



DC-19-0005: Short-Term Dwelling Rental and Bed and Breakfast Update

Board of County Commissioners
December 3, 2020



Code Update Timeline

Activity	Timeframe
BOCC Authorization to Proceed with Code Amendment	July 2, 2019
Survey, Community, and FPD Meetings	October –December 2019
Virtual Meetings with the Public	July 2020
Referral, Virtual Meeting, and Open House	August-September 2020
Planning Commission	October 21, 2020
BOCC First Reading of Ordinance (Public Meeting)	November 12, 2020
BOCC Second Reading of Ordinance and Code Update	December 3, 2020
Implementation (Active Enforcement after Grace Period)	Early 2021



Why Amend the Code?

Article 16-100.B.1: The existing text is in need of the amendment

Respond to Evolving Conditions

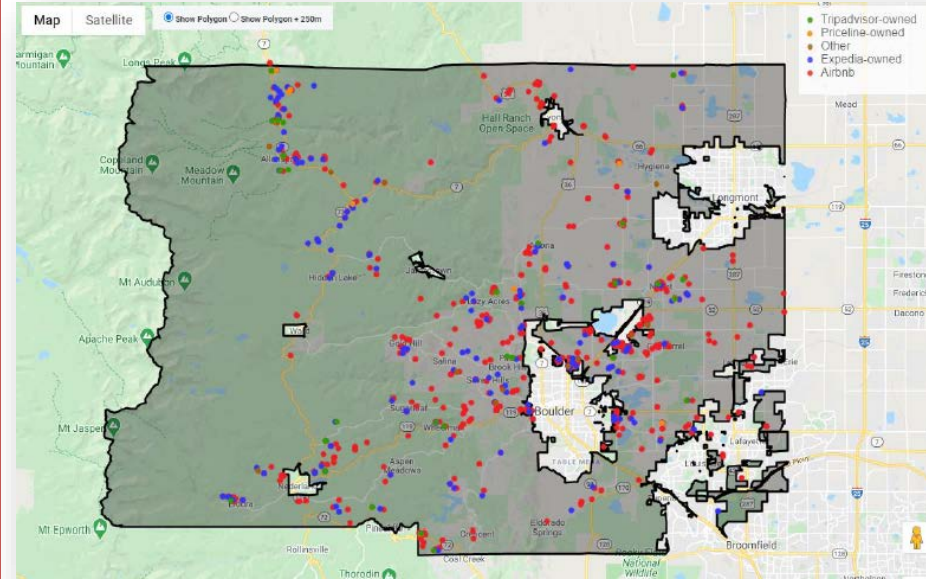
- Existing text is outdated (adopted 2008)
- Newly adopted Housing Element
- Global Short-Term Rental Market grown 1,000% since 2011
- Change in best practices
- New licensing authority from the State

Improve enforcement mechanisms

- 700 listings in Boulder County (vast majority operating without appropriate approvals)

Address Housing and Public Needs

- Research shows short-term rentals impact housing stock and housing affordability
- Staff has received consistent input from Boulder County residents that current code does not adequately address impacts of short-term rentals





Goals

Article 16-100.B.3: The amendment is in accordance with the Boulder County Comprehensive Plan

Economics Element Section 1.04 Tourism and Recreation:

“Boulder County acknowledges and values the tourism and recreation industries for the diversity and vitality they bring to the local economy. The county seeks to provide opportunities for these industries to thrive without placing an undue burden on the county’s resources or compromising its rural character.”

Housing Element Section 3.06: Prioritize Housing for Residents:

“The county prioritizes preserving housing units for Boulder County residents and workers and their families and limits visitor- and tourism-serving uses such as short-term rentals. The county evaluates applications for tourism-serving uses based on safety for visitors and county residents in addition to compatibility with neighborhood character.”

