

Lafayette Short-term Rental Ad-Hoc Task Force

Report #2
August 13, 2023

Organized by:



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Lafayette Short-term Rental Ad-Hock Task Force

Report #2 - August 14, 2023

In lieu of a City Council endorsed work group, LTLA assembled this task force to pull together information on the current state of Short-term Rentals and STR issues in Lafayette, LA.

The purpose of this research is to identify community concerns about short-term rentals and short-term rental regulation, list and weigh the concerns, and analyze how proposed regulations seek to address them. The task force sought to identify publicly available data, consider stated policy positions by LCG and the City Council, and use the gathered information to analyze various regulation options and propose an alternative ordinance.

Rather than producing a comprehensive final report, we are releasing weekly updates of our progress.

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From RS-1 to "Other Zones." A Legacy of Red-lining

1. Summary of Task Force Report #1

The Ad-Hoc Task Force report was released on Friday, August 4, 2023. It was e-mailed to the mayor and council members. Physical copies were distributed on Monday, August 7. We received verbal feedback from two council members.

Establishment of Concerns and Supportive Data

15 Anti-STR and 14 Pro-STR concerns were identified from comments at public meetings and community websites. The task force began the process of scoring concerns for validity and importance. It was established that there is not much public data to go on and none has been provided by the city.

State-of-the-STR-Community Report and Local Numbers

A 2022 State-of-the-STR Community Report prepared by the Riley Center for Livable Communities at the College of Charleston was used to look at current national STR data. Local data was culled from owner surveys and reporting by local media. Some key findings:

- **70% of STR-owners operate 1 rental**
- **63% of these single rentals are a Single Residence Homes**
- **AirBnB (82%) and VRBO (71%) are the top two platforms used**
- **30% of owners have spent between \$1,000 and \$5,000 locally on maintenance or improvements. An additional 40% have spent \$5 - 20K.**

25% of owners would leave their property empty if they could not rent short-term.

80% of STR owners report 0 complaints with their neighbors.

RS-1: The Largest Zone in Lafayette

The task force took a look at the RS-1 zone in Lafayette which comprises 75% of the city. In essence, it is the default zone. Some key findings:

- **Many businesses exist and operate in the RS-1 zone**
- **LCG makes a distinction between businesses and commercial properties**
- **Short-term rentals most resemble long-term rentals which are businesses operating in residential dwellings. They are not commercial.**
- **Not all RS-1 are alike. Different housing mixtures give neighborhoods their unique characteristics.**

Lafayette Zoning as it exists today does not work the way opponents of STRs have described. There is no exclusive single-family residential zone, nor are all RS-1 zones completely reserved solely for non-business use. Until Lafayette is completely re-zoned, a ban of short-term rentals in RS-1 is wholly inappropriate.

Summary of Task Force Report #1

Analysis of Current City Council Proposal

At the time of the first report it was believed that amendments to the current ordinance would be released to the public. Therefore, we only offered a summary. As of August 11, 2023, no amendments have been finalized.

LTLA Proposed Ordinance

For simplicity's sake, LTLA made changes to Ordinance CO-094-2023 to illustrate the changes we believe need to be made. Key differences include:

- **Grandfathering with proper permit requirements and clean police record**
- **Some exceptions to license transferral**
- **Clarification of some licensing requirements. Replaces overly burdensome “proof of” and “documentary evidence” application requirements with signed attestations.**
- **Changes to license period. 1-year from permit approval. 2-year renewal.**
- **Remove of single-room restriction in lieu of other strong restrictions.**
- **Remove of complete RS-1 ban in lieu of other strong restrictions.**
- **More language around Director’s discretion, such as penalties and the requirement of specific department policies around on all such discretionary acts**
- **Change moratorium dates and other dates associated with ordinance’s implementation.**

2. Continuing Analysis of Community Concerns

Continued from Report #1

For this analysis, we reviewed four city council meetings, four Lafayette Zoning Commission meetings, the Lafayette Neighborhood Strong anti-STR website, informal surveys of STR owners and Realtors, a January 2022 “Brainstorming Session” regarding short-term rentals, and public media comments made by pro and anti-STR advocates. Neither the city nor city council has listed the specific concerns they are attempting to address in proposed STR regulation. From these sources we identified and attempted to weight the various concerns.

City Council Meetings: July 2020; February 2023; July 11, 2023; July 25, 2023

City Zoning Meetings: June 2020; December 2021; January 2022; April 2023

STR Brainstorming Session: January 2022

<https://www.lafayetteneighborhoodstrong.org>

Comments to local media: KADN, KLFY, The Advocate, The Current

Anti-STR Concerns

- Unwelcome visitors/strangers are in the neighborhood
- Taxpayers are forced to absorb cost of police and fire response
- Additional traffic related to STRs
- Parking issues related to STRs
- Additional noise, trash and nuisance
- STR owners do not pay their taxes, or should pay more tax
- Child molesters, criminals and other undesirables might stay at STRs
- STRs might exacerbate shortages of affordable housing
- STRs decrease property values
- STRs contribute to higher rental pricing
- STRs are businesses operating in residential neighborhoods, which shouldn't be allowed
- STRs do not follow fire or safety codes
- STRs change the character of quiet, traditional, family-oriented neighborhoods
- STR owners are mostly money grubbing out-of-state investment groups
- Brothels or other illegal activity

Pro-STR Concerns

- Regulations unfairly target STR operators over home owners and traditional landlords
- Regulations are “solutions” looking for problems
- Regulations diminish property-rights unnecessarily
- Regulations are overly complicated and over-bearing, requiring expensive real estate lawyers
- Data does not exist to warrant some or all of the regulations proposed
- Restrictions are an over-reaction to years of inaction
- Regulations discourage investment in neglected homes and neighborhoods
- Restrictions are not nuanced enough for the variety of rental scenarios possible
- Regulations seek to protect more affluent neighborhoods at the expense of transitional neighborhoods
- Restrictions are not consistent with existing zoning rules
- Desire for strict restrictions is motivated by fear, entitlement, racism, or other personal prejudices
- Regulations overlook the positives of home hosting and contributions to local tourism
- Regulations exhibit poor understanding of STRs and the local real estate market
- Regulations downplay or ignore consequences to the real estate market, especially an RS-1 ban

2. Continuing Analysis of Community Concerns

Listing of Concerns - Methodology

Our listing criteria was expansive because we wanted to be as inclusive and wide-open in scope as possible in our analysis. While it is problematic to categorize concerns as “pro and anti” a particular issue, the reality of the current political polarization of this issue does make this helpful and more understandable. We know that some concerns may be invalid, but the purpose of listing them is to give them all room in the analysis, to prioritize them and then seek regulations that properly address them.

Scoring of Concerns - Methodology

Concerns were evaluated for validity and scored on a simple scale of High/Medium/Low/None. The None designation was used as sparingly as possible because while some concerns may be logically invalid, the perception of that concern is valid to the public. This scoring process is not final.

Anti-STR Concerns (Continued)

STRs are businesses operating in residential neighborhoods, which shouldn't be allowed - **Low**

This concern was covered in the last report. Businesses do indeed operate throughout RS-1. There are many rentals operating in RS-1, including long, medium and short-term. LCG and the State of Louisiana both make a distinctions between a business and a commercial property.

Short-term rentals are not open to the public and do not house employees. They may be used for personal use by the owners a portion of the time. A survey of Lafayette owners revealed that 62% of them use their rental for **personal use**.

