

# **Lafayette Short-term Rental Discussion Meeting**

Information Packet  
August 29, 2023

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## Ordinance Proposal

### 1. Permitting System with site plan

- What this does:
- Creates registration system that provides city with number and location of STRs
  - Ensure that all operators are paying taxes
  - Provides a point of contact to distribute Best Practices and other information
  - Provides incentive for good operation (permit can be revoked)
  - Ensures potential issues like parking have been considered

### 2. No paid events or parties in RM/RS zones, including monetary fine

- What this does:
- Minimizes disturbance of neighborhoods

### 3. Required Notification of Neighbors

- What this does:
- Provides neighbors with property and contact information and empowers them if there is an issue. Complaint package includes Hotline Number and clear instructions on how to register complaint.

### 4. Fire safety requirements (fire extinguisher, smoke alarm, carbon monoxide)

- What this does:
- Provides safety minimums to keep guests safe

### 5. City Complaint Hotline

- What this does:
- 24/7 phone number to register complaints or request a property investigation

In other communities where permits have been introduced, the number of short-term rentals have been reduced by as much as 50%. Residents who take the time and effort to obtain permits are generally more responsible and are provided with more guidance when they begin operating. Neighbors are empowered with clear courses of actions if there are any issues on their street.

## **2020 Short-term Rental Proposed Ordinance**

- Use Table: "Lodging" category created and Short-term rentals added
- Required registration and Certificate of Occupancy
- Contact info and property information: number of bedrooms and parking spaces, max occupancy
- Adherence to existing laws
- No parties or paid events in RS and RM

## **2021 Short-term Rental Proposed Ordinance**

- Use Table: "Lodging" category created and Short-term rentals added
- Required registration and Certificate of Occupancy - *for a 3 year term*
- *Changes to limited use operations in zones*
- Contact info and property information: number of bedrooms and parking spaces, max occupancy
- Adherence to existing laws
- No parties or paid events in RS and RM
- *Display of Certificate of Occupancy*
- *Minimum stay of one (1) night*

## **This Proposal**

- Use Table: "Lodging" category created and Short-term rentals added
- Required registration and Permit
- Contact info and property information: number of bedrooms and parking spaces, max occupancy
- Adherence to existing laws
- No parties or paid events in RS and RM
- Display of Permit
- Minimum stay of one (1) night
  
- Adds Notification of Neighbors
- Adds Fire Safety Requirements
- Adds City 24/7 Complaint Hotline

**ORDINANCE NO. CO-       -2021**

**AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL  
AMENDING CHAPTER 89, ARTICLE 2, SECTION 89-21 "USE TABLE",  
ENACTING CHAPTER 89, ARTICLE 5, SECTION 89-77-1  
"SHORT-TERM RENTAL", AND AMENDING CHAPTER 89, ARTICLE 8,  
SECTION 89-151-1 "GENERAL DEFINITIONS" OF THE LAFAYETTE  
DEVELOPMENT CODE 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 December 16, 2020, by Joint Ordinance JO-111-2020, the Lafayette City Council and the Lafayette Parish Council repealed and re-enacted Chapter 89 of the Lafayette City-Parish Code of Ordinances, the Lafayette Development Code ("LDC"); and

**WHEREAS**, in adopting the LDC, the Lafayette City Council and the Lafayette Parish Council declared that the LDC was necessary in furtherance of the health, safety and welfare of the citizens of the City of Lafayette and unincorporated Parish of Lafayette; 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 the Lafayette 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 Development Code is hereby amended in the following particulars, with words in ~~strike through~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

Table 89-21-2 Use Table

Use Category	"A" Agricultural	"AS" 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
<b>Residential</b>											
<b>Residences:</b>											
Dwelling, single-family detached	P	P	P	P							
Accessory apartment	P	P	P	P	P	P	C				
Cottage Courts		C	P	P		C	P				
Dwelling, two-family (duplex)		C	P	P			P				
Multi-family			P	P	P	P	P	P			
Live/Work Dwelling			P	P	P	P	P				
Manufactured home											
Manufactured Housing Land Lease Community	p	C	C								
Apartment House			P	P	P	P	P				
Apartment Hotel				P	P	P	P	P			
Townhouse/ Row House		C	P	P	P	P	P				
<b>Group Living:</b>											
Boarding House			P	P	P	P					
Community living			P	P	P	P	P	P			
Community home	P	P	P	P	P	P	P			P	
Life care or continuing care services				P	P	P	P	P			
<b>Lodging</b>											
Bed and breakfast		C	C	C	C	C	C				
Hotel (small)				P	P	P	P	P		P	P
Hotel / Motel					P	P	P	P		P	P
Recreational vehicle park	C										
<b>Short-Term Rental *See 89-77-3(b)</b>	P	P	P	P	P	P	P	P			

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

...

<b>Lodging</b>	
<b>Bed and breakfast</b>	An owner- or operator- occupied house, or part of a house, that offers no more than 9 guest bedrooms for overnight paid occupancy of up to 30 consecutive nights, and where breakfast is provided to guests.
<b>Hotel (small)</b>	A Hotel that does not contain more than 50 guest rooms and does not exceed three stories height.
<b>Hotel / Motel</b>	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.
<b>Recreational vehicle park</b>	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.
<b>Short-Term Rental</b>	<b><u>The provision of a building, or a room or unit within a building, that contains no more than 5 total guest rooms, and 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></b>

SECTION 4: Chapter 89, Article 5, Section 89-77-1 ("Short-Term Rental") of the Lafayette Development Code 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 Zoning Districts.** Unless qualifying as a Nonconformity under §89-96, et. seq., the operation of a Short-Term Rental in a zoning district is restricted to the operation in "Residences" listed under the use category of "Residential", and "Bed and Breakfast" listed under the use category of "Lodging", in Table 89-21-2 that are permitted "by right" ("P") and/or by a valid Conditional Use Permit ("C"), in that zoning district.

- (c) **Certificate of Occupancy for Short-Term Rental Required; Procedure.**

1. *Generally.* Any person or entity operating a Short-Term Rental in the City of Lafayette pursuant to this Section shall apply for and obtain a Certificate of Occupancy from the City of Lafayette for the premises sought to be operated as a Short-Term Rental. Certificates of Occupancy for Short-Term Rentals shall be issued on a three (3) year cycle, with the first cycle ending on February 28, 2025 (second cycle begins March 1, 2025 and ends on February 29, 2028, etc.).
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 per Room 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 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 Rental, 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 hereto.

- (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 are not allowed in “RS” and “RM” zoning districts.
- (g) **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 Lafayette City-Parish Code of Ordinances.