Prevent Loss of Housing Stock and Increase Housing Affordability

- Housing Stock: Long-term rentals turning into short-term
- Housing Affordability:
 - Property values increase (and price people out) in areas dense with short-term rentals
 - Short-term rentals might offer opportunities for people who cannot afford to live in Boulder County to subsidize the cost of a home

Benefits and Burdens of Short-Term Rentals on the Community

- Positive: Supplemental income, support local economy (tourism/jobs), tax revenue, build community
- Negative: Housing stock/affordability, residential character (traffic, parking, noise), community Safety (wildfire), occupant safety (septic/building)

Improve Enforcement Mechanisms



Summary of Amendments

CODE UPDATE

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

- Primary Dwelling Short-Term Rental
- Secondary Dwelling Short-Term Rental
(Limited Impact Special Review or Waiver)

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

- Vacation Rental *(Limited Impact Special Review or Special Review)*
- Bed & Breakfast *(Limited Impact Special Review or Waiver or Special Review)*

LICENSING ORDINANCE

License required for all Short-Term and Vacation Rentals *(not Bed and Breakfasts)*

Licensing Regulations:

- Mitigate burdens of Short-Term and Vacation Rentals (occupancy limits, guest information, wildfire certification, building inspections, etc.)
- Enforcement mechanisms



Summary of Amendments

Article 16-100.B.2: The amendment is not contrary to the intent and purpose of this Code

OVERVIEW OF PROPOSED USE CATEGORIES				
	Accessory Residential Uses		Principal Lodging Uses	
Characteristics/ Requirements	Primary Dwelling Short-Term Rental	Secondary Dwelling Short-Term Rental	Vacation Rental	Bed and Breakfast
License Required	✓	✓	✓	
Intensity of Use	Low	Moderate	High	Moderate
Potential Impact on Housing	Low	Moderate	High	Low
Intensity of Review Process	Low	Moderate	Moderate to High	Low to High
Land Use Review Process Required	None	LU/LUW in All Zoning Districts	LU in B, C, LI, GI and for Properties > 5 Acres in F, A, RR, and MI SU for Properties > 1 Acre and < 5 Acres in F, A, RR, and MI	None in B, C, LI, and GI LU/LUW for ≤ 3 Rooms/6 Guests in F, A, RR, SR, ER, MI, and H SU for > 3 Rooms/6 Guests in F, A, RR, SR, MI, and H
Zoning Districts	All	All	Not Allowed in ER, SR, MF, MH, H, ED, or T	Not Allowed in MF, MH, ED, or T
Allowed in Platted Subdivisions	✓	✓		✓
Use is Housed in a:	Single-Family Dwelling Unit	Single-Family Dwelling Unit	Single-Family Dwelling Unit	Facility



Summary of Amendments

Article 16-100.B.2: The amendment is not contrary to the intent and purpose of this Code

OVERVIEW OF PROPOSED USE CATEGORIES				
	Accessory Residential Uses		Principal Lodging Uses	
Characteristics/ Requirements	Primary Dwelling Short-Term Rental	Secondary Dwelling Short-Term Rental	Vacation Rental	Bed and Breakfast
Primary Residence of the Owner	✓			Optional
Owner- or Manager-Occupied	✓			✓
Local Manager Required ^{^+}	✓	✓	✓	✓
Serves a Meal	Optional	Optional	Optional	✓
Number of Booking Parties Allowed at a Time	One	One	One	Multiple
Occupancy Limit ^{**}	2 Adults/Sleeping Room (Max 8 or as Limited by Septic Size)	2 Adults/Sleeping Room (Max 8 or as Limited by Septic Size)	2 Adults/Sleeping Room (Max 8 or as Limited by Septic Size)	As Approved through Land Use Review
Limitation on Number of Days Rented	None	≤ 60 Days	None	None
Minimum Night Stay	None	2 Nights	None	None
Proof of Primary Residence Required ⁺	✓			



Summary of Referrals

- **Public Health:** Requested that indoor radon gas testing be required and the results supplied to all renters.
- **Conservation Easement (CE) Program:** Requested that all license applications for parcels with a Boulder County CE be referred out to Boulder County Parks and Open Space CE Program for review.
- **Building:** Provided comments clarifying the building safety and inspection portions of the Licensing Ordinance. Requested Energy Audits be conducted for Vacation Rentals. Clarified what rooms can be used as sleeping rooms for guests.
- **Wildfire Mitigation Team:** Provided comments on wildfire mitigation requirements making sure it was an objective standard. Requested that outdoor fires be allowed only in fire rings, stoves, grills, or fireplaces provided for that purpose.
- **Lyons Fire Protection District:** Requested that all sleeping rooms have functional and approved egress windows and that an exit route diagram be posted inside each sleeping room.
- **No Comment/No Conflict:** Numerous HOAs, community groups, fire protection districts, neighboring jurisdictions, other internal Boulder County agencies.