STRs do not follow fire or safety codes - **High**

This is a valid concern. While platforms like AirBnB and VRBO stipulate the use of fire extinguishers and smoke and carbon monoxide detectors, the only confirmation is self-reporting by guests. **Nothing in the current ordinance seeks to protect the occupants of short-term rentals.**

Pro-STR Concerns

Regulations unfairly target STR operators over home owners and traditional landlords - **Medium**

None of the requirements or restrictions in the current ordinance have equivalents for homeowners or long-term rental owners. Current noise, parking, trash and nuisances laws **DO** apply to all residents.

Data does not exist to warrant some or all of the regulations proposed - **High**

As established in the August 4, 2023 Task Force Report, very little local data exists to support any ordinance. No data has been made public by the City of Lafayette. No crime data exists. No noise, parking, trash or nuisance data exists. No rental pricing data exists. No economic studies have been made public. There is no list of property complaints.

Restrictions are an over-reaction to years of inaction - **High**

An ordinance was first brought before the council in the summer of 2020. It required a Certificate of Occupancy for STR owners with three requirements. STR owners publicly expressed support for the measure. It was deferred. Throughout 2021, 2022 and the first half of 2023, there was one “Brain-storming session” held by members of the City Council. Members continuously state “nothing to report” when questioned. On July 11, 2023 the current ordinance was unveiled. It contains a completely new chapter of city civic codes with 17 sections. It contains 12 requirements and 8 restrictions, including **a complete ban of all short-term rentals in 75% of the City of Lafayette.**

ORDINANCE NO. CO-064-2020

**AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL
AMENDING CHAPTER 89, SECTION 89-21 “USE TABLE”,
ENACTING SECTION 89-77-1 “SHORT-TERM RENTAL”, AND
AMENDING CHAPTER 89, ARTICLE 8, SECTION 89-151-1 “GENERAL
DEFINITIONS” OF THE LAFAYETTE CITY-PARISH CODE OF ORDINANCES,
THE UNIFIED DEVELOPMENT CODE, AND TO FURTHER
REFINE AND CREATE SUPPLEMENTAL REGULATIONS THEREIN
RELATED TO THE USE AND OPERATION OF
SHORT-TERM RENTALS IN THE CITY OF LAFAYETTE**

BE IT ORDAINED by the Lafayette City Council, that:

WHEREAS, on May 5, 2015, by Ordinance O-086-2015, the Lafayette City-Parish Council adopted Chapter 89 of the Lafayette City-Parish Code of Ordinances, the Unified Development Code (“UDC”); and

WHEREAS, in adopting the UDC, the Lafayette City-Parish Council declared that the UDC is necessary to modernize current zoning and development regulations, to incentivize infill without hindering conventional methods of development, to protect property values, and to allow for development that better utilizes existing infrastructure to provide for the more efficient allocation of limited public resources; and

WHEREAS, in recent years, technology and innovation have expanded the use and operation of Short-Term Rentals (defined herein) as a form of temporary lodging to allow visitors and tourists to stay in and experience a local community;

WHEREAS, the Lafayette City Council desires to amend Chapter 89 of the Lafayette City-Parish Code of Ordinances, the Unified Development Code, to enact reasonable regulations associated with the rental or offering for rental, use, and operation of Short-Term Rentals in the City of Lafayette, the same being necessary to further the health, safety and welfare of the citizens of the City of Lafayette.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council, that:

SECTION 1: All of the aforescribed “Whereas” clauses are adopted as part of this Ordinance.

SECTION 2: Chapter 89, Article 2, Section 89-21-2 (“Use Table”) of the Lafayette City-Parish Code of Ordinances is hereby amended in the following particulars, with words in ~~striketrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

Table 89-21-2 Use Table

Use Category		" A" Agricultural	" RS" Residential Single-Family	" RM" Residential Mixed	" MN" Mixed-Use Neighborhood	" MX" Mixed-Use Center	" D" Downtown	" CM" Commercial Mixed	" CH" Commercial Heavy	" PI" Public/Institutional	" IL" Industrial Light	" IH" Industrial Heavy
Residential												
Residences:												
Dwelling, single-family detached	P	P	P	P								
Accessory apartment	P	P	P	P	P	P	P	C				
Cottage Courts		P	P	P				P				
Dwelling, two-family (duplex)		C	P	P				P				
Multi-family			P	P	P	P	P	P	P			
Live/Word Dwelling			P	P	P	P	P	P				
Manufactured home												
Manufactured Housing Land Lease Community	P	C	C									
Apartment House			P	P	P	P	P					
Apartment Hotel												
Townhouse/ Row House												
Group Living:												
Boarding House			P	P	P	P						
Community living			P	P	P	P	P	P				
Community home	P	P	P	P	P	P	P	P			P	
Life care or continuing care services				P	P	P	P	P				
Lodging/ Short-Term Rental												
Bed and breakfast		C	C	C	C	C	C	C				
Hotel (small)				P	P	P	P	P	P		P	P
Hotel / Motel					P	P	P	P	P		P	P
Recreational vehicle park	C											
<u>Short-Term Rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			

SECTION 3: Chapter 89, Article 2, Section 89-21(d) of the Lafayette City-Parish Code of Ordinances is hereby amended in the following particulars, with words in ~~striketrough~~ being deletions from existing law, and words underscored and boldfaced being additions:

...

Lodging/ Short-Term Rental	
Bed and breakfast	An owner-occupied house, or part of a house, where no more than four rooms (for a total of 8 guests) are provided for short-term (1 night to 2 weeks) lodging, and where breakfast-only meals are provided for compensation
Hotel (small)	A Hotel that does not contain more than 50 guest rooms and does not exceed three stories height.
Hotel / Motel	A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests and transients and where only a general kitchen and dining room are provided within the building or in an accessory building.
Recreational vehicle park	Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, or mobile trailers for dwelling, lodging, or sleeping purposes and is held out as such to the public. Examples include campgrounds and recreational vehicle / travel trailer parks. This use does not include a Manufactured Housing Land Lease Community
<u>Short-Term Rental</u>	<u>The provision of a room, space, building, or other structure that is suitable and utilized solely for temporary residential occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for compensation.</u>

SECTION 4: Chapter 89, Article 5, Section 89-77 (“Bed & Breakfast”) of the Lafayette City-Parish Code of Ordinances is hereby amended in the following particulars, with words in ~~striketrough~~ being deletions from existing law, and words underscored and boldfaced being additions:

89-77 **Bed & Breakfast**

<-> Use Category (§ 89 - 21 Use Table): Lodging / ~~Short-Term Rental~~ – *Bed and breakfast*

SECTION 5: Chapter 89, Article 5, Section 89-77-1 (“Short-Term Rental) of the Lafayette

City-Parish Code of Ordinances is hereby enacted in the following particulars:

