairway
Scottsdale, AAZ 85251

Phone: 480-304-2038

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Tuesday, October 25, 2022 1:01 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Molly Kelly

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Molly Kelly

Contact Information

EMAIL molly@wanderinnphx.com

CITY Phoenix

Comment

COMMENT Hello, my name is Molly. I am a valley native, Phoenix homeowner, and Property Manager of short term rentals throughout the valley, including

Scottsdale. I own and/or manage a total of 6 rental properties and work with various contractors in the Scottsdale market to help maintain my rental properties. The income earned from my short term rental properties is vital to my household income and is set to become my main source of income in the next year. Scottsdale is highly dependent on tourism revenue that short term rentals help support by providing an affordable and comfortable alternative for tourists and especially families traveling in the area. Eliminating and/or further restricting this option is not in our best interest as a city and threatens a valuable alternative lodging option for visitors.

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Tuesday, October 25, 2022 1:06 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Allison Sheppard

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Allison Sheppard

NAME OF GROUP OR ORGANIZATION The Spalia Group

Contact Information

EMAIL amvs@spaliagroup.com

CITY Scottsdale

Comment

COMMENT

Scottsdale is a city based on community, architecture and connection. Vacation rentals should be named community properties as they not only build attraction to the city of Scottsdale but provide a safe alternative for visitors. By utilizing the vast array of homes available, tourists, locals hosting meetings or events and visitors can appreciate Scottsdale's architecture, some of the most famous architecture in the world. By spreading out away from city center and utilizing people's homes visitors can appreciate the natural beauty and landscape Scottsdale has to offer, hike the trails and feel as if they are local rather than a visitor. A community dwelling is a preview of life, preview of new home purchases, new neighborhoods to live, new businesses to start, new community connections. Large families can now bring their kids, people can gather for events, businesses can move out of old town to other parts of the city. The rental industry provides so much to our community and we are blinded by a few bad apples to appreciate our amazing community and be blessed to share it with those who wish to visit. It connects people to our community, it connects people to our architecture, our local businesses, our desert landscape, our wildlife. Having the ability to open our homes to others creates community so we all feel like neighbors.

From: notifications@cognitofrms.com on behalf of City of Scottsdale <notifications@cognitofrms.com>
Sent: Tuesday, October 25, 2022 1:21 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Rachel Seymour

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Rachel Seymour

Contact Information

PHONE (925) 200-8179

EMAIL rachelmmcc@gmail.com

CITY Scottsdale

Comment

COMMENT

Hello,

My name is Rachel Seymour and I am a resident and short term rental owner in Scottsdale. I care very much about hosting RESPONSIBLY and ensuring that tourism can continue to thrive, while maintaining the safety and integrity of our neighborhoods. I have lived in Scottsdale for 10 years and own/manage 3 rentals.

In our rental properties, we commonly host family gatherings, honeymoons, men's golf trips, girls getaways, and birthday celebrations. Many of these visitors are experiencing Scottsdale for the first time, and it is a joy to host them and guide them through their experience here. We partner with many local businesses to create that experience along with nearly a dozen different local contractors who help maintain and upkeep the property.

Tourism is incredibly important to supporting Scottsdale's economy and I believe Short Term Rentals are a fantastic way to make that possible for families affordably. I support heavier regulation of STRs and enforcing rules that keep our communities safe. Here are some concerns I have with the current STR Ordinance language and what I propose to do about them:

- Neighborhood Notifications – For the safety of the property, the neighborhood, and the guests, external signage that would indicate the home is a rental property should be avoided. All rentals need to be registered with contact information on the City's website, allowing neighbors access to this information.
- Background and Sex Offender Check Timeline – To enforce this consistently, I would like to require Airbnb (or similar platforms) to perform this check upon booking, and within their platform. Many guests have emergency situations that require them to book with less than 24 hour notice, and we should remove the "24 hour" requirement and replace with "before check-in".
- Annual Fee – Renewal of the annual fee should be reduced to \$50.