Survey Results

Majority of people felt:

- Short-Term Dwelling Rentals should be allowed
- There should be a local management requirement
- There should be some form of owner-occupancy or residency requirement
- Minimum stays were not appropriate

There were 1,567 total respondents. However, this is not a representative sample of Boulder County. This survey was used for informational purposes only.



Summary of Public Comments

- Concerns over safety and neighborhood character, including increased congestion, parking, noise, wildfire, and feeling of community
- Desire to require owner-occupied short-term rentals and a local management contact
- Expressions of how short-term rentals help supplement income for retirement, agriculture, property taxes, and maintaining homes and family cabins
- Expressions of how property owners who use short-term rentals develop relationships with the renters and feel a positive cultural and community exchange in that way
- Expressions of how short-term rentals provide economic benefits to the local community
- Desires for Boulder County to increase taxes on short-term rentals, collect occupancy or lodging taxes, and tax properties using short-term rentals as commercial and not residential properties.
- Concern about the current lack of enforcement of short-term rentals and desire that future regulations be enforceable
- Concern about overregulation
- Desire to allow some second homes to be used as short-term rentals as many individuals have family cabins or second homes that they use and care for as a primary home



Summary of Planning Commission

Planning Commission recommended approval at a public hearing on October 21, 2020

Staff was directed to consider several changes:

- Reduce the minimum acreage below the one-acre minimum in the Vacation Rental Use
 - *Staff does not recommend*
- Increase the 60-day limitation in the Secondary Dwelling Accessory Short-Term Rental Use
 - *Staff does not recommend*
- Establish a waiver or other process to ask for an exception to these regulations
 - *Staff does not recommend*
- Add an administrative process for the Secondary Dwelling Accessory Short-Term Rental Use
 - *Staff has already included an administrative process*
- Review the efficacy of the Text Amendments and Licensing Ordinance after they get implemented, perhaps annually
 - *Staff added a condition of approval to review the code within 3 years of adoption*
- Further mechanisms for communication with the public to demonstrate and show what the current regulations are and what will be changing due to the new regulations
 - *Staff will create robust public information webpage during implementation*



Text Amendment Criteria Article 16-100.B

- ✓ 1. The existing text is in need of the amendment;
- ✓ 2. The amendment is not contrary to the intent and purpose of this Code; and
- ✓ 3. The amendment is in accordance with the Boulder County Comprehensive Plan



Action Requested

Staff requests and the Planning Commission recommends that the Board of County Commissioners

approve docket DC-19-0005: Short-Term Dwelling Rental and Bed and Breakfast Update and adopt the proposed text amendments with the following conditions:

1. The Land Use Code text amendments shall only be effective if adopted concurrently with Ordinance No. 2020-01: An ordinance by the Board of County Commissioners for the County of Boulder for the Licensing of Short-Term Dwelling Rentals and Vacation Rentals within the unincorporated area of Boulder County.
2. The efficacy of the Land Use Code text amendments shall be reviewed within three years of adoption, but no sooner than one year following full implementation. The criteria and metrics for review must be established as part of the implementation plan.





Code Update Timeline

Activity	Timeframe
BOCC authorization to proceed with Code amendment	July 2, 2019
Allenspark Meeting	October 2, 2019
Online Survey	October 28, 2019- November 22, 2019
Meeting with Fire Chiefs (Nederland, Lefthand Fourmile Fire)	November 22, 2019
Meeting with Boulder Rural Fire Protection District	December 5, 2019



Code Update Timeline

Activity	Timeframe
Virtual Coffee with a Planner (Posters/Email/Webpage)	July 13 – July 24, 2020
Virtual Open House (Posters/Email/Webpage)	July 30, 2020
Referral (Over 100 agencies including HOAs and Community Groups)	August 26, 2020
Cultural Broker (Latinx Community – Translated for SUMA newsletter)	September 8, 2020
Allenspark Meeting (request of community members)	September 10, 2020



Code Update Timeline

Activity	Timeframe
Virtual Open House (Posters/Email/Webpage)	September 17, 2020
Planning Commission (Social Media/Email/Webpage)	October 21, 2020
BOCC First Reading of Ordinance	TBD
BOCC Second Reading of Ordinance and Code Update	TBD
Implementation (Active enforcement to begin at least 3 months after its adopted)	Early 2021



Equity

Racial and Socioeconomic Equity:

- We have heard from property managers, companies that regulate short-term rentals, people currently or wanting to do short-term rentals in the county, and some people opposed to short-term rentals.
- We have not heard from people outside of Boulder County who might benefit by Primary Residence rental to afford Boulder County houses or who might be burdened by decreased housing stock from Vacation Rentals.
- We did not have a racially diverse group attending our virtual sessions.
- We might not have heard from people who do not have access to or have minimal access to internet/computers/smartphones.
- Acknowledge: Those who traditionally are able to participate in public hearing processes might not be representative of the entire community.