89-77-1 **Short-Term Rental**

<-> Use Category (§ 89 - 21 Use Table): Lodging – *Short-Term Rental*

- (a) **Territorial and Retroactive Applicability.** This Section applies to all Short-Term Rentals located in the City of Lafayette regardless of whether such Short-Term Rental existed prior to or subsequent to the adoption of this Section.
- (b) **Limited Operation in “RS” and “RM” Districts.** Unless qualifying as a Nonconformity under §89-96, *et. seq.*, the operation of a Short-Term Rental in “RS” and “RM” designated zoning districts shall be restricted to those permitted Residential uses identified in and authorized by §89-21-2 “Use Table”.
- (c) **Certificate of Occupancy for Short-Term Rental Required; Procedure.**
1. *Generally.* Any person or entity renting, offering for rent, and/or operating a Short-Term Rental in the City of Lafayette pursuant to this Section shall first apply for and obtain a Certificate of Occupancy from the City of Lafayette for the premises sought to be rented, offered for rent, and/or operated as a Short-Term Rental. Certificates of Occupancy for Short-Term Rentals shall be issued on a three (3) year cycle, effective beginning November 1, 2020 (*i.e.* first cycle begins November 1, 2020 – expires October 31, 2023).
 2. *Application; Renewal.* The application for a Certificate of Occupancy for Short-Term Rental shall be made in accordance with Chapter 89, Article 4, Section 89-65 “Certificate of Occupancy” and shall include, in addition to other information that may be required, the following information:
 - i. Street address of the Premises sought to be offered as a Short-Term Rental;
 - ii. Number of “off-street” parking spaces available at/on the Premises;
 - iii. Maximum Number of Rooms available for Short Term Rental at any given time;
 - iv. Maximum Number of Guests at any given time;
 - v. Proof that the applicant has a current registered account with the Lafayette Parish School System for remittance of all applicable taxes; and
 - vi. Confirmation that the applicant has not failed to:
 - a) Comply with any Federal, State and/or local laws/ordinances applicable to the renting, offering for rent, and /or operation of a Short-Term rental in the city of Lafayette; and
 - b) Comply with a contract or service agreement with any department and/or division within the Lafayette City-Parish Consolidated Government; and
 - c) Pay any outstanding fees, fines, assessments, charges, penalties, taxes, levies or any other outstanding amounts whatsoever owed to any department and/or division within Lafayette City-Parish Consolidated Government.

Within thirty (30) days prior to the expiration of an existing Certificate of Occupancy, the applicant shall apply for a new Certificate of Occupancy in the same manner as provided for in this Section.
 3. *Display of Certificate of Occupancy.* A Certificate of Occupancy issued pursuant to this Section shall at all times be prominently displayed and clearly visible from the exterior of the premises by persons in a public space or right of way.
- (d) **Adherence to Existing Laws Required.** The operation of a Short-Term Rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere or adversely affect another’s use and enjoyment of property. To that end, any and all persons and entities who own and/or operate, and all persons who occupy a Short-Term Rentals, shall, in addition to the requirements contained herein, abide by all existing state and local laws and ordinances, including but not limited to LCG Code of Ordinances – Chapter 34, Article II “Nuisances”, LCG Code of Ordinances – Chapter 34, Article IV “Noise Control”, LCG Code of Ordinances – Chapter 74, Article III “Solid Waste”, LCG Code of Ordinances – Chapter 86, Article IX “Stopping, Standing, and Parking Regulations”, said Chapters being incorporated herein by reference thereto.
- (e) **Minimum Stay.** No Short-Term Rental shall be rented or offered for rent for less than a one (1) night minimum stay.

- (f) **Events.** Receptions or private parties for a fee on the premises of a Short-Term Rental facility are not allowed in “RS” and “RM” zoning districts.
- (g) **Violations and Penalties.** (1) Violations. It shall be a violation of this Section for any person or entity to operate a Short-Term Rental which fails to comply with all existing state and local laws and ordinances, including but not limited to the requirements of this Chapter and the Code of Lafayette City-Parish Code of Ordinances. (2) Penalties. Any person, entity, and/or his/its agent or manager found to be in violation shall be penalized in accordance with the Lafayette City-Parish Code of Ordinances – Chapter 89, Article 4, Division 7 “Enforcement”.

SECTION 6: Chapter 89, Article 8, Section 89-151-1 (“General Definitions”) of the Lafayette City-Parish Code of Ordinances is hereby amended in the following particulars, with words in ~~strike through~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

<i>Table 89-151-1 General Definitions</i>	
Commercial	Any business, trade, industry, or other activity engaged in for profit. For purposes of this chapter, the “commercial” use refers to any use within the “Commercial / Mixed Use” and “Lodging— Short-Term Rental ” land use categories of the Use Table (§ 89-21), and a “commercial” zoning district refers to any of the following zoning districts: “MN” Neighborhood Mixed Use, “MX” Mixed-Use Center, “CM” Commercial Mixed, and “CH” Commercial Heavy.
...	
Shopping Center	See Integrated Business Center in Article 5 “Signs”. (↔ § 89-90 (a)(2)).
<u>Short-Term Rental</u>	<u>The provision of a room, space, building, or other structure that is suitable and utilized solely for temporary residential occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for compensation.</u> (↔ § 89-77-1) (↔ § 89-21-2 “Use Table”) (↔ § 89-21(d))
Shrub	A low, usually multi-stemmed, self-supporting, woody plant species

SECTION 7: The regulations associated with the rental or offering for rental, use, and operation of Short-Term Rentals in the City of Lafayette as established herein shall be retroactively applied. Any person or entity currently operating a Short-Term Rental shall, on or before November 1, 2020, apply for a Certificate of Occupancy in accordance with Section 5 herein. The issuance of a Certificate of Occupancy authorizing the operation of a Short-Term Rental shall be subject to all regulations and requirements of the UDC and the Lafayette City-Parish Code of Ordinances.

SECTION 8: All other UDC provisions and regulations not specifically amended herein shall remain and be in full force and effect.

SECTION 9: All ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 10: This Ordinance shall become effective immediately upon the signature by the Lafayette Mayor-President, a lapse of ten (10) days of receipt by the Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

3. Local Short-term rental Economics

417 active listings	\$1.1 million/year Estimated Tax Revenue	58% occupancy	2.2 average bedrooms \$153 average rate
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Average number of nights: 1.7 Average number of guests: 5.3 LafayetteTravel dollar impact per guest: \$229

Lafayette Parish Yearly Tourism Numbers: 3 million visitors and \$700,000,000 economic impact

Estimated Tax Revenue by Local Short-term Rentals

Our figure of \$1.1 million tax revenue includes 4% occupancy and 4% parish sales tax combined. 8% total.

We used AirDNA for the numbers above. Data changes weekly so there are ranges involved. For example, there are between 408 and 417 listings. Occupancy is 50-58%. As the number of listings has gone up the occupancy rate has gone down, so the numbers have stayed more or less consistent. Nightly rates are currently \$143-153. The average rate fluctuates based on the time of year. It's higher in the spring & fall.

417 active units x \$153/avg nightly rate x 365 days in a year x 58% occupancy rate x 8%. *\$1.08 million/year tax revenue.*

Estimated Economic Impact of Short-term rental Guests

Using the same data set above from AirDNA, we sought to estimate the economic impact of rental guests based on LafayetteTravel's established figure of \$229 per guest.

*Average Number of Stays per Unit was calculated by taking 365 days in the year and dividing by the average nights per stay of 1.7 nights.

417 active units x 5.3 guests x Average Number of Stays (365/1.7)* x 58% occupancy rate = **275,223 guests/year.**

275,223 x \$229 = \$63,025,942. In addition, according to the numbers above, local hosts pocket \$13.5 million/year in rental income.

The estimated economic impact of short-term rental guests to the City of Lafayette is \$76.5 million per year.

A 50% reduction in short-term rentals through regulation would result in a \$30 million/year loss.

3. Local Short-term rental Economics

Research: Restricting Airbnb Rentals Reduces Development

A study by Edward Kung, an assistant professor of economics at California State University, Northridge and his associates sought to look at positive, long-term effects of short-term rentals.