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Tuesday, October 25, 2022 1:28 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Rebecca Grossman
Attachments: STR Ordinance_comment to City Council_10.25.2022.pdf

⚠ External Email: Please use caution if opening links or attachments!

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Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Rebecca Grossman

NAME OF GROUP OR ORGANIZATION Scottsdale Area Association of REALTORS®

Contact Information

PHONE (480) 945-2651

EMAIL Rebecca@scottsdalerealtors.org

ADDRESS 8600 E Anderson Drive, Suite 200

CITY

Scottsdale

Comment

COMMENT

Attached is the Scottsdale Area Association of REALTORS® full comment on the Vacation Rental Code Amendment being considered for approval by City Council.

Attachments

FILE UPLOAD

STR Ordinance_comment to City Council_10.25.2022.pdf



OCTOBER 25, 2022

To: City of Scottsdale – Council | David Ortega – Mayor
Tom Durham – Vice Mayor
Linda Milhaven
Tammy Caputi
Solange Whitehead
Kathy Littlefield
Betty Janik

City of Scottsdale | Jim Thompson – City Manager
Brent Stockwell – Assistant City Manager

RE: Short-term Rental Ordinance | **Scottsdale Area Association of REALTORS® Comments**

The Scottsdale Area Association of REALTORS® (Scottsdale REALTORS®) is in support of enacting new regulations authorized by the State, in SB1168, for Short-term Rentals (STR) which will provide additional guidelines for STR owners to follow, sets a quality of standard for all to enjoy, improves neighborhood camaraderie, and establishes an equitable balance of regulation for all.

With the intent to see the best STR Ordinance passed which allows for the smooth adoption, implementation, and enforcement by all; the Scottsdale REALTORS® encourage City Council to take the time needed to thoroughly review all input and ensure that the best language is in place.

Along those lines ,we request that Council take into consideration the Scottsdale REALTORS®' analysis of the Ordinance, which **identifies some inconsistencies with SB1168, unnecessary duplication and recommends clarification. It also recommends modification for compliance with federal and state law, and a reasonable adjustment on timeframe requirement.**

Note: The following is not intended as legal advice or a legal opinion.

- **Sec. 18-151 (d) | Vacation rental license required; invalid license; penalties** | Add -- **Owners have 30-days after receiving written notice from the city**, to comply with SB1168.
- **Sec. 18-155 (a) (6) | License issuance; denial** | Duplication, Procedural Semantics; “revocation or suspension” actions, penalties, and grounds for --- **already covered under (3) of the same section**. In addition, it is clearly defined and regulated under **Sec. 18-156, 18-157, 18-158, and 18-159**.
- **Sec. 18-170 (a) | Compliance with laws** | technical, legal semantics; add the clarification as follows: “...must at all times comply with all federal, state, and local **vacation rental or short-term rental** laws, rules and regulations...”
- **Sec. 18-175 (f) | Additional health and public safety regulations** | recommend removing

- “(at least bi-monthly)” or change to “(at least semi-annually)” for pest control maintenance.
 - **Sec. 18-176 (b) | Sex offender background checks** | recommend **removal of Sec. 18-176 (b)** referencing record retention of “full print-out...made available for inspection.” [*Case law does not support* record retention to be made available for inspection.]¹ If (b) is retained, amend wording to be consistent with (a) which states for every “**booking guest**” not “each guest or renter”.
 - **Sec. 18-177 (a) (1, 2, 3) | Verified violation penalties** | add verbiage to clarify penalty rental rate as advertised “**per the date the violation occurred,**”
-

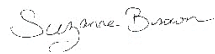
We are thankful for many of the revisions which have already been made to the Draft STR Ordinance to date, have given more clarity and further alignment with state statute.

The Scottsdale REALTORS® realize the complexity of the situation with regards to amending an ordinance and hopes that the City Council find these recommendations informative and helpful and will incorporate them into the Ordinance.