Other Jurisdictions

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



Article 4-507 Bed & Breakfast Existing Code

4-507 Lodging Uses

A. Bed and Breakfast

1. Definition: ~~An owner-occupied or tenant-occupied single family dwelling unit offering transient lodging accommodations within that dwelling where meals may be provided.~~ A Facility offering transient lodging accommodations to one or more booking parties at a time for a rental duration fewer than 30 days where:
 - a. At least one meal per day is provided; and
 - b. A manager or owner resides on the premises; and
 - c. That manager or owner is present during all rental periods.
2. Districts Permitted:
 - a. By Limited Impact Special Review in F, A, RR, SR, ER, H and MI provided there are no more than three guest rooms or no more than six guests served per night.
 - b. By Special Review in F, A, RR, SR, H, and MI if there are more than three guest rooms or more than six guests served per night.
 - c. By Right in B, C, LI, and GI.
3. Parking Requirements: One space per guest room in addition to the ~~two spaces required for the single family dwelling~~ one space for the residing manager or owner. All parking must be on-site.
4. Loading Requirements: None
5. Additional Provisions:
 - a. ~~A Bed and Breakfast may have no more than three guest rooms or serve no more than six guests per night.~~ A Bed and Breakfast may not be marketed or used for weddings, receptions, or similar private or public events.
 - b. Historic Accessory Dwelling Units are eligible for this use.



Article 4-507 Short-Term Dwelling Rental Existing Code

E. Short-Term Dwelling Rentals

1. Definition: A dwelling that is rented in durations of less than 30 days. This includes dwellings rented out by individual owners and dwellings rented out on behalf of an owner by a property management group. Dwellings rented on a month-to-month or longer basis shall not be considered as part of this use but rather part of the otherwise applicable dwelling use.
2. Districts Permitted:
 - a. By right in all districts if rented between one and 14 nights per year, with no additional use restrictions under this Article 4-507(E).
 - b. By right in A, F, H, MI, T, B, C, and ED if rented between 15 and 45 nights per year, provided the Additional Provisions (Article 4-507(E)(6)) are met.
 - c. By Limited Impact Special Review in RR, ER, SR, MF, MH, LI, and GI if rented 15 or more nights per year, provided the Additional Provisions (Article 4-507(E)(6)) and the special use criteria in Article 4-601 of this Code are met.
 - d. By Limited Impact Special Review in A, F, H, MI, T, B, and C if rented 46 or more nights per year, provided the Additional Provisions (Article 4-507(E)(6)) and the special use criteria in Article 4-601 of this Code are met.
3. Parking Requirements: One space per bedroom
4. Loading Requirements: None
5. Additional Provisions For All Short-Term Dwelling Rentals:
 - a. Historic accessory dwelling units are eligible for short-term dwelling rental use. Family care and agricultural accessory dwelling units are not eligible for this use.
6. Additional Provisions For Rentals of 15 Nights or More Per Year:



Article 4-507 Short-Term Dwelling Rental Existing Code

6. Additional Provisions For Rentals of 15 Nights or More Per Year:

a. Short-term dwelling rentals subject to these Additional Provisions as specified above, must meet the following standards:

(i) Owners must complete a short-term dwelling rental registration form and submit it to the Land Use Department where the registration form shall be available for public review. The registration form will include the address of the rental unit, the number of bedrooms in the house, the owner's name, address, and phone number, and the name and phone number of a property manager, if applicable.

(ii) Dwellings must have an on-site wastewater system recognized and approved by Boulder County Public Health according to their applicable regulations. Existing systems do not need to be repaired or replaced unless required by Boulder County Public Health.

(iii) Dwellings must have been constructed under a valid building permit and received final inspection approval and meet applicable Building Code requirements as required when the dwelling was constructed or when upgrades to the structure subject to a building permit were made. Structures built before building permit requirements were imposed shall be structurally sound, with any plumbing, electrical, and heating and cooling systems in a good state of repair.

(iv) The parcel on which the dwelling is located must be a legal building lot under this Code, and legal access from a public road to the subject parcel must be demonstrated.



