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DATE: March 26, 2019

TO: Mayor and Councilmembers

FM: Ginny Sawyer, Project and Policy Manager *GS*

TH: Darin Atteberry, City Manager *DA*
Kelly DiMartino, Senior Assistant City Manager *KD*

RE: Short-term Rental (STR) Read Before

Request:

Staff was asked to address resident concerns with STR enforcement and to provide an estimate of what enforcement would be necessary to achieve 100% compliance.

Bottom Line:

Since STR regulations were implemented in 2017, the City has been enforcing those regulations. Initially enforcement was solely through the vendor Host Compliance. For more than a year, a part-time hourly and existing Neighborhood Code Compliance staff have been utilized to increase efforts.

Process:

- Every 3-4 weeks staff sends Host Compliance (HC) a list of licensed STRs. HC then cross checks the list with the listings they have scrubbed from over 25 STR websites.
- HC sends four types of letters:
 - 1st notice in an allowable zone
 - 1st notice not in an allowable zone
 - 2nd notice in an allowable zone
 - 2nd notice not in an allowable zone
- City staff tracks 2nd notice violations and if the listing is not in compliance 2 weeks after receiving a second notice a violation notice letter is sent.
- If the violation is not corrected in 2 weeks, Code Compliance staff serves a summons.
- This process is consistent with other City code enforcement.

Typically, listings come into compliance by either getting a license if in an allowable zone, changing the listing to 30 or more days, or removing the listing.

Enforcement challenges to date have included:

- Listings that are unidentifiable. These listings show only interior pictures and not enough additional information to locate an exact parcel, unit, or property owner.

- Unresponsiveness from hosts/owners to letters. i.e. Code Compliance staff have tried to serve a summons to one owner on 3 occasions and cannot make contact. This particular listing has not had a stay in over a year and yet the listing is active.
- Other unresponsiveness includes listings that have all dates blocked off and unavailable and yet the listing remains.
- Following up on complaints that a STR is not a primary residence. In these cases, the host is claiming they live in the unit and have provided property records, driver's licenses, voter registration, etc to support that claim. Staff is not resourced to visit the home frequently enough to build evidence that it is not a primary unit.

Even given these challenges, compliance remains high. According to the HC site:

- There are 397 rental units in the jurisdiction
- 93% of those have been identified
- The last round of mailings sent the last week in March included:
 - 7, 1st notice Allowed
 - 6, 2nd notice Allowed
 - 3, 1st notice Not Allowed
 - 3, 2nd notice Not Allowed
- HC has sent a total of 888 letters since our contract began
- Staff currently has 5 properties under enforcement

Staff will continue to improve processes and to work with both HC and possibly Airbnb and others to improve enforcement. While the hourly help and Code Compliance help are invaluable, it is not certain if greater compliance would be achieved with additional staffing, unless it was truly detective work to prove residency claims or to find unidentified units.