Study: <https://hbr.org/2021/11/research-restricting-airbnb-rentals-reduces-development>

“To explore this question, we conducted a large-scale study analyzing a decade’s worth of Airbnb listings and residential permit applications in the U.S. Residential permits are necessary for both new construction projects and substantial changes to existing structures, which makes them an effective way to measure the local economic growth that results from owners investing significantly in developing their properties. Based on this dataset, we identified a clear connection between STRs and residential permits: On average, a 1% increase in Airbnb listings led to a 0.769% increase in permit applications, suggesting that Airbnb can play a major role in supporting local real estate markets and thus boosting local tax bases. Given these findings, it follows that restricting STRs can have a significant, negative impact on local economic activity.”

Restricting STRs can have a significant, negative impact on local economic activity.

“To dig deeper into the underlying market forces at play, we divided our analysis into two parts: a nationwide examination of Airbnb’s impact across 15 major U.S. metropolitan areas from 2008 to 2019, and an in-depth exploration of the effects of different local restrictions within Los Angeles County. The national study ensured our findings were applicable across diverse geographic and demographic settings, while the detailed look at LA offered specific insights into the on-the-ground impact of different policies. In addition, it’s worth noting that STR regulations were rolled out in the different cities at various points between 2012 and 2019, enabling us to avoid muddying our findings with factors specific to any particular city or time period.”

Our analysis identified a clear downward trend in both listings and permits after a regulation was enacted: Airbnb listings fell by an average of 21%, and residential permits fell by an average of 10%.

“In the final part of our study, we explored the relationship between permit applications and residential property values, which are associated with cities’ property tax revenues. We looked at residential properties in our nationwide dataset that were sold during our sample period, and we found that those with a permit application between sales (i.e., those whose owners invested in improving their homes before selling them, potentially in order to meet STR demand) sold for an average 38% more than those without a permit application. Since STR regulations decrease the number of permit applications which in turn stymies growth in property values, we conservatively estimate that for the 15 cities we studied, STR restrictions reduced property values by a total of \$2.8 billion and tax revenues by \$40 million per year.”

STR restrictions reduced property values by a total of \$2.8 billion and tax revenues by \$40 million per year.

4. Current Nuisance Laws and Lack of Enforcement

We believe current nuisance laws **already on the books** in the City of Lafayette adequately cover instances of “problem properties.” A focus on enforcement of these laws would result in monetary fines and even imprisonment of any short-term operator that maintains a public nuisances that creates a “blighting influence or condition on nearby properties.”

Lafayette City-Parish Code of Ordinances Chapter 60 - NUISANCES

Key Sections:

Public nuisance means any premises if, by reason of the condition in which it is permitted to be or remain, it shall or may endanger the health, life, limb, or property of person or persons, or cause any hurt, harm, damages, injury or loss to any person or persons in any one or more of the following ways, means or particulars:

(1) By reason of being dilapidated, decayed, unsafe or unsanitary is detrimental to health, morals, safety, public welfare, and the well-being of the community, endangers life or property or is conducive to ill health, delinquency and crime.

(2) By reason of being a fire hazard, as determined by the Lafayette Fire Chief.

(3) By reason of the conditions which require its continued vacancy, the public nuisance, and its surrounding grounds, are not reasonably or adequately maintained, thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use and enjoyment thereof to such an extent that it is harmful to the public health, welfare, morals, safety and the economic stability of the area, community or neighborhood in which such a public nuisance is located.

Sec. 60-2. Maintenance of a nuisance prohibited.

(a) The maintenance of a nuisance in or upon any premises by a proprietary party, his representative, or any person acting in active concert with him or them is prohibited. The maintenance of a nuisance shall be punishable and may be enjoined as provided in this section.

(b) Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be cited by means of a citation, summons, or other means provided by law and may be subject to a fine of up to \$500.00, or imprisoned for not more than six months, or both, for each violation.

(c) An order of abatement directing the effectual closing of the premises in question may be entered as part of the judgment in the case as provided in article II of this chapter. Maintenance of the same nuisance at any other location within the jurisdictional area of the court issuing the injunction by such individuals may be enjoined in such action.

Sec. 60-3. Citation.

(a) Whenever any evidence is presented to the director indicating that a premises has engaged in the maintenance of a nuisance, the director shall investigate the records of the appropriate law enforcement agency or LCPG department.

(b) If this investigation shows that the premises more likely than not has engaged in the maintenance of a nuisance, the director, after obtaining approval from the appropriate LCPG department head, shall be authorized to coordinate efforts with the appropriate law enforcement agency, and, in conjunction therewith, shall be entitled with said law enforcement agency to issue a citation for any violation of this chapter.

(c) It shall not be considered a defense that the director did not conduct an investigation or that it was conducted inappropriately or inadequately.

**The creation of new short-term rental permitting and restriction requirements taxes an already short-handed Community Development & Planning department.
A focus on enforcing existing nuisances laws would solve the issue of “problem properties” and would address all types of rentals and housing.**

ARTICLE I. IN GENERAL

Sec. 60-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abate means to remove, stop, or put an end to that which causes a nuisance.

Criminal activity involving violence or weapons means any activity which is defined as a crime of violence under R.S. 14:2 or which is defined as a crime involving the illegal carrying or discharge of a weapon under R.S. 14:94 through 95.8.

Director means the head of the Office of Criminal Justice Support Services, provided that with reference to premises located in the unincorporated areas of the parish, the term director means the Sheriff of Lafayette Parish, or his designee.

Drug-related criminal activity means the illegal manufacture, sale, or distribution of, or possession with intent to manufacture, sell, or distribute, a controlled dangerous substance, as defined by R.S. 40:961 or of drug paraphernalia as defined by R.S. 40:1031.

Maintenance of a nuisance means to create, tolerate, conduct, carry on, or knowingly permit a nuisance to exist in or on one's premises.

Nuisance means that condition, circumstance or activity which arises from a pattern of repeated public health, housing, fire, alcohol, noise, zoning or environmental violations, drug-related criminal activity, criminal activity or a condition that constitutes a public nuisance as defined in this chapter.

Pattern means a combination of three or more instances of public health, housing, fire, alcohol, noise, zoning or environmental violations, drug-related criminal activity, criminal activity or a condition that constitutes a public nuisance as defined in this chapter, within a 12-month period.

Premises means any property, building, structure, land, home, residence, garage, shed, barn, place of business, immovable or movable owned or occupied by any proprietary party or representative thereof.

Proprietary party means a person who is an owner, lessee, sublessee, or occupant of any premises covered by this chapter.

Prostitution means the practice by a person of indiscriminate sexual conduct with another person for compensation, or the solicitation by one person of another with the intent to engage in indiscriminate sexual conduct with the latter for compensation. Sexual conduct means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse. Sexual intercourse means anal, oral, or vaginal sexual intercourse.

Public nuisance means any premises if, by reason of the condition in which it is permitted to be or remain, it shall or may endanger the health, life, limb, or property of person or persons, or cause any hurt, harm, damages, injury or loss to any person or persons in any one or more of the following ways, means or particulars:

- (1) By reason of being dilapidated, decayed, unsafe or unsanitary is detrimental to health, morals, safety, public welfare, and the well-being of the community, endangers life or property or is conducive to ill health, delinquency and crime.
- (2) By reason of being a fire hazard, as determined by the Lafayette Fire Chief.