Article 4-507 Short-Term Dwelling Rental Existing Code

6. Additional Provisions For Rentals of 15 Nights or More Per Year:

- (v) Dwellings must contain operable fire extinguishers in each bedroom and in the kitchen.
- (vi) Dwellings must contain operable smoke detectors in each bedroom and additional locations where appropriate.
- (vii) Dwellings must contain an operable carbon monoxide detector in the dwelling installed as per the manufacturer's instructions.
- (viii) This use must comply with the adopted Boulder County noise ordinance as applicable.
- (ix) A map clearly indicating the subject parcel boundaries and appropriate parking spaces must be provided to renters.
- (x) For dwellings rented out 45 nights or less per year, two adults per bedroom with a maximum of eight people may occupy one dwelling, unless the Director approves a greater capacity, which can be demonstrated based on parking, parcel size, the on-site wastewater system, or other relevant circumstance.
- (xi) For dwellings rented 46 nights per year or more, the maximum occupancy of the dwelling shall be two adults per bedroom with a maximum of eight people or a lower number of people based on the size of the permitted and approved onsite wastewater system, unless the Director approves a greater capacity, which can be demonstrated based on parking, parcel size, the on-site wastewater system, or other relevant circumstance.



Article 4-507 Short-Term Dwelling Rental Existing Code

b. For rental intensities that require Limited Impact Special Review:

(i) The requirement for Limited Impact Special Review may be waived if the Director determines the short-term dwelling rental will not have the potential for significant conflict with the criteria listed in Article 4-601 of this Code. The Director may impose written terms and conditions on the short-term dwelling rental use as may be reasonably necessary to avoid conflict with the review criteria in Article 4-601. Any short-term dwelling unit for which the Director waives Limited Impact Special Review shall still be subject to the Additional Provisions of Article 4-507(E)(6).

(ii) Notice of the waiver application being reviewed shall be sent to referral agencies and adjacent property owners.

(iii) If the Director grants a waiver, the owner shall submit an annual report to the Department which shall be made available for public review. The report shall indicate the number of nights the dwelling was rented in the previous year, the number of bedrooms, contact information for the owner and property manager (if applicable) of the dwelling, and additional items as required by the Director related to the administration of this Article 4-507(E).

c. Compliance with these additional provisions shall be the responsibility of the owner. The County reserves the right to enforce these provisions in accordance with applicable zoning and building enforcement procedures.



Article 4-507 Lodging Uses New Code

E. Vacation Rental

1. Definition: A single-family dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where:
 - a. The dwelling unit is not the primary residence of the owner; and
 - b. The dwelling unit is rented more than 60 days per year.
2. Districts Permitted:
 - a. By Special Review in F, A, RR, and MI, provided the property is greater than 1 acre in size and on unsubdivided land.
 - b. By Limited Impact Special Use Review in F, A, RR, and MI, provided the property is greater than 5 acres in size and on unsubdivided land.
 - c. By Limited Impact Special Use Review in B, C, LI, and GI.
3. Parking Requirements: One space per bedroom in addition to one space for the local manager. All parking must be on-site.
4. Loading Requirements: None
5. Additional Provisions:
 - a. All Vacation Rentals must maintain a valid Boulder County Vacation Rental License .
 - b. A Vacation Rental may not be marketed or used for weddings, receptions, or similar private or public events.
 - c. Accessory Dwellings are not eligible for this use.



Article 4-516 Accessory Uses New Code

W. Primary Dwelling Short-Term Rental

1. Definition: A single-family dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where the dwelling unit is the primary residence of the owner.
2. Districts Permitted: By right in all districts
3. Parking Requirements: Three spaces, or one space per designated guest room in addition to one space for the owner or local manager, whichever is greater. All parking must be on-site.
4. Loading Requirements: None
5. Additional Provisions:
 - a. All Primary Dwelling Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.
 - b. A Primary Dwelling Short-Term Rental may not be marketed or used for weddings, receptions, or similar private or public events, with the exception of those by-right events hosted by one or more of the individuals who reside on the property.
 - c. Historic Accessory Dwelling Units are eligible for this use.



Article 4-516 Accessory Uses New Code

W. Secondary Residence Accessory Short-Term Rental

1. Definition: A single-family dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where:

- a. The dwelling unit is not the primary residence of the owner;
- b. The dwelling unit is rented 60 days or fewer per year; and
- c. The dwelling unit is rented with a two-night stay minimum.

