

Realtor® UPDATE – Placer County STR Ordinance

To: TSBOR/TSMLS Members

From: John Falk, Legislative Advocate

Re: Placer County's temporary moratorium on the issuance of new Short-Term Rental (STR) permits extension.

Bottom Line at the Top: On Tuesday, August 31st, the Placer County Board of Supervisors held their Public hearing to consider an extension of the July 27, 2021, Urgency Ordinance, which Established a 45 day Moratorium on the Issuance of New Short-Term Rental Permits. Upon conclusion of Tuesday's Public Hearing, the Supervisors voted to approve the extension of the Urgency Ordinance until March 31st, 2022. As with the previous "Urgency Ordinance", it takes effect immediately upon adoption (e.g., no additional hearings, no phase-in period...).

Message:

While the issue was slated for a "time-certain" on the day's agenda, as published as Item 7.A for 1:00 P.M., this notice does not require that they take up the matter at that time; it only brackets/limits the start-time so that it can only be taken up on or after the published time (i.e., 1:00 P.M. or later in this instance). Unfortunately, the Supervisors were in closed session (to discuss litigation matters and other privileged topics) well past the published start-time. The topic was taken up sometime after 2:00 P.M.

In affirming/approving the extension of the "temporary" moratorium on the issuance of *new* residential STR permits, *existing* Placer County residential homeowners who already have a *valid STR permit* to operate *or* are *within* one of the formally *exempted specific projects*, will *still be allowed to renew* their permit. However, it is noteworthy to recognize that Placer County's approach to Short-Term Rental permits issued are *not* attached (vested) to the land; thus, upon transfer of title (e.g., sale) the STR permit that might have been in-place as issued to the previous owner becomes null and void.

New STR permit applications will not be accepted until the temporary moratorium has been lifted, either by action of the Board of Supervisors, or after the established new sunset date of this extension of the restrictive measure. As with the prior Urgency Ordinance, it takes effect immediately upon passage without further hearings. While some individual Supervisors mentioned their concerns or reservations about taking such action and its implications – many of which were core components of TSBOR’s argument against the proposal, in the end they all voted in the affirmative, and it was approved (passed). As with the prior Urgency Ordinance, it takes effect immediately upon passage

The interested reader should reference the full Placer County Board of Supervisors Agenda Packet pages 109-134; of which the pertinent component regarding STRs can be found here:

<https://www.placer.ca.gov/DocumentCenter/View/54661/07A>

The above hotlink includes the staff report, and important maps with associated specifics that speak to particular development projects which were granted an exemption from obtaining separate STR permits for each residential unit; this exemption is applicable to a limited number and type of residential developments that applied for and received such an exemption based upon their on-site management.

The day’s agenda itself can be found at:

[2021 | Placer County, CA](#)

TSBOR submitted a four-page correspondence to the Supervisors, urging them to not adopt the ordinance as presented/proposed. I, as your advocate, also offered up testimony during the public hearing, reiterating our strong recommendation to refocus the County’s interest and efforts towards real change to create the needed housing; and, if need be, to address any STR “bad actors” more effectively, as opposed to creating restrictions on what we believe to be a legitimate use of a residentially zoned property.

As noted previously, upon concluding the Public Hearing, they voted and unanimously approved the extension of the Urgency Ordinance, to remain active without interruption until March 31st, 2022. As an “Urgency Ordinance” under State law, the provisions of the ordinance take effect immediately upon adoption (i.e., no wait-time or additional hearings before becoming effective). We fought for, but did not obtain a grace-period for transactions that were already in-escrow prior to the urgency ordinance being introduced and adopted. We will continue this effort, along with reiterating and expanding upon the many other reasons to leave STRs as a use in-place without imposing burdensome restrictions, thus creating artificial scarcity with all the attendant adverse consequences to property rights and value, our region’s tourism based economy, etc.

Twin motivations were forwarded by members of the County (staff and/or Supervisors) for seeking this extension: (1) The current workforce housing shortage crisis, and (2) the continued nuisance complaints generated by STRs by “bad actors”, which they assert does damage to the character and integrity of the neighborhood impacted by STRs. TSBOR opposed this measure in that it fails to address the underlying long-standing community-wide concern for adequate and affordable housing opportunities for all. We also spoke to the “bad actor” argument. We (TSBOR) urged them to turn their attention away from needless STR restrictions, and towards a more comprehensive set of incentive-based measures to increase the availability and affordability of housing in the region.

Next Steps

You can still voice your opinion as to the prudence, or lack thereof, in taking this action to extend the moratorium on the issuance of any new STR permits. Direct your comments to the Supervisors via e-mail to either (or both) of the addresses provided below.

c/o Megan Wood, Clerk of the Board

mwood@placer.ca.gov

cjacobse@placer.ca.gov

If you wish to correspondence formally and directly address the Board of Supervisors by mail, the address is:

The Honorable Robert Weygandt, Chairperson
The Board of Supervisors
The County of Placer
County Administrative Center
175 Fulweiler Avenue, Auburn, CA 95603

The members of the Board are:

Bonnie Gore, District 1

Robert Weygandt, District 2, **Chair**

Jim Holmes, District 3

Suzanne Jones, District 4

Cindy Gustafson, District 5, Vice Chair

In Closing

Thanks to all who took the time to offer their opinions to the Supervisors at or before the August 31st meeting. The support is greatly appreciated!

John