Respectfully,



Rebecca Grossman
Chief Executive Officer



Suzanne Brown
Director of Community & Government Affairs



ATTACHMENT #1

¹(Supporting Detail regarding Sex Offender – Record Retention and Inspection)

In reviewing this analysis, please note that we and the individuals who helped prepare this report are not Arizona attorneys, and that the analysis reflects our review of the issues discussed from the perspective of our general experience with land use planning, policies, and techniques, along with their implementing laws and regulations. We do not purport to offer a legal opinion or legal advice with respect to the interpretation and effect of Arizona law.

Issue: The guest record requirements of the STR Ordinance implicate privacy rights under the Fourth Amendment to the U.S. Constitution and the Arizona Constitution.

Section 18-176(b) would require owners to “retain a full copy of the background check on each guest or renter for twelve (12) months after the booking date” and to make such records “available for inspection by the city upon demand during normal business hours.” Any violation of this requirement would be punishable by a fine of at least \$1,000 pursuant to Section 18-176(c). The requirement that these records be made available to the City for examination raises concerns under privacy protections guaranteed by the Fourth Amendment to the U.S. Constitution, which safeguards the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” The U.S. Supreme Court has ruled that the Fourth Amendment applies to civil searches such as municipal code inspections as well as criminal searches.

The Supreme Court of Arizona has stated that Article 2, Section 8 of the Arizona Constitution, often referred to as the “Private Affairs Clause,” has the “same general effect and purpose as the Fourth Amendment to the Constitution of the United States.”

In *City of Los Angeles v. Patel*, the U.S. Supreme Court ruled that a requirement of the Los Angeles Municipal Code (LAMC) that hotel operators make their registries available to the police, on demand, was facially unconstitutional under the Fourth Amendment. LAMC § 41.49 required that certain guest records be made available to any Los Angeles police officer for inspection, just as Sections 18-176(b) of the STR Ordinance would require that guest records be made available for inspection by City officials. In ruling that LAMC § 41.49(3)(a) was facially invalid under the Fourth Amendment, the Court declared that “absent consent, exigent circumstances, or the like, in order for an administrative search to be constitutional, the subject of the search must be afforded an opportunity to obtain precompliance review before a neutral decisionmaker.” The Court further explained:

[W]e see no reason why this minimal requirement is inapplicable here. While the Court has never attempted to prescribe the exact form an opportunity for precompliance review must take, the City does not even attempt to argue that §41.49(3)(a) affords hotel operators any opportunity whatsoever. Section 41.49(3)(a) is, therefore, facially invalid.

It is not clear whether the City has sought and received the advice of the City Attorney as to whether the guest record inspection requirements of Section 18-176(b) conform to the requirements of the Fourth Amendment to the U.S. Constitution and the Private Affairs Clause of the Arizona Constitution.

Recommendation: Have the City Attorney advise regarding the guest record retention and inspection requirement of Section 18-176(b) conforming to the requirements of the Fourth Amendment to the U.S. Constitution and the Private Affairs Clause of the Arizona Constitution. We recommend deletion of Section 18-176(b).

U.S. CONST., amend. IV.

Camara v. Municipal Court of City & Cty. of San Francisco, 387 U.S. 523, 534 (1967).

Article 2, Section 8 of the Arizona Constitution states: “No person shall be disturbed in his private affairs, or his home invaded, without authority of law.”

State v. Mixton, 250 Ariz. 282, 289–90, cert. denied, 142 S. Ct. 184 (2021) (quoting *Turley v. State*, 48 Ariz. 61, 70, 59 P.2d 312 (1936)).

City of Los Angeles v. Patel, 135 S. Ct. 2443 (2015).

Patel, 135 S. Ct. at 2452 (citing *See v. Seattle*, 387 U.S. 541, 545 (1967); *Donovan v. Lone Steer, Inc.*, 464 U.S. 408, 415 (1984)).