2. Districts Permitted: By Limited Impact Special Review in all districts

3. Parking Requirements: Three spaces, or one space per designated guest room in addition to one space for the owner or local manager, whichever is greater. All parking must be on-site.

4. Loading Requirements: None

5. Additional Provisions:

- a. All Secondary Dwelling Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.
- b. A Secondary Dwelling Short-Term Rental may not be marketed or used for weddings, receptions, or similar private or public events, with the exception of those by-right events hosted by one or more of the individuals who reside on the property.
- c. Accessory Dwellings are not eligible for this use.



Article 4-602 Special Provisions New Code

G. Limited Impact Special Review Waiver for Bed and Breakfast and Secondary Residence Accessory Short-Term Rental

1. The requirement for Limited Impact Special Review may be waived if the Director determines that the Bed and Breakfast or Secondary Dwelling Short-Term Rental will not have any significant conflict with the criteria listed in Article 4-601 of this Code.
2. The Director may impose written terms and conditions on these uses that may be reasonably necessary to avoid conflict with the review criteria in Article 4-601 of this Code.
3. The Bed and Breakfast must comply with the Additional Provisions outlined in Article 4-507.A of this Code. The Secondary Dwelling Short-Term Rental must comply with the Additional Provisions outlined in Article 4-516.X of this Code.
4. Notice of the waiver application being reviewed shall be sent to referral agencies and adjacent property owners in accordance with Article 3-204 of this Code.
5. The Director shall not issue the determination for 15 days following such notification and shall consider any comments received by the public.



Article 18-137 Dwelling New Code

18-137 Dwelling

A. A building or portion thereof used exclusively for residential occupancy, including one-family dwellings and multiple-family dwellings, but not including hotels, motels, tents, ~~seasonal vacation cabins~~, camper trailers, or other structures designed or used primarily for temporary occupancy.

B. A dwelling shall also include the following types of residential buildings which are factory made and not constructed on site:

1. Manufactured homes which are not less than 24 feet in width and 35 feet in length, which are installed on an engineered permanent foundation in accordance with all applicable County requirements, and which have a brick, wood, or cosmetically equivalent exterior siding and a pitched roof, pursuant to C.R.S. 30-28-115(3)(a), as amended; and
2. Factory built modular housing which is certified by the State of Colorado to meet Uniform Building Code requirements pursuant to the Colorado Housing Act of 1970, C.R.S. 24-32-701, et seq., as amended.

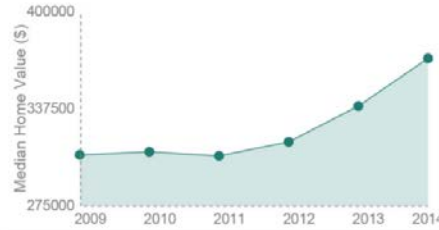


Housing Data

- Average Monthly Rent (2015): \$1,650
- Average Nightly Rental (2020) \$172/night
 - 9.5 nights per month to get average monthly rent
- 9.5 nights per month at 6 months per year = 57 nights per year
- 60 nights at 172 = \$10,320
 - Cover property taxes (average \$2000) and maintenance with supplemental income

Current Housing Market Conditions

Median home values and average rents in Boulder County have increased significantly over the past several years.



Boulder County - Median Home Values

The current median home value of \$369,717 represents a 17% increase since 2012.

The median owner-occupied home value in Boulder County is almost \$115,000 greater than the statewide figure.

81.2% of Boulder County's housing stock is valued at over \$200,000.

55% housing cost-burdened

55% of all renters in Boulder County are housing-cost-burdened, meaning they spend 30% or more of their income on housing.

Almost a third (31%) of all renters are severely cost-burdened, spending 50% or more of their income on housing.

Low-income renters are the hardest hit. See chart with Area Median Income (AMI) breakdown.

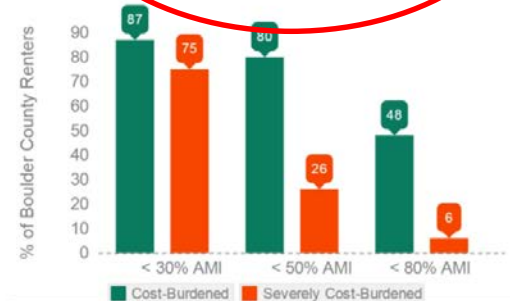


Boulder County - Average Rents

The current average monthly rent is \$1,650, a 32% increase since 2012.