-
- (3) By reason of the conditions which require its continued vacancy, the public nuisance, and its surrounding grounds, are not reasonably or adequately maintained, thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use and enjoyment thereof to such an extent that it is harmful to the public health, welfare, morals, safety and the economic stability of the area, community or neighborhood in which such a public nuisance is located.

Representative means an officer, agent, employee, or other representative of a proprietary party.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-2. Maintenance of a nuisance prohibited.

- (a) The maintenance of a nuisance in or upon any premises by a proprietary party, his representative, or any person acting in active concert with him or them is prohibited. The maintenance of a nuisance shall be punishable and may be enjoined as provided in this section.
- (b) Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be cited by means of a citation, summons, or other means provided by law and may be subject to a fine of up to \$500.00, or imprisoned for not more than six months, or both, for each violation.
- (c) An order of abatement directing the effectual closing of the premises in question may be entered as part of the judgment in the case as provided in article II of this chapter. Maintenance of the same nuisance at any other location within the jurisdictional area of the court issuing the injunction by such individuals may be enjoined in such action.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-3. Citation.

- (a) Whenever any evidence is presented to the director indicating that a premises has engaged in the maintenance of a nuisance, the director shall investigate the records of the appropriate law enforcement agency or LCPG department.
- (b) If this investigation shows that the premises more likely than not has engaged in the maintenance of a nuisance, the director, after obtaining approval from the appropriate LCPG department head, shall be authorized to coordinate efforts with the appropriate law enforcement agency, and, in conjunction therewith, shall be entitled with said law enforcement agency to issue a citation for any violation of this chapter.
- (c) It shall not be considered a defense that the director did not conduct an investigation or that it was conducted inappropriately or inadequately.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-4. Form and contents of citation.

The citation for the maintenance of a nuisance shall contain information concerning the nature, date, time and location of the alleged violation. The citation shall also contain information advising the person charged of the manner, the date, the place, and the time in which he may contest the violation charged in the notice. The citation shall also provide that a failure to timely answer or contest the violation shall be considered a prima facie admission of the violation set forth in the citation, in which event the appropriate fine and all penalties incidental thereto may be assessed, and abatement proceedings may be initiated.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-5. Service of citation.

A citation for the maintenance of a nuisance may be served either personally, by registered mail, or by certified mail upon the proprietary party.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-6. Disposition.

An original citation for the maintenance of a nuisance occurring within the city shall be processed in accordance with such procedures as may be established and promulgated by the city prosecutor's office, and those occurring within the unincorporated areas of the parish shall be processed in accordance with such procedures as may be established and promulgated by the office of the district attorney.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-7. Citation as prima facie evidence.

The original citation for the maintenance of a nuisance issued under this chapter or any true copy thereof shall constitute an ordinary business record of the LCPG and prima facie evidence of the facts contained therein.

(Ord. No. O-119-2007, § 2, 6-19-07)

Secs. 60-8—60-34. Reserved.

ARTICLE II. RIGHT TO ENJOIN OR ABATE

Sec. 60-35. Notice of decision to abate.

Prior to initiating abatement proceedings, the director shall provide notice to the proprietary party, via certified or registered mail, informing him of the LCPG's decision to initiate abatement proceedings.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-36. Authority of director or his designee to enter premises.

The director or his designee is hereby authorized to enter a premises to inspect it at reasonable times subject to constitutional restrictions on unreasonable searches and seizures to determine whether the maintenance of a nuisance exists thereon, and to abate the maintenance of a nuisance in accordance with the procedures as described in this chapter.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-37. Proceedings.

(a) At any time, the director may initiate abatement proceedings as described in this chapter.

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- (b) The issuance of an injunction or order of abatement pursuant to this chapter may be petitioned for in the name of the LCPG, through the Lafayette City-Parish Attorney, without payment of any costs. A petition for injunctive relief establishes a rebuttable presumption of a maintenance of a nuisance if it identifies and supports by competent evidence a total of three or more instances of either or any of the following:
- (1) Drug-related criminal activity on or around the premises within the preceding 12-month period; or
 - (2) Criminal activity involving violence or weapons on or around the premises within the preceding 12-month period; or
 - (3) Prostitution on or around the premises within the preceding 12-month period; or
 - (4) Violations of any of the provisions of chapter 26, "Development Regulations," article V, "Housing Code," of this Code; or
 - (5) Violations of any of the provisions of chapter 6, "Alcoholic Beverages," of this Code; or
 - (6) Violations of the provisions of the LCPG Zoning Ordinance, as it relates to automobile parts sales, automobile and truck sales, rentals or repairs, automobile service station/repairs, and/or other matters relating to the zoning ordinance as determined by the planning, zoning, and codes director; or
 - (7) Violations of the provisions of this Code, as it relates to environmental violations, as determined by the public works director; or
 - (8) Violations of the provisions of chapter 38, "Fire Prevention and Protection," of this Code.
- (c) A petition establishes a rebuttable presumption that a proprietary party knowingly permitted the maintenance of a nuisance on the premises if the petition establishes by competent evidence that the proprietary party received a notice of violation from either the Attorney General of the State of Louisiana, the district attorney, the sheriff, or the Lafayette City-Parish President or Lafayette City-Parish Attorney, or representatives thereof.
- (d) After a petition for an injunction has been filed, notice thereof shall be promptly served on the adverse party and a preliminary hearing shall be held as soon as practicable, but in no event not later than the third court day after such notice is served. If, following the preliminary hearing, an independent judicial determination is made that there is probable cause to believe that maintenance of a nuisance exists, an order granting a preliminary injunction may issue describing on its face in reasonable detail the conduct sought to be permanently enjoined.
- (e) Regardless of whether or not a preliminary injunction has been granted, an adversary hearing shall be held not less than five days nor more than ten days after the preliminary hearing, or within such additional reasonable time to which the adverse party consents. The court shall render its judgment within 48 hours following the conclusion of the adversary hearing. If, following the adversary hearing, an independent judicial determination is made that maintenance of a nuisance does in fact exist, an order granting a final injunction may be issued describing on its face in reasonable detail the conduct permanently enjoined.
- If the court issues an order granting a final injunction, the court may either:
- (1) Award expenses incurred in abating the nuisance, including reasonable attorney's fees and the costs of investigation and enforcement of the restraining order, temporary injunction or permanent injunction; or
 - (2) Order a civil penalty of not more than \$10,000.00.
- (f) An order granting the preliminary or final injunctive relief afforded by this section shall be effective against the parties enjoined, their officers, agents, representatives, employees, counsel or any other person or persons in active concert or participation with them, from the time actual knowledge of the order is received

by personal service or otherwise. the order may be recorded in the mortgage records of the parish and, upon such recordation, shall be effectual against any transferee of the enjoined party.

- (g) The defendant in the injunction proceedings may appeal to a court of competent jurisdiction an order granting a final injunction, but the appeal shall not stay the enforcement of the injunctive relief or an order of abatement granted in the order. Such appeal shall be perfected within five calendar days from the rendition of the order and shall be made returnable to the appropriate appellate court in not more than 15 calendar days from the rendition of the order. The appeal shall be heard with the greatest possible expedition, giving the proceedings preference over all matters except other matters of the same character. The applicant for the injunction may appeal to the court of competent jurisdiction an order denying the final injunction or denying an order of abatement.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-38. Violations of injunction; punishment.