Patel, 135 S. Ct. at 2452.

ATTACHMENT - 2

Draft Ordinance Amendments (inclusive of Scottsdale REALTORS® proposed revisions, noted in red):

Sec. 18-151 (d) | Vacation rental license required; invalid license; penalties |

(d) **Failure to apply for a vacation rental license within 30-days of receiving written notice from the city is a violation.** A violation of this section is a civil offense and shall be punished by a fine of not less than one thousand dollars (\$1,000.00) per violation. The court shall not suspend any part of any fine required by this section.

Sec. 18-155 (a) (6) | License issuance; denial |

(a) The city shall issue a vacation rental license within seven (7) business days after receipt of a complete application unless grounds for denial exist as follows:

- (1) Failure to provide the information required by this article;
- (2) Failure to pay the required license fee(s) including any penalties;
- (3) At the time of application, the owner has a revoked or suspended license for the same vacation rental or short-term rental;
- (4) The applicant has provided false information;
- (5) The owner or designee of the owner: (i) is a registered sex offender; (ii) has been convicted of any felony act that resulted in death or serious physical injury; (iii) or has been convicted of any felony use of a deadly weapon within five (5) years of submitting the application; and

~~(6) Any grounds for revocation or suspension of a vacation rental license exist for the specific license application.~~

Sec. 18-170 (a) | Compliance with laws |

(a) A vacation rental or short-term rental must at all times comply with all federal, state, and local **vacation rental or short-term rental** laws, rules and regulations including but not limited to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing, residential rental property recording, traffic control, pollution control, noise, property maintenance, and nuisance abatement.

(b) No person including an owner or operator shall operate a vacation rental or short-term rental in violation of this section.

Sec. 18-175 (f) | Additional health and public safety regulations |

(f) The owner or owner's designee of a vacation rental or short-term rental shall ensure that the property receives regular (at least ~~semi-annually~~ **bi-monthly**) pest control treatments to keep the interior of all buildings and structures and exterior area of the premises free from infestation of insects, rodents, and other noxious pests where such infestation threatens the health, safety, or welfare of a person or persons.

Sec. 18-176 (b) | Sex offender background checks | **(recommend deletion of (b) in entirety)**

(b) An owner or owner's designee **shall retain a full printout** (either in hard copy or electronic form) of the background check on each ~~guest or renter~~ **booking guest** for the person booking the property **for twelve (12) months** after the booking date. Records of each background check **shall be made available for inspection by the city** upon demand during normal business hours.

Sec. 18-177 (a) (1, 2, 3) | Verified violation penalties |

(a) In addition to any other penalty pursuant to this code, and notwithstanding any other law, the following civil penalties shall be imposed by the city upon the owner of a vacation rental or short-term rental related to the same vacation rental or short-term rental property within the same twelve month (12) period:

(1) Up to \$500.00 or up to an amount equal to one night's rent for the vacation rental or short-term rental as advertised **per the date the violation occurred**, whichever is greater, for a first verified violation.

(2) Up to \$1,000.00 or up to an amount equal to two nights' rent for the vacation rental or short-term rental as advertised **per the date the violation occurred**, whichever is greater, for the second verified violation.

(3) Up to \$3,500.00 or up to an amount equal to three nights' rent for the vacation rental or short-term rental as advertised **per the date the violation occurred**, whichever is greater, for a third verified violation and any subsequent violation.

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Tuesday, October 25, 2022 2:09 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Ayal Cassel

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City of Scottsdale

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Ayal Cassel

Contact Information

EMAIL acassel@yahoo.com

CITY Scottsdale

Comment

COMMENT As a homeowner and an individual who moved from a borderline socialist country, I fully disagree with the the attempt to infringe on any homeowner's

rights to use their property as a vacation rental.

Vacation rentals attract visitors from all over the world and contribute to the tourism revenue stream that the city, state and local businesses benefit from. Punishing homeowners by reducing their ability to function in this way in society would be like punishing businesses for giving people jobs.