**SECTION 5:** Chapter 89, Article 8, Section 89-151-1 (“General Definitions”) of the Lafayette Development Code is hereby amended in the following particulars, with words in strikethrough being deletions from existing law, and words **underscored and boldfaced** being additions:

Table 89-151-1 General Definitions

<b>Shopping Center</b>	See Integrated Business Center in Article 5 “Signs”. (↔ § 89-90 (a) (2)).
<b>Short-Term Rental</b>	<u>The provision of a building, or a room or unit within a building, that contains no more than 5 total guest rooms, and 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. (↔ § 89-77-1) (↔ § 89-21-2 “Use Table”) (↔ § 89-21 (d))</u>
<b>Shrub</b>	A low, usually multi-stemmed, self-supporting, woody plant species

...

**SECTION 6:** The regulations associated with the 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 March 1, 2022, apply for a Certificate of Occupancy in accordance with Section 4 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 LDC and the Lafayette City-Parish Code of Ordinances.

**SECTION 7:** All other LDC provisions and regulations not specifically amended herein shall remain and be in full force and effect.

**SECTION 8:** All ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

**SECTION 9:** 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.



**Conditioning STR Approval on Consent of Neighbors is Unreasonable**

Conditioning the approval of short-term rentals in the City's RS zoning districts on receipt of written consent from all "first and second adjacent" property owners is unreasonable and unfair. Courts have generally overturned land use permit denials that were based solely on the existence of opposition from adjacent property owners, where there was no public health, safety, or welfare reason for denying the requested permit.

STR's would need to get "permission" for approximately 12 other homeowners under this ordinance.

Additionally, as the ordinance is written it will leave property owners in the RS district in the position of not knowing from year to year whether they will be permitted to continue operating an STR. Even if the STR has operated without complaint or issue for the preceding year after receiving unanimous consent of its neighbors, a single new first or second adjacent property owner could unreasonably refuse to consent and prevent an STR from continuing to operate.

Does the City of Lafayette have the same requirements for any other type of permit or license? For those residents who currently operate a business out of their home ( hair salon, massage therapy, CPA etc. ) do each of these businesses require notification to and approval from 1st and 2nd adjacent neighbors? If not, why is the City imposing this on STR's?

**By Conditioning STR Approval on Consent of Neighbors, the City is abdicating their duty to make zoning decisions.** In lieu of a conditional use permit where the city makes the ultimate decision on what a property owner can do with their property, this process places that decision-making burden on private citizens.

**The City has provided no justification for the proposed ban on OWNER occupied short-term rentals.**

Owner-occupied short-term rentals generally are considered less likely to have any impact on neighboring properties. If the intent of Lafayette's STR Ordinance is to adopt "reasonable rules and regulations for the licensing and lawful operation" of short-term rentals while protecting the peace, good order, and integrity of the City's residential neighborhoods, as Section 73-1(b) states, the proposed ban on owner-occupied short-term rentals makes no sense.

**Section 73-27(a) provides the Director Extraordinary Legal Precedent**

This provision seems to provide the Director the authority to enforce "any and all" federal, state, and parish laws and regulations, regardless of whether the laws and regulations themselves grant such enforcement authority to the Director. Does the City have the power to grant such broad enforcement authority to the Director?

**The City is delegating duties and liabilities associated with policing and enforcing laws and regulations to private citizens.** Under Section 73-25 the ordinance requires a short-term rental agent to respond onsite "to handle any problems or complaints," and sets specific time frames for responding. The City is delegating duties and liabilities associated with policing and enforcing local, state and federal laws and regulations to a private citizen. Civilians, unlike local law and code enforcement agencies, are neither trained nor equipped to respond on short notice to complaints. It is unreasonable for the City to place this burden on a short-term rental agent when the entire community benefits from the policing of unruly behavior and enforcement of the law. In addition, to the extent that these provisions would require the short-term rental agent to confront a badly behaving tenant or guest, they could place the agent at risk of physical harm or potential liability.



**The proposed STR Ordinance would prohibit existing short-term rentals in the RS district from qualifying as a nonconformity.**

The proposed STR Ordinance would prohibit existing short-term rentals in the RS district from qualifying as a nonconformity, even if they meet the requirements of Article 6 of the Development Code. If adopted, this ordinance would treat existing short-term rentals in the RS district different than any other use in any zoning district by prohibiting them from qualifying as nonconforming uses, even if they meet normal requirements.

## Short-term Rentals are a Residential Use Court Rulings

### Short-term rentals are a residential use.

A short-term rental bears many similarities with a long-term rental. “Residential” means “used as a residence.” “Residence,” in turn, means “the act or fact of dwelling in a place for some time; the act or fact of living or regularly staying at or in some place for the discharge of a duty or the enjoyment of a benefit.”

As these definitions show, the term “residential use” depends both upon the function the property serves for its occupant and the duration of time the property is used. In common usage, the term depends on both function and duration, although the functional component is generally more significant and the term is unclear.

**The appellate courts of at least nineteen states have decided that even rental stays of less than 30 days-nightly, weekend, or weeklong stays-constitute residential uses or purposes.** These states focused on whether such short-term residents were using the homes for ordinary living activities and benefits-e.g., eating, washing, sleeping, storing their belongings and vehicles, and enjoying the surrounding scenery and community.

Some cases illustrated the difference between ordinary living activities and business activities by discussing alternative uses, such as bustling autobody shops, see, *e.g.*, *Craig Tracts*, 744 P.3d at 228. **What the decisions had in common was their reliance on the use to which the home was put-i.e., the functional component.**

A Nexus search of rulings effecting Short-term rental definitions found 24 such cases.

**19 rulings determined STRs are a “residential use” as opposed to 5 deeming them otherwise.**

**At least Four (4) State Supreme Courts have ruled that STRs are a residential use**, including Arkansas (*Vera Lee Angel Revocable Trust v. O’Bryant*), Alabama (*Slaby v. Mountain River Estates Residential Ass’n, Inc.*) Michigan (*Reaume v Township of Spring Lake*) and Texas (*Kenneth H. Tarr v. Timberwood Park Owners*).

*Slaby v. Mountain River Estates* said that “so long as the renters continue to relax, eat, sleep, bathe, and engage in other incidental activities ..., they are using the [property] for residential purposes.”

**The phrase “single family residential” simply precludes the erection of a single structure containing segmented living facilities, such as an apartment or condominium complex.** Courts have also held that there is no requirement that the dwelling be inhabited by a ‘single’ family, as long as the building is used for residential purposes.

### **3            List of Rulings Determining Short-term Rentals as “Residential”**

Vera Lee Angel Revocable Tr. v. Jim O’Bryant & Kay O’Bryant Joint Revocable Tr.