Approximately 37% of households in Boulder County are renters.

Boulder County's rental vacancy rate is 3.1%.



Housing Cost-Burden Rates by Income



Short-Term Rentals vs Total Housing Units

Area	Total Housing Units
Boulder County	133,775
Longmont	37,057
Boulder	43,542
Nederland	780
Ward/Jamestown/Lyons	96+138+804
Lafayette	11,193
Louisville	8,342
Superior	4,629
Erie (1/2)	3,623
Unincorporated Boulder County	23,571

700 listings /
23,571 units
= 3%



Research RE: Short-Term Rentals and Small Cities

- Sadie DiNatale, Rebecca Lewis, Robert Parker, “Short-term rentals in small cities in Oregon: Impacts and regulations,” 79 Land Use Policy 407-423 (2018).
 - *STRs may be of even greater concern to smaller communities which may be more dependent on TLTs, lack staff capacity, and have a smaller amount and share of long-term rental housing compared to larger cities.*
- Jennifer Combs, Danielle Kerrigan, and David Wachsmuth, “Short-term rentals in Canada: Uneven growth, uneven impacts,” 29 Canadian Journal of Urban Research 119-134 (2020).
 - *While current Airbnb activity is concentrated in major cities, active listings, total revenue, hosts with multiple listings, and frequently rented entire-home listings are all growing at substantially higher rates in small towns and rural areas.*



Short-Term Dwelling Rental Comparison of Old and New Regs

COMPARISON OF CURRENT AND PROPOSED REGULATIONS					
Short-Term Dwelling Rentals	Current Code (Lodging Use)		Proposed Code (Accessory Use and Lodging Use)		
	By-Right <i>(Anything > 14 Nights Must Comply with Additional Provisions)</i>	LU/LUW	Primary Dwelling	Secondary Dwelling <i>(60 day max with 2 night min. stay)</i>	Vacation Rental
F, A, MI	≤ 45 Nights	> 45 Nights	By-Right	LU/LUW	SU <u>if ≥ 1 Acre and Unsubdivided</u> or LU <u>if > 5 Acres and Unsubdivided</u>
RR	≤ 14 Nights	> 14 Nights	By-Right	LU/LUW	SU <u>if ≥ 1 Acre and Unsubdivided</u> or LU <u>if > 5 Acres and Unsubdivided</u>
ER, SR, MF	≤ 14 Nights	> 14 Nights	By-Right	LU/LUW	Not Allowed
H, T	≤ 45 Nights	> 45 Nights	By-Right	LU/LUW	Not Allowed
B, C	≤ 45 Nights	> 45 Nights	By-Right	LU/LUW	LU
LI, GI	≤ 14 Nights	> 14 Nights	By-Right	LU/LUW	LU
ED	≤ 45 Nights	Not Allowed	By-Right	LU/LUW	Not Allowed










Bed and Breakfast Comparison of Old and New Regs

COMPARISON OF CURRENT AND PROPOSED REGULATIONS		
Bed and Breakfast	Current Code	Proposed Code
F, A, RR, SR, MI	LU (Limited to 3 Rooms/6 Guests)	LU (\leq 3 Rooms/6 Guests) or SU ($>$ 3 Rooms/6 Guests)
ER	Not Allowed	LU (Limited to 3 Rooms/6 Guests)
B, C, LI, GI	Not Allowed	By-Right (Similar to Overnight Lodging)






Vacation Rentals

Description

-  Parcels in B,C,LI,GI (290)
-  Unplatted over 5 ac in F,A,RR,MI (7,044)
-  Unplatted 1-5 ac in F,A,RR,MI (3,959)
-  Platted over 5 ac in F,A,RR,MI (76)
-  Platted 1-5 ac in F,A,RR,MI (4,011)
-  Under 1 ac in F,A,RR,MI (8,113)
-  Parcels in H,ER,SR,MF,MH,T (11,057)

Required Process

-  Special Use Review (3,959)
-  Limited Impact Special Use Review (7,334)
-  Not Permitted (23,257)

- Vacation Rentals currently allowed in all zoning districts = 34,550 Parcels
- New Code:
 - Vacation Rentals allowed on 11,293
 - Vacation Rentals eliminated from 23,257
 - 67% reduction