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Tuesday, October 25, 2022 2:20 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Michelle Larson

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City of Scottsdale

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Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Michelle Larson

Contact Information

PHONE (480) 440-9968

EMAIL michellelarson@maildrop.cc

CITY Scottsdale

Comment

COMMENT

Hello, my name is Michelle. Thank you for your time. I believe Scottsdale's push to get rid of short term rentals is not in Scottsdale's best interest in regards to tourism. Why try to make it difficult and impose more restrictions on privately owned short term rentals that you don't already enforce on hotels. I personally have dietary needs that require a full kitchen when traveling and I'm sure I'm not alone. If my only choice was a hotel type stay I would avoid travelling to that city all together.

City Should not be wasting taxpayer dollars to require licensing that does that does not do anything more than the current registration list online.

The requirement to conduct sex offender background checks, and a neighbor notification process is not imposed on hotels. But the City wants to treat short term rental owners differently.

I find it funny that there is a requirement to clean the property (and pest control) in between "stays". Don't you think that's already being done if an Airbnb owner wants to keep their business? Reviews mean everything to us. I guarantee my property stays cleaner than yours and your neighbors. Just an an example of a ridiculous requirement dreamed up by a bureaucrat. Is the city going to require our cleaning invoices be submitted? Better yet, how about you send code enforcement to inspect all of our cleaning.

In closing why waste everyone's time when it's impossible to even enforce many of the ridiculous requirements. Keep Scottsdale a prime tourist destination by supporting the local business of airbnbs.

Thank you.

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Tuesday, October 25, 2022 2:44 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Cheryl A. Triplett

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Entry Details

Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Cheryl A. Triplett

NAME OF GROUP OR ORGANIZATION Homes Not Hotels Arizona

Contact Information

PHONE (480) 216-4266

EMAIL edcheryltriplett@msn.com

ADDRESS 6838 East Belleview Street, Scottsdale, AZ, USA

Comment

COMMENT

My name is Cheryl Triplett. I have lived in my house and been a resident of South Scottsdale since 1999. In March, 2019 the neighbor to the east sold his house to an investor and it became a STR. Since then we have endured property damage, countless sleepless nights, interruptions to my productivity at work (I work remotely and have for five years), physical threats, someone tried to enter our home at 2:30 a.m. mistaking it for the STR next door, adult men making advances on my then minor-age daughter and her friends, I had a renter's dog attack me, and the list goes on. As of last week, another STR began operating. Today one of the houses across the street from me moved the furniture in and should be operating as a STR within the next week. The property manager of that home introduced himself only to one neighbor. The house next door to that house was sold to 72 Sold in June, remodeled and it sits vacant. The owner advised that it too is being advertised as the perfect investment property. Two houses from that across the street is also being remodeled as a STR and the house across the street three doors from that house has also been remodeled and I have already seen renters come and go since last month. Across 68th St. on the same street is another STR. SO... that totals SEVEN STRs on my street, SIX within 200 yards of my front door! These properties are too small for these homes to be operating as vacation homes. We have toured the house next door and each bedroom has no less than two queen-sized beds in them! I have video of 13 women loading into a party bus, blocking our driveway and another video showing 17 adult men boarding a party bus (another occasion) during spring training. The majority of the renters for the house next door is for the explicit purpose of hosting events and completely violates occupancy limits. When those men returned from their adventure in the mid-afternoon they were drunk, stumbled through my front yard, and then began yelling obscenities at me when I told them to get off my property. I was home alone, I am older, and they were very intimidating. Something has to be done. I cannot live like this anymore! We have had our house on the market to sell since June. We

have overheard at least one couple say that they do not wish to live next door to a STR, let alone SIX of them!