Wihbey v. Pine Orchard Ass’n Zoning Bd. of Appeals in Branford, 2021 WL 5014096 (Conn. Superior Ct. 2021);

Wilson v. Maynard, 961 N.W.2d 596 (S.D. 2021);

Craig Tracts Homeowners’ Ass’n, Inc. v. Brown Drake, LLC, 477 P.3d 283(Mont. 2020);

Forshee v. Neuschwander, 914 N.W.2d 643 (Wis. 2018);

Tarr v. Timberwood Park Owners Ass’n, Inc. 556 S.W.3d 274 (Tex. 2018);

Santa Monica Beach Prop. Owners Ass’n, Inc. v. Acord, 219 So.3d 111 (Fla. Ct. App. 2017);

Houston v. Wilson Mesa Ranch Homeowners Ass’n, Inc., 360 P.3d 255 (Colo. Ct. App. 2015);

Wilkinson v. Chiwawa Communities Ass’n, 327 P.3d 614 (Wash. 2014) (en banc);

Estates at Desert Ridge Trails Homeowners’ Ass’n v. Vazquez, 300 P.3d 736 (N.M. Ct. App. 2013);

Russell v. Donaldson, 731 S.E.2d 535 (N.C. Ct. App. 2012); In re Toor, 59 A.3d 722 (Vt. 2012);

Slaby v. Mountain River Estates Residential Ass’n, Inc., 100 So.3d 569 (Ala. Civ. App. 2012);

Applegate v. Colucci, 908 N.E.2d 1214 (Ind.Ct.App. 2009);

Scott v. Walker, 645 S.E.2d 278 (Va. 2007);

Lowden v. Bosley, 909 A.2d 261 (Md.Ct.App. 2006);

Mullin v. Silvercreek Condo., Owner’s Ass’n, Inc., 195 S.W.3d 484 (Mo.Ct.App. 2006);

Pinehaven. Planning Bd. v. Brooks, 70 P.3d 664 (Idaho 2003);

Yogman v. Parrott, 937 P.2d 1019 (Or. 1997) (en banc);

Catawba Orchard Beach Ass’n, Inc. v. Basinger, 685 N.E.2d 584 (Ohio Ct. App. 1996).

## Hignell-Stark vs City of New Orleans (2022) U.S. Fifth Circuit Court of Appeals

### **Residency Requirements are Unconstitutional**

“The district court held that the residency requirement discriminated against interstate commerce. That was the right call. But the court then applied the Pike test to uphold the law. That was a mistake; it should have asked whether the City had reasonable nondiscriminatory alternatives to achieve its policy goals. Because there are many such alternatives, the residency requirement is unconstitutional under the dormant Commerce Clause.”

### **New Orleans Study recognized advantages short-term rentals**

“Its own study recognized that residential STRs offer guests unique opportunities to immerse themselves in the City and have an authentic “New Orleans” experience. As the saying goes, “location, location, location” is what really matters in property markets.”

### **There are many Reasonable Alternatives to STR Bans**

“The residency requirement might help the City achieve that goal, but there are many other reasonable alternatives that the City could adopt. Take enforcement policies. The City could step up its enforcement efforts, increasing the chance that owners face punishment for disorderly guests and strengthening their incentive to monitor their rentals. It could also increase the magnitude of penalties it imposes on owners for guests who violate quality-of-life regulations. That would similarly give owners stronger incentives to prevent nuisances and help to fund increased enforcement. The City could even strip repeat offenders of their STR licenses, thus eliminating the STRs most likely to negatively impact their neighbors.

There are also several other options beyond enforcement. For example, the City could increase taxes on STRs. That would discourage younger—and rowdier—guests from renting them and provide additional funds that could also be used to mitigate nuisances. The City could give STR owners the alternative of having an operator stay on the property during the night—thus acting as the “adult supervision” that the City ostensibly hopes live-in owners will provide.”

### **There are many Reasons for Housing Demand - It's not reason enough for STR Regulation**

“But the City could reduce the demand for housing in other ways, such as increasing the price of an STR license for owners or capping the number of licenses available for any given neighborhood. Moreover, if the City is serious about protecting affordable housing, there's an obvious alternative to reducing demand: increasing supply. The City could eliminate price controls, reduce housing regulations, and provide additional incentives for homebuilders to construct more housing.

Indeed, given the fact that the City itself found that “[t]here are a number of broader factors which have affected the housing market over the past decade which have led to increased costs,” it's difficult to believe that it could show that residency requirement is necessary to address affordable housing problems. Remember that if there are “any available alternative methods for [achieving the government's] legitimate policy goals,” the residency requirement is invalid. *Dickerson v. Bailey*, 336 F.3d 388, 402 (5th Cir. 2003). Because the City has many other options to promote affordable housing, that objective can't sustain the residency requirement.”

### **The Fifth Circuit Ruling did not change Residential Use of a Property to Commercial Use**

The Fifth Circuit's Commerce Clause ruling did not change residential use of residential property into a commercial use. Plaintiffs list their homes for rent for traditional residential uses: sleeping, eating, bathing, relaxing, gathering with family and friends, watching TV. The City's STR ordinances specifically prohibit any commercial use of an STR. Plaintiffs list their property for rent on Another's commercial website such as Airbnb or VRBO. That is no different, and no more a commercial activity, than listing a private home for sale, or for lease, on a real estate agency's website. The vast majority of courts agree.



Office of the Director

November 10, 2020

Bass Family Properties, LLC  
Attn: Mike Bass  
203 Iris Lane  
Lafayette, LA 70506

Re: *105 Poinsetta Street, Lafayette, LA*

Dear Mr. Bass:

Since the issuance of the February 7, 2020 "Use Violation" letter, this office has further examined the nature of Short-Term Rentals and their operation and use in certain zoning districts in the City of Lafayette. Although not listed as a permitted use in RS zoning districts, Short-Term Rentals are not expressly prohibited, as they are undefined and unregulated by the UDC. As such, pursuant to UDC Section 89-21(c) and applying the guidelines contained therein, the Administrator has determined that the use of your property as a Short-Term Rental at 105 Poinsetta Street will be considered an authorized use by this office.

In light of the foregoing, please disregard this offices' February 7, 2020 correspondence to you regarding 105 Poinsetta Street.

Very truly yours,

A handwritten signature in black ink that reads "Mary Sliman".