Short-Term Rental and Bed & Breakfast Code Update

Accessory Residential Use

Short-Term Rental License Vacation Rental License

Lodging Use

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

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

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

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

Single-Family Dwelling
Primary Residence
One Party

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

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

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

By Right: All districts

Limited Impact Special Review or Waiver: All districts

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

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



Licensing Ordinance Overview

Program:

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

Fees:

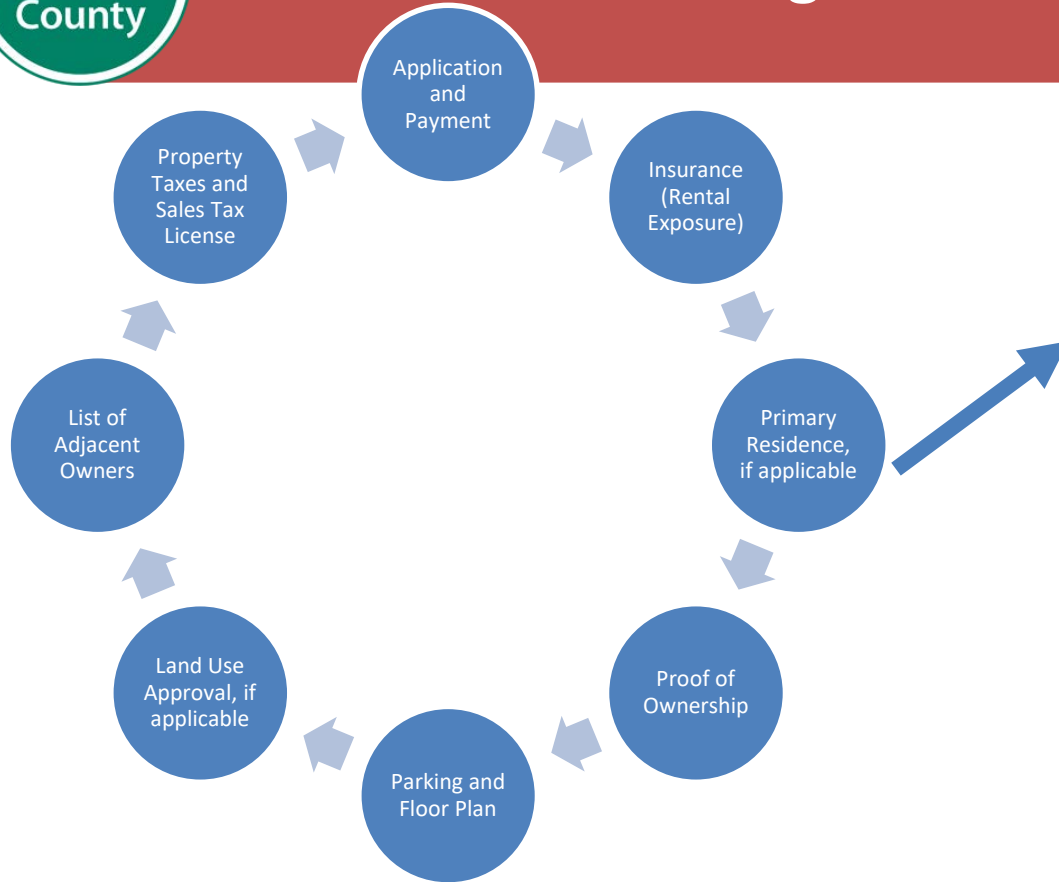
- Separate fee schedule to be adopted

Active Enforcement:

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



Licensing Procedure



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

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



Licensing Ordinance Requirements

Building Inspection

- **All:** Fire Extinguishers, Smoke and Carbon Monoxide Detectors, Potable Water, legally existing sleeping rooms, no structural defects, plumbing, heating, cooling are in a good state of repair, nothing poses significant risk to health, safety, welfare of occupants or properties
- **Vacation Rental**
 - No unapproved uses/unpermitted uses/unpermitted work

Wildfire Mitigation (Zone 1)

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

Taxes

- **Proof Property Taxes have been paid**
 - Secondary Accessory and Vacation Rentals

Other

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



Licensing Ordinance Operating Standards

Occupancy Limit:

- 2 adults per guest room
- Max= 8

Guest Information

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

Local Manager

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

Posting of License

- Prominent Location on Property
- Provide Copy to Neighbors

Advertisements

- License Number
- Occupancy Limit
- Minimum Night Stay

Comply with Anti-Discrimination
Laws