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Tuesday, October 25, 2022 2:56 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Margaret Paterson

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Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Margaret Paterson

NAME OF GROUP OR ORGANIZATION Arroyo Madera Estates

Contact Information

PHONE (480) 516-4236

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ADDRESS 9070 E GARY RD UNIT 121

CITY

SCOTTSDALE

Comment

COMMENT

Anything the City does to limit short term rentals would be appreciated. They change the flavor of a neighborhood. Scottsdale doesn't need that. I want a quiet retirement with friends not an ever changing landscape of unknowns. Thank you

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Tuesday, October 25, 2022 3:11 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Chianne Gething

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Agenda Item

MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Chianne Gething

NAME OF GROUP OR ORGANIZATION Scottsdale Short Term Rental Alliance

Contact Information

PHONE (480) 586-7484

EMAIL Chianne@RealEstateInRealLife.com

ADDRESS 8505 E Pepper Tree, Lane

Comment

COMMENT

I am reaching out from my position as a board member of the Scottsdale Short Term Rental Alliance and the statewide coalition, Arizonans' For Responsible Tourism. It is important to note that many of our members are not present here today to attend the City Council meeting, as there is currently an international conference for Short Term Rentals being held in Las Vegas.

We can definitely agree that the past few years has evolved into a more saturated market in Scottsdale for short term rentals but we are balancing out now due to supply and demand.

The Scottsdale Short Term Rental Alliance is a professional group of hosts, vendors, providers, or interested stakeholders who want to see this industry thrive and flourish. We want to continue to be good neighbors, and good for tourism in the spectacular city we love.

While we understand that this council and its' staff have been working diligently to make a licensing system which includes several regulations and requirements of hosts; we simply ask today to ensure that the measures we are taking, are being done to solve specific problems rather than overburden a property owner with intent to scare them from offering this service. The Scottsdale Short Term Rental Alliance supports reasonable, fair and essential requirements that are transparent in how to comply and what problem they are looking to solve. Our hosts have resources, masterminds and meet ups, conferences, boards, and best industry practices to uphold because ultimately our success is based on guest reviews and overall experience.

We thank the council and city staff for holding meetings with members of our board and reopening the door for conversation on the proposed ordinance in the last few weeks. The amendments discussed today show that components to the draft language have been somewhat tweaked based on industry comments, and we do appreciate the open dialogue. I'm here

today to voice my support for continued conversation that the Mayor and Council could further get to know the short term rental host business and how many of these regulations perhaps have some unintended consequences to solving something that is not necessarily an issue.

For example, notifying the neighbors that you are operating an STR could seem like a simple and innocent task. SB1168 does allow for cities to make this a requirement if they choose but I encourage you to wonder if this is right for the City of Scottsdale. Unlike other small cities who may not have the proactive licensing system including a website, registration system and staffing - a neighbor in Scottsdale who wants to find any existing STR will be able to use your new system as their resource to do so. Forcing STR owners to notify neighbors can cause unintended consequences of conflict and is difficult for a property owner to accurately comply or show proof of. An unruly neighbor could deny receiving notifications, property owners may change out or tenants in their homes could constantly be moving. Our ask is to please allow the industry the respect of taking ownership by complying with your new system but not needing another requirement added to the list of notifying neighbors when residents will be able to find us on your website.

Furthermore, the ordinance is written to charge hosts an annual permit fee of \$250 which is the maximum allowed in SB1168. This recommendation has come from staff based on the initial set up of this new licensing system. Our ask is whether the renewal fee can be done differently or lowered to a lesser amount like \$50; since the initial work of registering with you would have already been completed. This is an example of unintended consequences hurting the small local resident host like myself, rather than the large corporations in our neighborhoods who will more easily absorb higher fees.

As hosts we take great pride in keeping our properties presentable and to better attract quality guests who in return have worthy experiences. The upkeep on our properties is a big investment for consideration and is not taken lightly. This ordinance addresses several housekeeping requirements already in place for the good actors.