Mary Sliman  
Director, Development & Planning

Cc: Paul D. Escott, *LCG Legal Dept.*

IN RE:

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Applicant: Colby Langlinais, *et. al.*  
Case No. BOZ2021-0012

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OFFICE OF BOARD  
OF ZONING ADJUSTMENT

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**DECISION OF BOARD OF ZONING ADJUSTMENT (BOZA)**

This matter came before the Board of Zoning Adjustment ("Board") for a hearing of an appeal of the Administrator's decision regarding the above captioned matter at its regularly scheduled public meeting of April 8, 2021. Present were Appellants, Colby Langlinais, *et. al.*, the Administrator, Mary Sliman, represented by Daniel J. Gauthier, Assistant City-Parish Attorney, Mike Bass and Erin Bass, represented by Gary McGoffin.


This matter involves an appeal of a decision by the Administrator, dated November 10, 2020, declaring, pursuant to LDC 89-21(c), that Short-Term Rentals (an undefined use) are a permitted use in RS-1 zoning districts.

Having heard the testimony, public comment, and considering the evidence presented, and in accord with the Board's standards for approval under LDC 89-68(f)(2):

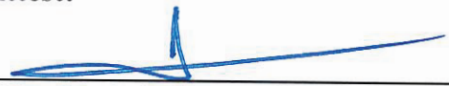
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the November 10, 2020 decision of the Administrator is hereby **AFFIRMED**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the appeal of the Administrator's decision by Colby Langlinais, *et. al.*, is hereby **DENIED**.

**BOARD OF ZONING ADJUSTMENT**

  
BY: Chris German, Chairman Date: 4/16/21

**Attest:**

  
BY: Mark deClouet, Co-Chairman Date: 4/15/21

FILED: APR 16 2021

IN RE: APPLICANTS, COLBY  
LANGLINAIS, ET AL

ON APPEAL FROM THE LAFAYETTE  
OFFICE OF BOARD OF ZONING  
ADJUSTMENT  
CASE NUMBER BOZ2021-0012

\* 15TH JUDICIAL DISTRICT COURT  
\*  
\* DOCKET NO.: C-20212524 C  
\*  
\* LAFAYETTE PARISH  
\*  
\* STATE OF LOUISIANA

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**JUDGMENT**

This matter came for hearing on November 7, 2022 before the Honorable Judge Thomas J. Frederick on the Petition for Appeal filed by *pro se* Appellants COLBY LANGLINAIS, JEANNE LANGLINAIS, GORDON SCHOEFFLER, ALISON SCHOEFFLER, STEPHANIE CORNAY DUGAN, GREGORY DUGAN, ANDREW HILL, JILL KREAMER, and PHILLIP ORTEGO:

Present were the following:

**DANIEL J. GAUTHIER** and **GREGORY J. LOGAN**, as counsel  
for Appellee, Lafayette City-Parish Consolidated Government;

and

**GORDON J. SCHOEFFLER**, appearing *pro se* and as the designated  
representative of *pro se* Appellants.

After considering the Record submitted by LCG in this matter, the law, the pleadings, the memoranda of the parties, and the arguments of counsel, and for the reasons announced in open Court:

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the April 8, 2022 decision of BOZA in Case Number BOZ2021-0012 was not made in an arbitrary, capricious, and unreasonable manner and, accordingly, is **AFFIRMED**.

**IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED** that all relief requested in Appellants' Petition for Appeal is **DENIED**, and accordingly, said Appeal is **DISMISSED**, with prejudice, with each party to bear its own costs associated with these proceedings.

SIGNED this 29TH day of November, 2022 at NOVEMBER, Louisiana.

STATE OF LOUISIANA PARISH OF LAFAYETTE

I HEREBY CERTIFY THAT A CERTIFIED COPY  
OF THIS JUDGMENT HAS BEEN  
MAILED/SERVED ON ALL PARTIES THIS  
November 30, 2022

  
HONORABLE JUDGE THOMAS J. FREDERICK

  
DEPUTY CLERK OF COURT

{Rule 9.5 Certificate and Signature of Counsel on Following Page}

CC: DANIEL J. GAUTHIER  
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15<sup>TH</sup> JUDICIAL DISTRICT COURT

VERUS

DOCKET NO. 2021-2524

LAF-BOARD OF ZONING ADJUSTMENT

LAFAYETTE PARISH, LOUISIANA

**WRITTEN REASONS FOR JUDGMENT**

This is an appeal from an April 8, 2021 decision of the Lafayette City-Parish Government's Board of Zoning Adjustment, with respect to the use of property located at 105 Poinsetta Drive in the City of Lafayette.<sup>1</sup> The Board affirmed a determination made by the Director of LCG's Community Development and Planning Department, Mary Sliman, that the use of the property as a "short-term rental" would be considered an authorized use pursuant to Section 89-21(c) of the Unified Development Code (UDC).<sup>2</sup>

The standard of review applicable to appeals of this nature was summarized in *Sassone v. Hartel Enterprises, L.L.C.*, 2008-166, p. 2 (La.App. 3 Cir. 4/30/08); 981 So.2d 923, 925, as follows:

A prima facie presumption of validity attaches to zoning board actions, and a reviewing court cannot substitute its own judgment for that of the board. The reviewing court cannot interfere absent a showing by the appellant that the board was arbitrary and capricious or that the board abused its discretion. On appeal, the person who opposes a zoning board's decision bears the burden of proof that the decision was arbitrary, capricious, and unreasonable. *Parish of Jefferson v. Davis*, 97-1200, 97-1201 (La.App. 5 Cir. 6/30/98), 716 So.2d 428, writ denied, 98-2634 (La.12/11/98), 730 So.2d 460; *Cerminaro v. Jefferson Parish Zoning Appeals Bd.*, 02-1041 (La.App. 5 Cir. 2/11/03), 838 So.2d 193.

Generally, when the district court sits as an appellate court and is not exercising its original jurisdiction, its review is limited to the record on appeal. *Williams v. Opportunity Homes Ltd. P'ship*, 2017-0955 (La. 3/13/18), 240 So.3d 161; *Metro Riverboat Associates, Inc. v. Louisiana Gaming Control Bd.*, 2001-0185, p. 7 (La. 10/16/01); 797 So.2d 656, 661. However, a court may take additional evidence at a hearing of an appeal from a decision of a board of zoning adjustment if "it shall appear to the court that testimony is necessary for the proper disposition of the matter...." La.R.S. 33:4727(E)(4). The decision about whether to receive additional

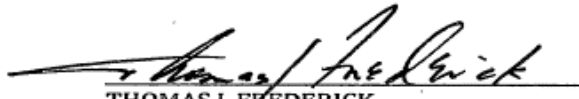
<sup>1</sup> The property is owned by Bass Family Properties, LLC.