A violation of the provisions of an injunction issued in a cause instituted under the provisions of this article shall constitute a contempt of court. A person found guilty of such contempt shall be punishable by a fine of not less than \$100.00 and not more than \$500.00, or by imprisonment for a period of not more than six months, or both. On conviction for a second or subsequent contempt, the offender shall be punishable by both fine and imprisonment.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-39. Order of abatement.

- (a) If it is established in an action under the provisions of this chapter that the maintenance of a nuisance exists and that the proprietary party knew of its existence, an order of abatement may be entered as part of the judgment rendered in the case. The order of abatement shall direct the effectual closing of the premises for a period of one year, unless sooner released by order of the court. The effectual closing of the premises shall be ordered if the nuisance is not abated within the time limits as prescribed by existing codes and/or regulations.
- (b) Any person who in any manner uses a premises which he knows to have been so directed to be closed shall be guilty of contempt of court and punishable as provided in section 60-38.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-40. Release of premises and discontinuance of action upon giving of bond; violations.

- (a) If, after an order of abatement has been entered, the proprietary party appears and pays all costs of the proceeding and files a bond with surety or sureties, bond in solido, to be approved by the clerk, in an amount to be ascertained by the court but said bond shall not exceed the sum of \$50,000.00, conditioned that he will immediately abate the nuisance for a period of five years thereafter, the court may, if satisfied of his good faith, order the release of the premises so closed under the order of abatement, under such undertakings or conditions as may be prescribed by the court. Such release shall not affect any action against any person whatsoever.
- (b) If the bond is given and all costs therein are paid before judgment and order of abatement, the action shall be thereby discontinued as to only the premises.

-
- (c) In the event such bond is given and the premises released, each day that the proprietary party knowingly permits the premises or any part thereof to be used for such prohibited activity during the term of the bond shall warrant a forfeiture of \$100.00 under the bond for each day on which the premises are so used. Collection thereof shall be had by rule taken in the original action against the principal and sureties thereon, or either of them, and the release shall be revoked.
 - (d) No forfeiture under the bond shall relieve the proprietary party from any prosecution for contempt, and the consequences thereof. The penalty under the bond and the penalty for contempt shall be cumulative. The release of the premises under the provisions of this section shall not release it from any judgment, penalty, lien or liability to which it may be subject by law.

(Ord. No. O-119-2007, § 2, 6-19-07)

Sec. 60-41. Remedy in addition to general law.

The remedies provided herein do not constitute an election of remedies and shall not prevent the resort to any other remedies provided by general law.

(Ord. No. O-119-2007, § 2, 6-19-07)

5. Survey of Public Opinion

We created a survey to poll the public about short-term rentals. We sent the survey to the coterie chairs of Freetown, Quiet Town, McComb Veazy, La Place and Oasis. We will continue to circulate the survey to residents of areas most effected by short-term rentals.

Survey location: <https://lafayettetla.org/short-term-rental-opinion-survey/>

Number of respondents: 38

Results as of August 13, 2023

What is your general opinion of short-term rentals?

I love them.	39.5%
I'm fine with them. No issues.	52.6%
I'm ok with them but have concerns.	0%
I have serious concerns about them.	0%
I hate them.	7.9%

Are you aware of any short-term rentals in your neighborhood?

Yes 45% No 55%

Have you had specific issues with a short-term rental?

Yes 8% No 92%

What specific issues did you have?

- Loud
- Parties, parking, lights, noise, obscenity, drug use, hundreds of strangers coming and going next door, fear for my and my family's safety, loss of my First Amendment rights, restraining orders, lost sense of community, falsely accused of racism, xenophobia, elitism, and business litigation.
- None

5. Survey of Public Opinion

Do you have any suggestions of how you would like short-term rentals to operate?

- Operate them where they belong, like commercial and mixed use areas, not in neighborhoods
- Cameras, and hosts should be local or have local contact for maintenance and emergencies.
- Register them so we know where they are. Track density so there is no over saturation in certain areas Leave property rights alone Enforce existing laws against bad operators and also allow LTLA to self regulate by way of a Committee that will receive and investigate offenders.
- Register with the city Participate in “best practices” training Have adequate parking
- Let the homeowner operate it as he chooses. Unless they are breaking the law.
- The owner should register them for an initial fee and a small fee for each added one. Subdivision restrictions and /or HOAs should say if they are not allowed. It should NOT be a city or parish wide rule but up to each subdivision or single family development.
- I think as a property owner as long as you maintain your property and pay your taxes then you should be allowed to do whatever you wish with your property. Also, I like the dynamic micro economies these STR’s create. You think about it, the successful ones create an investor craze and they all move in to buy and restore oftentimes older homes that greatly need repair. These bring home values back into neighborhoods. There is a lot to consider here for sure.
- Short term rentals are generally kept up better than long term rentals. I don’t think there should be any restrictions on people that use their homes for short term rental.
- Permit if needed but there are many in my neighborhood with no issues. I don’t see this an issue.

5. Survey of Public Opinion

Do you have any suggestions of how short-term rentals can contribute to the culture and/or well-being of your neighborhood?

- Short term rentals in our many neighborhoods allows tourist to immerse themselves into our unique culture. It gives them a true feeling of Lafayette!
- Provide local restaurant recommendations. Inform guests of festivals, live music, and local events. Use local vendors and craftsmen to decorate and furnish the STRs.
- Provide guidebooks Have a hot line to provide a place for complaints and compliments
- No parties allowed. Monitor noise and cameras on the outside entrances
- I live next to one. I send people to local restaurants and things to do.
- 1. Revenue for the parish and the city. 2. They provide jobs for people. 3. They can accommodate families all in one place where they can cook their own food and be more like a home.
- Already happening: Hosts who also offer Experiences as part of their offerings (porch wine hour, swamp tours, story telling, offering free admission to local music venues)
Listing local favorite spots for dining shopping, dancing and tours
- It brings revenue to our City and community as well as creating jobs.

5. Survey of Public Opinion

Do you have any suggestions on rules or regulations for short-term rentals in your neighborhood?

- Regulations that are fair and not too expensive.
- Have adequate parking.
- Do not allow them in neighborhood.
- Follow the guidance of local STR alliances or groups.

5. From RS-1 to “Other Zones.” A Legacy of Redlining

If the desire to move activities some feel are “undesirable” from affluent neighborhoods into “mixed” or transitional neighborhoods sounds familiar, it’s because there’s a name for it: Redlining.

Redlining is the name given to a discriminatory lending practice dating back to the 1930s when lenders would draw red lines on maps around neighborhoods that were predominantly Black as a way to deny a mortgage, claiming it was high risk.

In recent years, the term “redlining” has become shorthand for many types of historic race-based exclusionary tactics in real estate — from racial steering by real estate agents (directing Black home buyers and renters to certain neighborhoods or buildings and away from others) to racial covenants in many suburbs and developments (barring Black residents from buying homes). All of which contributed to the racial segregation that shaped the way America looks today.

From the New York Times. <https://www.nytimes.com/2021/08/17/realestate/what-is-redlining.html>

“Neighborhoods were ranked from least risky to most risky — or from “A” through “D.” The federal government deemed “D” areas as places where property values were most likely to go down and the areas were marked in red — a sign that these neighborhoods were not worthy of inclusion in homeownership and lending programs. Not coincidentally, most of the “D” areas were neighborhoods where Black residents lived.

