

FAQS - SHORT TERM RENTAL (STR) 45 DAY NEW PERMIT MORATORIUM – John Falk, TSBOR Legislative Advocate

How does this affect condo hotels like the Village at SV and Northstar?

Your question is a good one, but not easy to answer in a global sense. Generally speaking, an established Resort/Condo/Timeshare community can obtain an exemption from the permit process... IF they have demonstrated to Placer County's satisfaction that they have on-site management and rules in-place that address the safety and nuisance regulations in a timely fashion that are otherwise required of an individual STR permit. I don't know if they have to reassert/attest to this every year to maintain their status as exempt, or if it has a longer lifespan than the year-to-year renewal process for single family homes. In short, you'd have to contact either the on-site property manager for the property you're interested in, and/or the County of Placer to ensure that the resort community under consideration has an active STR Exemption (or unit by unit permit if not). Of course, the HOA's CC&Rs and other governing documents may disallow STRs, or limit other aspects of STR offerings (e.g., min. number of days to be short-term rented, number of times per year that such activity can take place in a given unit, or access to amenities by STR guests of that unit, to name but a few).

I know this isn't the clear, definitive, and easy-to-follow answer that you might have hoped for; but, it does reflect the diversity and reality on-the-ground for such specialized communities. I'd most definitely check with both the on-site prop. management as well as the County, securing current documents of exemption, or permits when deemed more y to the on-site "policing" of STR best practices and TOT collections and remittance to the County.

Will the Area Advisory and Addendum be updated to address the moratorium?

As this is a 45-day moratorium on Short Term Rental (STR) permits, I don't believe the Advisory and Addendum group will update those forms. When they meet and agree to updates, the forms must be vetted by legal and then submitted to zipForms. It then takes zipForms several weeks to approve and upload into the system. By the time this process is done, the moratorium will be close to changing or will have already changed.

What area is referred to as Eastern Placer County?

The Eastern vs Western portions of the County have been a matter of some confusion, even debate, from time to time. Generally, the "off-the-cuff" answer is any real property above 5,000 ft. elevation. Most folks just ballpark it as "anything within the County boundaries above Auburn. In actuality, there is a GIS-type map that delineates what is included or excluded from the terminology in County Codes speaking to one side of the county or the other. I don't have a copy, or the coordinates, readily at-hand; but I'm sure that the County staff will be able to provide you with as fine-grained a picture of properties included vs excluded without much difficulty. Try County Building & Planning Dept. as a starting point. If they can't adequately address the matter, they'll surely transfer you to the department that can (e.g., Housing and Community Development, County Council...). Not too helpful in the specific, I'm sorry. But I've at least offered up the usual demarcation point (5,000 ft. or higher), as well as the likely

department that is charged with writing and implementing such High Sierra vs Foothills only Ordinances.

What was TSBOR positioning on the proposed urgency ordinance?

We were opposed! TSBOR has a long-standing political policy which addresses such real property usage matters. Essentially, we're fine with ensuring that everyone "plays by the rules", remits their TOT taxes to the County, and that the local government regulating STRs via permit to ensure public safety and being a "good neighbor" has both well-articulated rules and is willing to back them up by punishing bad actors. The rules must have "teeth" to be truly effective. However, when it comes to good faith STR participants, we do not believe they should be vilified by some locals and/or organizations as detracting from our community, or so-called neighborhood character. Properly used, an occasional STR user is no different than any other residential occupant. Plus, STRs are a core component of our outdoor activities economy. To think that stopping STRs would somehow open up those houses to affordable long-term leases seems out-of-touch with the reality of second home ownership; not to mention the full-time local that utilizes STR opportunities to actually afford to own a home in this region. In short, overregulation of STRs fails to even begin to address the larger long-standing community-wide issue of housing availability and affordability, whether for-rent or for-sale. As such, we oppose such measures as ill-conceived and ill-advised.

Who can we contact about this vote? Who voted for it and why there was no public input?

The Supervisors motion was offered up by our 5th District County Supervisor, Cindy Gustafson, received a second, and was approved by a 4-to-0 vote (with one Supervisor absent). Such "Urgency Ordinances" are allowed under the State's Government Code, in times when it is deemed necessary to act expeditiously to protect the public health, safety, or general welfare. Such provisions in the law are supposedly offset by the limited duration that such a Code/Ordinance provision can be in-place and enforced (45 days). The "wiggle room" is found in the same area of State law, which allows the local jurisdiction to extend the timeframe beyond 45 days, if they engage in another public hearing and public vote. This process could conceivably extend such an Urgency provision for a number of additional months. It is our great hope, and we'll (TSBOR) be fighting for no extensions. We will also be seeking the County to reaffirm that the anti-nuisance rules/regulations we supported are more than sufficient to address the honest concerns of folks with bad actors in an STR nearby their home. We do not want to see limits on the number of STR permits, nor separation requirements between STR permit-holder homes, or any of the other myriad ways some folks use to drive STRs out of the local community, and thus the local economy! Some 70% of homes on Tahoe's North Shore are second/vacation homes, yet only 12% of all homes hold STR permits. So, would reducing or eliminating STRs free up housing for locals to rent long-term, or buy outright... No! These homes will either sit vacant most of the year (doing great damage to our local economy, and the service-sector workers they hope to house by limiting other uses); or, they will be sold outright, for fair market value, again not adding to the stock of available and affordable workforce housing). It's a "lose-lose" proposition any way you cut it.

So, who to contact regarding the rush to impose this "Urgency" Ordinance... I'd suggest e-mailing all five County Supervisors, the County CEO, and the Housing and Community Development staff to let your opinion be known. If you go to the County of Placer website,

under the "Government" heading, you'll find the e-mail and phone contact options for all of the above listed parties. Best of luck to you in your outreach!

Does the moratorium affect currently permitted homeowners?

The action taken today by Placer County's Board of Supervisors does not apply to renewal of existing STR permits, in good standing with the County (e.g., no enforcement actions...). However, the STR permit does not attach to the land, but rather to the owner who actually applied for the STR permit. As such, if a home that is currently augmenting its revenue stream via occasional STR rentals were to be put up for sale, the existing STR permit would not transfer to the new owner upon sale (for this permit is not vested to the real property). So long as the moratorium on the issuance of new STR operational permits is in place, the new owner of said property could not continue the practice under the existing STR permit (which went away with the owner selling that parcel), and the new owner could not apply for his/her own STR permit and TOT remissions agreement. As such, under conditions of sale of a residential property that was legally recognized by the County as being able to STR that property would cease to exist (a net reduction in STR permits under such circumstances). I hope this helps.