<sup>2</sup> "Short term rental" was not defined by the UDC, which was subsequently replaced by the Lafayette Development Code.

evidence is a matter left to the court's discretion. *Gebre v. City of New Orleans*, 2014-0904 (La. App. 4 Cir. 10/7/15), 177 So.3d 723; *Coliseum Square Ass'n, Inc. v. Bd. of Zoning Adjustments of City of New Orleans*, 374 So. 2d 177 (La.App. 4 Cir. 1979); *In re Coleman*, 242 So. 2d 602 (La. App. 4 Cir. 1970). After reviewing the evidence in the record and hearing the appellants' arguments, the Court determined that additional evidence was not necessary for the proper disposition of this matter.

At its April 8, 2021 hearing, the Board received extensive evidence, including three hours of testimony, both for and against the Director's decision to approve the use of the property as a short term rental. The appellants' concerns were discussed and debated at length. After carefully reviewing that evidence, the Court concluded that while the appellants are understandably concerned about the impact of the Board's decision on their neighborhood, they have not borne their burden of proving that the decision appealed was arbitrary, capricious, and unreasonable. The Board's decision will, therefore, be affirmed. A judgment conforming to these written reasons will be signed upon presentation after compliance with Rule 9.5 of the Louisiana District Court Rules.

Abbeville, Louisiana this 11 day of November, 2022.

  
THOMAS J. FREDERICK  
DISTRICT JUDGE

STATE OF LOUISIANA PARISH OF LAFAYETTE

I HEREBY CERTIFY THAT A CERTIFIED COPY  
OF THIS ~~WRITTEN REASONS FOR JUDGMENT~~ WRITTEN REASONS FOR JUDGMENT HAS BEEN  
MAILED/SERVED ON ALL PARTIES THIS  
November 15, 2022



DEPUTY CLERK OF COURT

CC: GORDON J. SCHOEFFLER/ ALISON SCHOEFFLER  
COLBY LANGLINAIS/ JEANNE LANGLINAIS  
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## Short-term Rental Ordinance Best Practices

Source: The United States Conference of Mayors and AirBnB

### Short-term rental Registration

Many local governments opt for a registration system to support compliance and enforcement of their short-term rental rules. In working with jurisdictions across the world, we have found that these guiding principles best set up a government-administered registration system for success:

**Easy and accessible:** A streamlined, online registration system that allows Hosts to complete every step of the application process quickly and easily helps promote compliance. We've also found that compliance is greater when Hosts are able to complete a single application process that incorporates all license requirements into one.

**Reasonable data requirements:** Consistent with data-protection best practices, Hosts should only be required to provide the data necessary to process an application. For example, when a Host registers their listing with a local government, they provide basic contact information to obtain a permit number. Together, the local government and Airbnb compare the registration numbers and listing urls to help promote compliance thus, limiting the amount data needed to be shared.

**Automatic renewal:** To reduce their own administrative burdens, local governments should automatically renew STR registrations unless a Host decides to stop hosting short-term stays, or the short-term rental is the subject of multiple local code violations.

**Reasonable fees:** All Hosts should pay a reasonable fee upon registration. Registration fees and the number of requirements should be proportional to the space and type of accommodation they share with guests.

**Reasonable onboarding:** Governments can help boost compliance by offering Hosts a reasonable timeline to get registered. Ample time between the enactment of new short-term rules and enforcement allows Hosts to complete the registration process.

### Occupancy tax

For this process to succeed, thoughtful consideration should be given to creating clear, modern and simple tax collection systems. Tax systems that are complicated, costly, and fail to apply to all online and offline actors, regardless of platform, risk doing more harm than good. Complicated tax systems also discourage universal compliance by all providers in the travel sector, leaving potential tax revenue on the table for jurisdictions.

**Broad and equal application to online/offline transactions:** TOT should apply equally to all online and offline business models (e.g., Airbnb, Booking, Expedia, vacation rentals). The simplest way to do this is to enact a broad definition of a "marketplace facilitator" (or at the local level, "platform" "booking agent" or "operator"), with the intention of capturing the entire accommodation industry. It's important to bear in mind that many of the platforms in the accommodations space have different business models (e.g., some process payments and some do not). This is why it's crucial that the law captures all models. Platform parity is essential for effective collection and remittance of TOT. Platform parity should not only be written into law but also should be effectively enforced, with action taken against non-compliant booking platforms that are subverting the rules. This helps to discourage travelers from platform-shopping from a compliant booking platform to a non-compliant booking platform by simply switching their listing to another booking platform operator. It also helps to ensure that all possible TOT is collected.

If platform parity is not possible, jurisdictions should, at a minimum, require price display parity whereby all advertisements, offline or online, are required to display the tax within the final total price before checkout, even if the particular platform isn't obliged to collect the tax. This preserves competitive parity between various players and, more importantly, protects would-be guests against "surprise" taxes after they have completed their transaction.

**Centralized collection (State):** TOT collection should be as centralized as possible to minimize compliance burdens and costs for industry and government alike. Platforms can still provide the state government with a local breakdown of taxes collected and remitted on the return so the government can distribute the funds accordingly. Centralization of tax administration is the key to full compliance by all parties in travel. Equal treatment of short-term rentals and "traditional" hospitality: STRs should pay the same TOT rate as "traditional" accommodation providers such as hotels, motels, and bed and breakfasts. This is not only fair, but will improve compliance for platforms given that many have various types of accommodations listed.

**Minimize compliance burdens for Hosts and platforms:** Best-in-practice systems simplify adding administrative requirements of both hosts and platforms, avoiding burdens such as tax account registration, multiple tax filings, and/or the sharing of large amounts of information including personally identifiable information (PII).

**Impose tax on appropriate base:** Ensure that the tax base is based on the amount charged for the stay by the operator, not on the amount the guest pays to complete the transaction, which includes fees imposed by the platforms/managers. This helps keep the overall cost of tourism down.

**Privacy and data minimization:** Consistent with data protection best practices and public safety, there is no justification for a public database of registered hosts or listings. Data protection laws should be followed strictly, and data collected for tax purposes should not be shared within a government for other purposes (e.g., immigration checks, short-term rental investigations, etc).

## **Trust and safety**

In recent years, AirBnB and other platforms have taken proactive measures to collaborate with cities and promote neighborhood safety and quality of life. These same areas can be targeted by local government.

### **Provide Neighbors with Information**

Providing neighbors with information about a short-term rental property, such as the maximum occupancy and contact information of a responsible party is important. Neighbors can be reminded of local nuisance and trash laws and be given clear instructions on what to do if there is an issue.

### **No Parties**

A ban on disruptive and unauthorized parties, pursuant to our community disturbance policy as well as maintained a prohibition on party houses.