However, we feel that the bi-monthly pest control is a complete overreach requirement especially that all property are very different from another; and most pest control companies do not encourage their services to be done too often. Our ask is to remove the quantity requirement for how often pest control is done on sight but allow us to continue to treat our properties on a per need basis.

Finally, we have had many discussions around the background and sex offender check requirement. While we made some strides in this language, we want to be clear that our intention as hosts is to strictly comply with not housing sex traffickers or sex offenders attempting to make a reservation with us. However now the language reads that the background and sex offender check amendment need to be done no later than 24 hours before the stay. As local hosts, we know that oftentimes we are the answer for families who are in an emergency, so same-day reservations are a part of our offerings as hospitable hosts. Our request is that the language change to background checks being done simply prior to check-in (not within a certain amount of hours before) to give hosts the opportunity to take a reservation and complete the agreed upon background check which could be within a few hours of check-in.

The City of Scottsdale can and is a leader in navigating rules and requirements around short term rentals, however, perhaps we need more time before adopting a one-size-fits-all licensing system when we are so unique here in Scottsdale in terms of who we attract as guests, residents, and visitors. We can continue to work together to find the middle ground on what requirements you are asking of hosts, and what problems they are looking to solve. SB1168 at the state level sets the parameters that STR owners are quickly adapting to as we speak and organically bettering the industry and our offerings. Further regulations specific to the City of Scottsdale need only to be approved based on accurate data, which respectfully we ask the city staff to continue working to find the best resources for this as we know you are working to improve and update your data on this global industry.

We are residents, hosts, small business owners and vendors, modern day travel facilitators and in many ways ambassadors for the City of Scottsdale

tourism. It would behoove us all to work together as we create more regulation and government oversight on short term rentals.

Thank you very much for all your work and continued efforts to make Scottsdale an amazing place to live, work, visit, play and thrive.

From: notifications@cognitoforms.com on behalf of City of Scottsdale <notifications@cognitoforms.com>
Sent: Tuesday, October 25, 2022 3:30 PM
To: Cordova, Rommel
Subject: City Council Public Written Comment Form - Lara McClure

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MEETING DATE 10/25/2022

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 17. Vacation Rental Code Amendment

Name

FULL NAME Lara McClure

Contact Information

EMAIL mcclurelara@gmail.com

CITY Scottsdale

Comment

COMMENT Mayor and Council members, thank you for your time on this important topic, and I am grateful for all your hard work on this important issue.

Ordinance No. 4566 is worthy of full support and is a good start. This ordinance is the beginning of reclaiming the health and safety of our Scottsdale neighborhoods that have become overrun with unmonitored short-term rentals and associated guests. The ordinance is common sense and addresses the general basic level of safety required of a neighborhood. The key to this ordinance making an impact, will be aggressive enforcement. Like many residents here, I bought my home here in Scottsdale for a safe livable city to raise a family in. Then, 5 of the homes around me sold and turned into short term rentals.

I am no longer safe or comfortable in my own home. I've been the recipient of multiple counts of threats and aggression from guests and the property manager. Guests have been on my property and stared at me through my bedroom window, yelled profanity at me in my front and back yard, climbed on the walls to attempt climb into my yard, and thrown trash into my front and back yard my dog ate. Countless times I've been woken up or can't sleep due to the noise and music from the large groups staying in these short-term rentals. When I bring up issues the property manager has threatened me for reaching out to him as well as for calling the police.

Previous calls to police have been supportive of residents, but more recently they changed what they said. Police have since started telling residents to reach out the guests or property managers directly with issues instead of involving police.

This has placed the burden of short-term rental enforcement back upon the residents and increase the risk to residents' safety. Guests change every few days and have proven to be unreliable, aggressive, and dangerous to interact with. Property managers are retaliating against residents by filing lawsuits against neighbors for contacting them regarding their short-term rentals.

I am hopeful that with aggressive enforcement of Ordinance 4566 with an emphasis on continued work that Scottsdale can become a safe livable city to raise a family in again, before residents are chased out.