Though the maps were internal documents that were never made public by the federal government, their ramifications were obvious to Black homeowners who could not get home loans that were backed by government insurance programs. Usage of the term redlining became more common during the Civil Rights movement, especially in the era leading up to the passage of the Fair Housing Act of 1968, which prohibited housing discrimination, and the Home Mortgage Disclosure Act of 1975, which required the release of lending data.

In 1976, the historian Kenneth T. Jackson discovered one of these government maps of St. Louis. “When Jackson discovered this map, it was the smoking gun,” said Matthew Lasner, an associate professor of urban studies and planning at Hunter College.

Many RS-1 Lafayette neighborhoods contain covenants written in the 30s and 40s with racist language and terms. While these restrictions are unconstitutional, Anti-STR activists have sought to use these covenants to kick short-term rentals, which they see as undesirable, out of their neighborhoods.

The act of using a racist covenant to enforce neighborhood rules created by the same group of residents at the same time calls into question the validity of all the rules created in the covenant.

How can we dismiss the blatant racism present within these agreements without also questioning the other rules made at that time?

GORDON J. SCHOEFFLER

ATTORNEY AT LAW

E-mail: gordon@gjlawoffice.com

September 23, 2022

730 Jefferson St.
P.O. Box 4829
Lafayette, LA 70502
337-234-5505
Fax 337-261-0799

Lafayette Parish Clerk of Court
Fifteenth Judicial District
Post Office Box 2009
Lafayette, Louisiana 70502

Via Hand Delivery

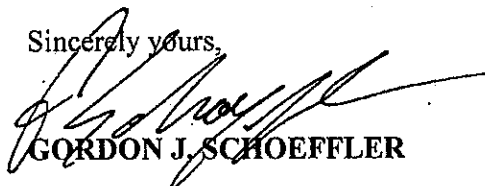
RE: SCOTT EDWARD ERNY vs. RONALD CZAJKOWSKI, et al

NO: 2022 2754 DIV. "A"- 15th JDC, Lafayette Parish, LA

Dear Clerk:

Enclosed, please find an original and one copy of a Consent Judgment as between Plaintiff and two more of the defendants in the above referenced matter. Please file the original into the record and forward to Judge Privat for his consideration, thereafter returning a signed copy of the judgment to my office at the address above. It is my understanding that there are sums sufficient on account with the clerk to cover the cost of this filing. Thanking you in advance for your fine cooperation and assistance, I remain

Sincerely yours,



GORDON J. SCHOEFFLER

GJS/rls
Encls.

SCOTT EDWARD ERNY

15TH JUDICIAL DISTRICT COURT

VS.

DOCKET NO.: 2022 2754 DIV. "A"

RONALD CZAJKOWSKI, et al

PARISH OF LAFAYETTE, LOUISIANA

CONSENT JUDGMENT

On May 26, 2022, Plaintiff, SCOTT EDWARD ERNY, filed a Petition For Permanent Injunction against defendants, RONALD CZAJKOWSKI, ANDREA CZAJKOWSKI, JAMIE HUGHES, RYAN HUGHES, SEAN JACKSON, and CRYSTAL JACKSON seeking a Permanent Injunction prohibiting RONALD CZAJKOWSKI, ANDREA CZAJKOWSKI, JAMIE HUGHES, RYAN HUGHES, SEAN JACKSON, and CRYSTAL JACKSON as well as their successors, heirs, or assigns from using certain properties in Lafayette Parish referenced in the Petition as short term rentals/ vacation rentals/ internet motels or for any other commercial purpose as is prohibited by the Broussard Subdivision's Restrictions and Covenants, or otherwise in keeping with the general uses and character of the neighborhood. The Plaintiff, SCOTT EDWARD ERNY and Defendants, RONALD CZAJKOWSKI and ANDREA CZAJKOWSKI having now amicably resolved their disputes made the subject of this litigation, wish to enter into a consent judgment effective between those parties only as follows.

Considering the foregoing and by mutual consent of the Parties:

IT IS ORDERED, ADJUDGED, AND DECREED that the Permanent Injunction as prayed for by Plaintiff, SCOTT EDWARD ERNY, as to Defendants, RONALD CZAJKOWSKI and ANDREA CZAJKOWSKI, is hereby GRANTED as follows:

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that effective on the 24th day of September, 2022, RONALD CZAJKOWSKI and ANDREA CZAJKOWSKI, as well as

their successors, heirs, or assigns are hereby enjoined from using the following described property in Lafayette Parish as a short-term rental (defined as the use and enjoyment of a dwelling unit or any part thereof, by guests for a period of less than thirty consecutive days, in exchange for money, commodities, fruits, services or other performances), for-profit transient lodging, vacation rental, internet motel, AirBNB, VRBO, or any other short term rental platform/service, or for any other non-residential purpose as is prohibited by the Broussard Subdivision's Restrictions and Covenants unless and until either of the following events occur:

- 1) the Broussard Subdivision's Restrictions and Covenants providing that the said subdivision is restricted exclusively for residential purposes is amended to permit such uses or abandoned by law altogether; or
- 2) there be a change in applicable law, be it binding jurisprudence, legislative action, or executive action, which establishes that the Broussard Subdivision's Restrictions and Covenants providing that the said subdivision is restricted exclusively for residential purposes do not prohibit such uses enumerated above:

That certain lot or parcel of land, together with all buildings and improvements thereon and all rights, ways privileges, servitudes, easements, and appurtenances thereto belonging or in anywise appertaining, situated in the BROUSSARD SUBDIVISION to the City of Lafayette, Louisiana, and being known and designated as LOT FOURTEEN (14) of BLOCK ONE (1) thereof, the said lot having fifty (50) feet front on St. Louis Street by a depth between parallel lines of One Hundred Twenty-Five (125) feet, and is bounded Northeasterly by Lot 23, Southwesterly by said St. Louis Street, Northwesterly by Lot 15 and Southeasterly by Lot 13.

Being the same property acquired by Baron John Duplechin and Melanie Eileen Duplechin Waters, in part from Succession of John B. Duplechin and Regina Gertrude Hensgens Duplechin by that certain Judgment of Possession dated August 25, 2003; Amended Judgment of Possession dated October 23, 2003, and in part from Succession of Sharon Kay Duplechin, by that certain Affidavit of Small Succession of Sharon Kay Duplechin dated October 23, 2019,

all recorded in the public records of Lafayette Parish, Louisiana, under File Entry Nos. 2003-45593, 2003-56589, and 2019-35935, respectively.

Also being the same property acquired by Ronald Czajkowski and Andrea Czajkowski from Melanie Eileen Duplechin Waters and Baron John Duplechin by that Act of Cash Sale dated December 3, 2019, recorded December 6, 2019, under Entry No. 2019-00040976 of the records of LAFAYETTE PARISH, Louisiana.

Bearing a municipal address of 748 St. Louis Street, Lafayette, Louisiana 70506.


RONALD CZAJKOWSKI and ANDREA CZAJKOWSKI, as well as their successors, heirs, or assigns are reserved the right to lease the above property for residential rental purposes on a long-term basis, as is recognized by and subject to the provisions of Book III, Title IX of the Louisiana Civil Code (La. C.C. Art. 2668, et seq), the parties hereto recognizing and stipulating that such purposes are residential uses.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each party is responsible for their own costs.

THUS DONE AND SIGNED in Lafayette, Louisiana, this _____ day of _____, 2022.