### **Guest Screening**

Governments may require hosts to use a platform that includes guest screening or otherwise screen their guests. Many third-party services now exist to run background checks. Platforms such as AirBnB also employ reservation screening technology to block certain bookings that are potentially higher risk for disruptive and unauthorized gatherings as well as enhanced measures around holidays.

### **24/7 Neighborhood Complaint Line**

A consistent, single point of contact for short-term rental issues empowers neighbors if there is a question or problem. AirBnB provides support for policymakers and law enforcement to take action in the event of issues, including a dedicated portal for law enforcement to submit valid legal requests for information.

## Comparison of Neighboring STR Ordinances

We looked at every major city in Louisiana with the exception of New Orleans.\* To round out a list of 20 cities, we searched for those with similar populations within 500 miles. Biloxi-Gulfport were considered together.

The population of the City of Lafayette is 122,400.

\*New Orleans and its tourism and housing markets are bad comparisons to those in Lafayette. New Orleans has 3 times the population (370,000 vs. 122,000) and 10 times the annual visitors as Lafayette (20 million vs. 2 million). New Orleans is one of the top 20 of most-visited U.S. cities while Lafayette is not in the top 100.

### Neighboring Cities by the Numbers

#### 50% have No Regulations

Half of the cities in the study were in the same boat as Lafayette, with no regulations. This included large cities such as Jackson, MS (pop 153,700), Montgomery, AL (197,200), and Birmingham, AL (200,733). Gulfport, MS recently voted against regulation.

#### Every Regulated City has a Permit/License System

Getting a permit in all regulated cities requires proof of ownership, contact information and proof of tax registration. Many also include proof of liability insurance.

#### Only 1 City bans STRs in Residential Areas

Biloxi, MS bans short-term rentals in all residential areas. Biloxi, like many beach towns, has a high per capita of vacation rentals. Biloxi is also home to several casinos. Gulfport, MS, located right across the bridge, recently voted against regulation. Corpus Christi bans STRs on one of their residential islands.

<b>Baton Rouge</b>	<b>Alexandria</b>	<b>Lake Charles</b>	<b>Monroe</b>
<b>Shreveport</b>	<b>Biloxi, MS</b>	<b>Gulfport, MS</b>	<b>Hattiesburg, MS</b>
<b>Jackson, MS</b>	<b>Mobile, AL</b>	<b>Montgomery, AL</b>	<b>Birmingham, AL</b>
<b>Abilene, TX</b>	<b>Beaumont, TX</b>	<b>Corpus Christi, TX</b>	<b>College Station, TX</b>
<b>Denton, TX</b>	<b>Garland, TX</b>	<b>Mequite, TX</b>	<b>Woodlands, LA</b>

## Comparison of Neighboring STR Ordinances

### No Regulations

Lake Charles – 85,000	Alexandria – 45,200	Monroe – 47,600
Hattiesburg – 46,300	Montgomery – 197,200	Birmingham – 200,733 (Working on one)
Abilene, TX – 123,420	Beaumont, TX – 114,323	Jackson – 153,700
Gulfport– 72,800 (Voted against creating regulations in Jan. 2023)		

### Baton Rouge (221,400)

- Owner-Occupied and Non-Owner Occupied registration
- Owner must be registered to remit tax or participate in a platform that remits
- Owner shall lose ability for one year with three violations in one year
- Short-term rental listed as a residential use on tables – permitted w restrictions
- Grandfathering with Planning Director and Parish Attorney approval; must prove tax compliance
  - Owner-Occupied
    - no permit required
    - limited rental to one bedroom less than total bedrooms
  - Non-Owner Occupied
    - permit fee is \$100
    - total occupancy is two people per bedroom plus two
    - one parking space per bedroom, parking plan submitted
    - Required occupancy license

### Shreveport – 187,600

- Online Portal – Permit is for 2 years
- 3 types: Portion of a dwelling, Entire dwelling, Special – Exceeds 10 people or is within 500 feet of another dwelling (Permit costs: \$150, 250, 600)
- Proof of ownership and liability insurance
- Occupational License
- Site plan with parking, floorplan and fire safety
- Notify neighbors: Describe operation and include contact info  
<https://www.shreveportla.gov/AgendaCenter/ViewFile/Item/25813?fileID=63847>

### Biloxi – 49,500

- Include various levels of permission in different zones (Right, Conditional, Prohibited)
- Maintain guest registry and display info of emergency contact
- \$100, annual fire inspection, 1 parking spot per bedroom

### Mobile – 186,400

- Business license
- Contact info of emergency 24/7 contact
- Smoke detectors and fire extinguishers
- Proof of ownership or designated by owner

## Comparison of Neighboring STR Ordinances

### **College Station – 118,400**

- Permit – 1y renewal, online portal
- Contact of 24/7 emergency contact
- Life safety inspection
- Provide an informational brochure to guests that includes pertinent neighborhood information, how to contact the operator, and local emergency numbers.
- Smoke detectors, carbon monoxide detectors, fire extinguisher
- Maintain the unit in compliance with applicable city codes.
- Collect and remit hotel occupancy tax from guest stays, filing on a monthly basis.

### **Corpus Christi, TX – 146,800**

- Two types of permits - \$250
  - Owner-occupied
  - Non-owner occupied. Units cannot exceed 15% of a block face (density)
- Floor plan sketch with exits, fire extinguisher locations
- 24/7 agent's contact information
- Insurance and fire inspection

### **Garland, TX – 143,400**

- Must register
- Must have a landline to contact Garland Fire department
- Have a placard outside stating it is a short-term rental

### **Denton, TX – 141,541**

- \$100 registration for 1 year
- Must contact all property owners in 100ft.
- Include information for Denton's 24/hr complaint hotline
- Pay occupancy tax

### **Mesquite, TX – 140,937**

- Occupancy is 2 adults/bedroom + 4, max 10. Kids under 12 do not count.
- No more than two on-street parking spaces
- No events or large gatherings
- 24/7 representative
- Outside sign

### **Woodlands, TX – 108,000**

- \$500 fee, 1-year renewals
- Renters must be 21
- Proof of insurance
- Sketch showing parking spaces, etc.
- Complaint line



## Review of Information from Ad-Hoc STR Task Force

### Concerns and Available Data Were Established

The first step of the task force was to establish concerns of both Anti-STR and Pro-STR camps. In broad terms, opponents of STRs were concerned with safety issues while proponents were concerned with over-regulation. Very little data was available to establish the validity of concerns, but the task force attempted to otherwise consider them.

#### 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

## Review of Information from Ad-Hoc STR Task Force

In addition to identifying community concerns, finding data and establishing facts are important when prioritizing and addressing concerns. Our first data sources are (1) A 2022 State-of-the-STR Community Report commissioned by Rent Responsibly, (2) A survey of the 72 owners in our STR alliance, (3) AirDNA analysis of the Lafayette market, and (4) Research done by The Current and published on July 19, 2023.

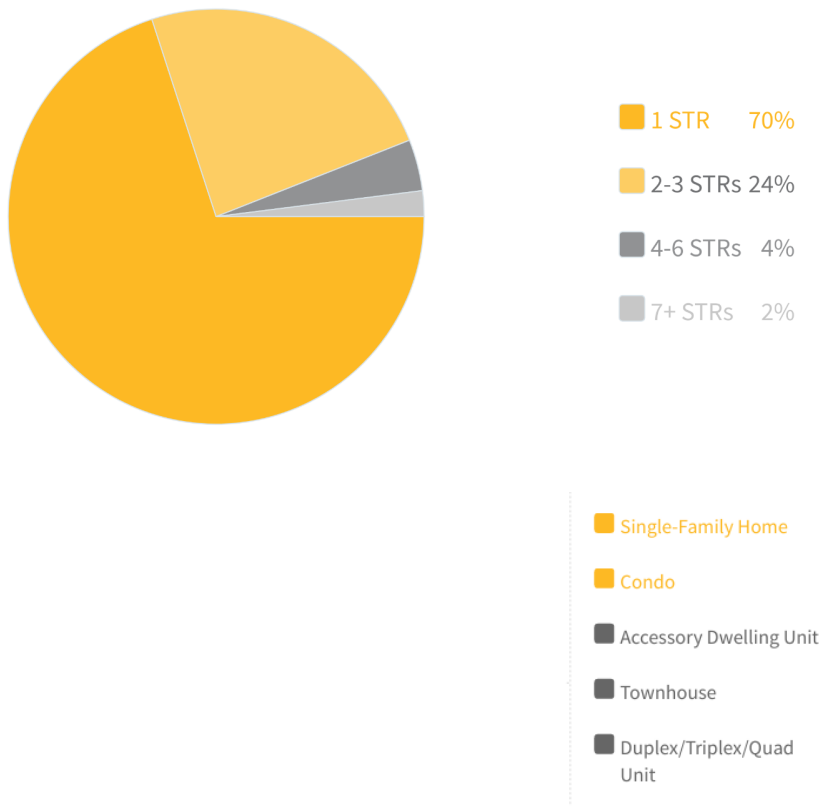
For the STR Community Report, Rent Responsibly engaged with Riley Center for Livable Communities at the College of Charleston to design and conduct a qualitative research study with non-elected leadership in local governments and quasi-governmental agencies from three leading lifestyle communities. The research was led by Dr. Brumby McLeod, Riley Center Research Fellow, Associate Professor and Chair of the Department of Hospitality & Tourism Management in the School of Business at the College of Charleston.

We continue to seek out other studies and data points for our analysis.



**In the Lafayette there are 380 actual STR dwellings. 200 are in or around Downtown Lafayette. 40% are in RS-1.**

**How many STRs do you own?**  
Owner-Only Respondents



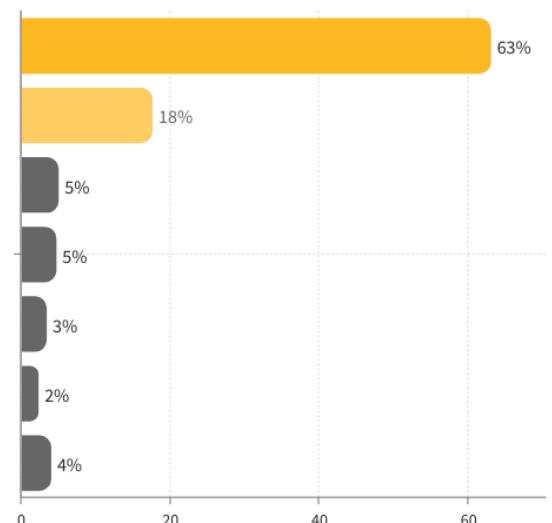
### Local Data

92% of our STR alliance live in Lafayette

100% have a personal connection to Lafayette.

### My property is a...

Owner-Only Respondents • Single Property Owners



## Review of Information from Ad-Hoc STR Task Force

### **Lafayette RS-1 Neighborhoods were found to be very diverse**

Far from an exclusive residential zone, RS-1 is the largest in the city, comprising over 75% of Lafayette. Some cities do have smaller, more restrictive residential zones, but that's not the case in Lafayette. The LDC states that all building types in the RS district are subject to the same standards as residential uses. This ensures new buildings adhere to the character of the surrounding buildings. Short-term rentals all meet these standards. Nothing in the LDC states that businesses are not allowed in RS-1.

**Businesses DO exist in RS-1 neighborhoods.** Businesses - an activity performed in exchange for money - are different from a commercial property. Short-term rentals do not meet the standards of a commercial property as they are not open to the public, have business hours or phone numbers, or house workers as they perform an occupation. They are rental properties that can also be personally used by the owners and their families.

Every form of rental activity is different. Short-term rentals are not exactly the same as long-term rentals, but they are also not the same as an office building or hotel.

**The Estimated Tax Revenue by Local Short-term Rentals was found to be \$76.5 million/year.  
Tax revenue is estimated at \$1.1million/year.**

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.

$417 \text{ active units} \times \$153/\text{avg nightly rate} \times 365 \text{ days in a year} \times 58\% \text{ occupancy rate} \times 8\% = \$1.08 \text{ million/year tax revenue.}$

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.