HON. SCOTT PRIVAT
District Court Judge

APPROVED AS TO FORM AND CONTENT:


GORDON J. SCHOEFFLER (#29412)
730 Jefferson St. (70501)
P. O. Box 4829
Lafayette, LA 70502

✓ 190460

STATE OF LOUISIANA

PARISH OF LAFAYETTE

BE IT KNOWN, That on this 2nd. day of MAY, in the year of our Lord nineteen hundred and forty-six (1946), before me, WELTON P. MOUTON, a Notary Public in and for said Parish and State, and as such duly commissioned and qualified, personally came and appeared EDWARD BROUSSARD, married to Elvige Broussard, of lawful age, a resident of the Parish of Lafayette, Louisiana, who, being duly sworn, did depose and say:

That he is the sole owner of the following described property, to-wit:

That certain tract of land situated in the Parish of Lafayette, Louisiana, bounded Northerly by West Congress Street, Southerly by Souvenir Gate Street, Easterly by St. Mary Street and Westerly by Mrs. E. C. Broussard, with the exception of Lots Two (2), Four (4), Nineteen (19), Twenty (20), Twenty-One (21), Twenty-Two (22), Twenty-Four (24) and Twenty-Five (25) of Block One (1), Lots One (1), Four (4), Five (5), Six (6), Seven (7) and Eight (8) of Block Two (2), and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8) of Block Three (3) of the Broussard Subdivision, which lots are more fully and completely shown on attached plat of survey by A. R. Yandle, Civil Engineer, dated March 7, 1946 and revised on March 19 and April 1, 1946.

Appearer declared that the lots excepted from the foregoing description are lots which were sold by him prior to this dedication, and some of the parties to whom he sold said lots hereinafter appear herein.

Appearer declared that, desiring to lay off the said land into lots for the purpose of offering the same for sale, he has caused said parcel of ground hereinabove described to be surveyed and divided into lots and streets, same to be known as "Broussard Subdivision" to the City of Lafayette, Louisiana, as shown by plat of survey of said addition made by A. R. Yandle, Civil Engineer, dated March 7, 1946, revised March 19 and April 1, 1946, which has been duly recorded in the Office of the Clerk of Court of the Parish of Lafayette, Louisiana, and paraphed "Ne Varietur" for identification with this act of dedication.

Appearer further declared that he does by these presents make a formal dedication, to public use, of the streets designated on such plat of survey hereinbefore referred to.

Appearer further declared that a copy of the said map is being this day filed by him with the Assessor of the Parish of Lafayette, Louisiana, as required by Act 51 of the Legislature of Louisiana for the year 1930.

And, to these presents personally came and appeared GILBERT PATIN, married to Annette B. Patin, ANATOLE CHASTANT, married to Lydia B. Chastant, SAM BRECHTOL, married to Beulah B. Brechtol, WILTON LANGLINAIS, married to Shirley O. Langlinais, PATRICH LANDRY, married to Rosie L. Landry, DANIEL J. BROUSSARD, married to Rita L. Broussard, LOUIS A. LANDRY, married to Edith B. Landry, ORAY ORGERON, married to Marjorie Alpha Orgeron, CLINTON HIGGINBOTHAM, married to Georgie P. Higginbotham, GEORGE PATIN, married to Mabel H. Patin, ORAN BROUSSARD, married to Martha P. Broussard, and MRS. GENEVIEVE ROMERO RICHARD, married to Mitchell S. Richard, all residents of the Parish of Lafayette, Louisiana, who declared that they are the sole owners of property comprised within the Broussard Subdivision hereinabove referred to consisting of Lots Two (2), Four (4), Nineteen (19), Twenty (20), Twenty-One (21), Twenty-Two (22), Twenty-Four (24), and Twenty-Five (25) of Block One (1), and Lots One (1), Four (4), Five (5), Six (6), Seven (7), and Eight (8) of Block Two (2), and Lots One (1), Two (2), Four (4), Seven (7) and Eight (8) of Block Three (3) of the Broussard Subdivision, all of which were purchased by them from appearer, Edward Broussard. That Lots Three (3) and Six (6) of said Block Three (3) are the property of Daniel Sonnier and Lot Five (5) of said Block Three (3) is the property of Bryan Armentor. Said appearers declared that they desire that their property be included in this act of dedication, join therein with appearer Edward Broussard and consent thereto, and they, together with the appearer Edward Broussard, make a formal

dedication to public use of the streets designated on such plat of survey hereinabove referred to.

Appearers further declared that in order to assure all prospective purchasers that the said property will be properly developed, appearers bind themselves, their heirs and assigns, that the property comprised within the Broussard Subdivision as shown on said plat of survey prepared by A. R. Yandle, Civil Engineer, shall not be sold except under the following restrictions which are to run with the land:

That this property is restricted exclusively to the use and occupation of the members of the White Race, and appearers bind and obligate themselves not to sell or lease and agree that they and their heirs and assigns shall refrain from selling or leasing any portion or the whole of the said property herein to a negro or negroes.

That the cost of structures erected in the said subdivision shall be not less than THREE THOUSAND & 00/100 (\$3000.00) DOLLARS, and that the said subdivision is restricted exclusively for residential purposes, with the exception of the property owned by appearer Clinton Higginbotham designated on said plat of survey as Lot Four (4) of Block No. Three (3), on which there is presently existing a commercial structure.

In order to secure the observance of these covenants, any party in interest, his heirs or assigns, shall have the right to prevent the breach of these covenants by an injunction, mandatory or otherwise, and to recover from the party breaching this agreement whatever damage which might have been suffered from any such breach.

Done and passed on the day and date first above written in the presence of the undersigned competent witnesses

who signed with appearers and me, officer, after due reading thereof.

WITNESSES:

Wm. J. Brechtel
Nina Leblanc

Edouard J. Bousquet
Louis A. Landry
Robert P. Pate
Ory C. Ogden
Daniel J. Broussard
Am. E. Broussard
J. C. Higginbotham
Wilton Langlois
Samuel J. Brechtel
George Pate
Patrick Landry
A. L. Chastant
Genevieve Komerich
Mitchell S. Richard

Wm. C. Brown
 NOTARY PUBLIC.

THIS 3 DAY OF May 1946
 RECORDED SAME DATE IN BOOK 1689
Wm. J. Brechtel
 CLERK OF COURT



We are a group of local short-term rental and property owners who contribute to the tourism, culture and joie de vivre of hospitality in Lafayette, Louisiana. We establish best practices, help hold hosts accountable and provide support for local hosts and neighbors.

A Community Resource

The LTLA was formed in 2020 to connect Lafayette short-term rental owners. We are connected with over 40 owners and represent nearly 100 properties. We have worked with VRBO, AirBnB and rentresponsibly.org to develop best practices for local operators and be a resource for both city officials and neighbors.

How Can We Help?

- Educate short-term rental owners on best practices and provide other resources

We would like to work with the city to provide first-time short-term rental owners with valuable information to help create safe, well-run properties that can support tourism and local housing markets without disturbing neighbors.

- Mentor new owners

We are working to create a mentoring program for interested owners so they have a direct line for questions about operating a short-term rental in Lafayette.

- Empower neighbors and address concerns

We want to educate concerned neighbors about how they can lodge complaints and have issues resolved, both with the city and with the AirBnB and VRBO platforms. Neighbors should have clear paths to getting answers.

- Field property complaints

We are willing to contact operators and help resolve issues. We are willing to review short-term listings and policies, make suggestions to short-term rental operators and advise them of the expectations we have for local operators and consequences they could face.