$417 \text{ active units} \times 5.3 \text{ guests} \times \text{Average Number of Stays } (365/1.7)^* \times 58\% \text{ occupancy rate} = 275,223 \text{ guests/year.}$

$275,223 \times \$229 = \$63,025,942.$  In addition, according to the numbers above, local hosts pocket \$13.5 million/year in rental income. **A 50% reduction in short-term rentals through regulation would result in a \$30 million/year loss.**

### **Research showed that 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>

## Review of Information from Ad-Hoc STR Task Force

### Polling Data Showed Local Support for Short-term Rentals

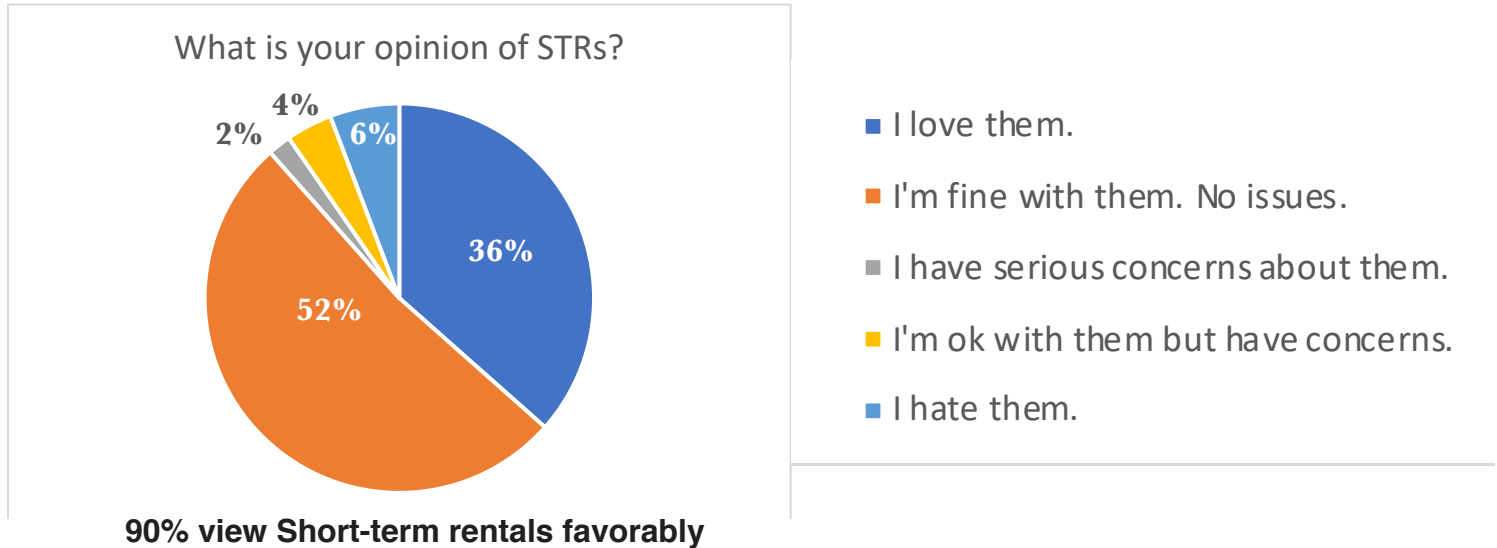
A power poll was run by The Advocate in July 2023. About two-thirds of Power Poll voters viewed the council's attempts negatively:

**47% advised the issue needs more discussion**

**22% favored council members dropping the ordinances entirely.**

**Only 15% favored Naquin's ordinance.**

### A Lafayette Coterie Poll Showed Similar Sentiments



### 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

# Best Practices for Short-Term Rental Owners



## Guests

Most STR guests are great, but every once in a while, there's a bad apple. One way to combat this is to require that a guest have two positive reviews before allowing them to book. You can also turn off instant booking so that you can communicate with and approve each guest. You can ask them their reason for visiting and who will be accompanying them. You can also set your own age limit and max number of guests.

We highly recommend setting a two-night minimum, only renting to guests coming from out of town (unless the situation involves hurricane evacuees or something similar) and pricing your property appropriately (you don't need to be the cheapest on the market)!

Avoid taking a booking from a third-party, such as a family member of the person.

## Contact Information

Make sure you can easily get in touch with guests and that they can get in touch with you. If you don't live nearby or will be out of town during a stay, appoint someone local to handle issues for you.

You should also make sure that your neighbors have a way to contact you in case they have a concern/complaint.

## Safety & Security

Your home should have smoke alarms, carbon monoxide detectors, a fire extinguisher and first aid kit. Be sure to communicate in your materials where these are located.

You can legally set up cameras outside your property to be able to monitor who's coming and going. You just have to state where the cameras are located in your listing materials.

## Parties

Your listing and all of your subsequent materials should state that you "do not allow parties of any type." When you are accepting a listing, you can ask who will be accompanying the person who made the booking and remind them that you don't allow parties/extra visitors. Some red flags for parties are local guests and one-night rentals. You should also establish clear consequences/protocol for people who break the rules. If someone has an unauthorized party, no matter the age, they will be asked to leave immediately and forfeit their deposit.

As a host, you need to do all you can to stop a party before it starts. If you see extra people/cars parked at your listing, inquire right away. If you see a rental truck parked in front, that's a red flag. If a neighbor has a concern, address it immediately (especially on social media).

Your "House Rules" should be posted inside the home in full view of guests so that it's one of the first things they see when they enter.

## **Occupancy**

Occupancy should include 2 people per bedroom unless you have a bunk room or something similar. Still, occupancy should equal the number of people in beds so to discourage parties and overcapacity.

## **Parking**

Communicate to guests where they can park and how many cars/type of vehicle you can fit at your rental. You can set a maximum number of cars (we suggest two). Having plenty of street parking is great, but you want to make sure to leave parking for your neighbors as well. If guests have too many vehicles, you can suggest they park one or two in a public place.

## **Trash**

Let guests know where the outside trash/recycle bins are located and what day trash pickup is. That way, trash doesn't pile up inside or outside the house. You can also let guests know what can and can't be recycled in Lafayette Parish (<https://www.lafayettela.gov/public-works/curbside-services/recycling/guidelines>).

## **Noise**

Make it clear to guests the hours that are designated by your city as "quiet" (7 a.m.-10 p.m.) You can even adjust these by an hour or two, depending on the type of neighbors you have. Let guests know what will happen if they violate the quiet hours (they will be asked to leave, extra charge, etc.)

## **Pets**

Set clear rules if you allow pets, such as waste pickup, noise and where they are/are not allowed on the property.

## **Community**

Offer guests suggestions on where to eat, shop, recreate, etc. You can create a list of your favorite places in Lafayette, neighborhood hangouts or cultural excursions. The Lafayette Welcome Center also has tons of brochures, magazines and guides that you can leave in your rental for guests to check out.

## **Contacts**

AirBnB Neighborhood Support

*If you need help with something related to home sharing in your community—to report a party, noise, or a neighborhood concern.*

<https://www.airbnb.com/neighbors>

VRBO Neighborhood Support

<https://homeaway.secure.force.com/helpcenter/StayNeighborly>

Lafayette Tourism Lodging Association

[info@lafayettela.org](mailto:info@lafayettela.org)

Lafayette Planning & Zoning

(337) 291-8000

[DP@LafayetteLA.gov](mailto:DP@LafayetteLA.gov)

Lafayette Police Department

Call 911

*If you have suggestions for these best practices, e-mail [info@lafayettela.org](mailto:info@lafayettela.org). Updated 4/1/2022*