

# City Council “Work Meeting” Minutes

October 10, 2016

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CITY OF  
**REXBURG**  
America's Family Community

October 10, 2016

**Mayor Jerry Merrill**

**Council Members:**

Christopher Mann    Jordan Busby  
Donna Benfield      Tisha Flora  
Brad Wolfe            Sally Smith

**City Staff:**

Stephen Zollinger – City Attorney  
Matt Nielson – Finance Officer  
John Millar – Public Works Director  
Val Christensen – Community Development Director  
Scott Johnson – Economic Development Director  
Blair Kay – City Clerk

## 4:00 P.M. City Hall Council Meeting

Mayor Merrill gave the Prayer

Council Member Mann led the Pledge

### Roll Call of Council Members:

**Attending:** Council President Smith, Council Member Flora, Council Member Benfield, Council Member Mann, Council Member Busby, and Mayor Merrill.

Council Member Wolfe asked to be excused.

Steve Oakey and Rory Kunz were in attendance from the Planning and Zoning Commission.

### Items for Consideration:

#### **A. Short term rentals**

Mayor Merrill thanked everyone for coming to discuss short term rentals. He spent some time searching the Airbnb web site as requested by Marcie Peterson. He found some information on Sacramento’s struggles to allow Airbnb’s by amending two of their ordinances. He provided some handouts to the City Council for their review in deciding whether to make changes to the Development Code or leave the ordinance as it is presently written. If we decide to make some changes to the ordinance, what changes do we propose?

### Handouts:

#### **1. Airbnb**



# The \$1,000,000 Host Guarantee

Peace of mind. Guaranteed.

## Every booking. Every time.

Your peace of mind is priceless. So we don't charge for it. Every booking on Airbnb is protected by our Host Guarantee at no additional cost to you. Sleep easy.

## Unprecedented protection

We don't just say that we value our hosts, we back it up to the tune of \$1,000,000. That's an unmatched level of protection in the travel industry. You're part of the Airbnb family, and we stand by our family.

## Peace of mind

We're committed to creating a safe and trusted community around the world. Though property damage is rare, we understand you may need protection. The Host Guarantee will reimburse eligible hosts for damages up to \$1,000,000.

### What's protected?

The Host Guarantee provides protection for up to \$1,000,000 in damages around the world. Payments are subject to certain conditions, limitations, and exclusions. For more details, read the Host Guarantee terms ([/terms/host\\_guarantee](/terms/host_guarantee)).

The Host Guarantee payment request form can be submitted online (</incidents/new>).

Hosts seeking payment under the Host Guarantee agree to cooperate with Airbnb and its insurers, including providing documentation of the claimed loss and agreeing to inspection in the rare cases when it may be necessary.

### What's not protected?

The Host Guarantee should not be considered a replacement or stand-in for homeowners or renters insurance. The Host Guarantee does not protect:

- cash and securities
- pets
- personal liability
- shared or common areas

Certain types of property—such as jewelry, collectibles, and artwork—have more limited protections. Hosts may want to secure or remove such valuables when renting their place, and may want to consider independent insurance to cover such items. The Host Guarantee does not protect against reasonable wear and tear. Hosts can take advantage of our system to implement a security deposit to protect against wear and tear.

## Common Questions

### How does the Airbnb Host Guarantee process work?

When in an emergency situation, the host should first contact the police, emergency personnel, or the proper authorities. Then contact Customer Service (</help/contact>).

When the situation is not an emergency, the host should contact the guest to notify them of the complaint and attempt to negotiate a resolution prior to filing an official claim.

If a resolution cannot be found between host and guest, the host should carefully review the Host Guarantee terms ([/terms/host\\_guarantee](/terms/host_guarantee)) and determine if they are eligible before submitting a request to Airbnb.

Hosts must submit their request either 14 days from the guest's check out, or before the next guest checks in, whichever is earlier.

For payment requests submitted on time, we'll send a confirmation email and follow up emails to discuss next steps—such as further documentation from the host or guest—within 24 hours.

Once we have received sufficient information from both the host and the guest, we'll review all documentation, evaluate the payment request, and contact the host upon completion.

## How do I submit an Airbnb Host Guarantee payment request?

Log in to Airbnb, and then submit online (</incidents/new>). Payment requests are subject to Host Guarantee terms ([/terms/host\\_guarantee](/terms/host_guarantee)), so we urge you to read through the terms and conditions prior to submitting a claim.

## Should I have a security deposit? How does the Host Guarantee work with the security deposit?

The Host Guarantee does not protect against reasonable wear and tear. Hosts can use our system to implement a security deposit to protect against wear and tear. The Host Guarantee is designed to protect against rare instances of damage. For smaller, simpler accidents—like a broken glass—a security deposit can be useful for hosts.

To add a security deposit to your listing, go to Manage Listing for your property, and then change your security deposit setting in the Pricing and Terms section. The Hosting tab is the quickest way to navigate.

## What should I do before submitting a payment request?

Contact your guest to notify them of your complaint and try to resolve the issue directly. Oftentimes, hosts and guests can resolve issues on their own.

If you and your guest are unable to come to a resolution, we recommend that you file a police report. A police report is encouraged in all cases and is required for payment requests that exceed \$300 USD.

Compile as much documentation as possible to submit with your form. Useful documentation and information that will help process your payment request as quickly as possible include:

- photographs of the damage being claimed
- a police report for any damage that is over \$300 USD
- receipts or some alternative evidence of the accurate fair market value or report cost
- proof of ownership
- any other documentation that you feel will be helpful to processing your request

If you are unsure of whether the incident in question will be protected under the Host Guarantee, or if you have any further questions, you can contact Customer Service (</help/contact>).

## Should I have homeowners or renters insurance?

The Host Guarantee is not insurance and should not be considered as a replacement or stand-in for homeowners or renters insurance. Hosts may want to consider independent insurance to cover valuable items like jewelry, artwork, or collectibles which are subject to limited protection under the Host Guarantee. See our Host Guarantee terms ([/terms/host\\_guarantee](/terms/host_guarantee)) for more details.

We strongly encourage all hosts to review and understand the terms of their insurance policy and what it covers and does not cover. Not all insurance plans will cover damage or loss to property caused by a guest who books your space.

## How long will it take for my payment request to be processed?

The length of the process will vary depending on the severity of the case, the quality of documentation, and the cooperation of the host and guest. We strive to resolve most cases within a week of submission.

### 2. [Airbnb's Nondiscrimination Policy](#):

## Airbnb's Nondiscrimination Policy: Our Commitment to Inclusion and Respect

Airbnb is, at its core, an open community dedicated to bringing the world closer together by fostering meaningful, shared experiences among people from all parts of the world. Our community includes millions of people from virtually every country on the globe. It is an incredibly diverse community, drawing together individuals of different cultures, values, and norms.

The Airbnb community is committed to building a world where people from every background feel welcome and respected, no matter how far they have traveled from home. This commitment rests on two foundational principles that apply both to Airbnb's hosts and guests: **inclusion and respect**. Our shared commitment to these principles enables every member of our community to feel welcome on the Airbnb platform no matter who they are, where they come from, how they worship, or whom they love. Airbnb recognizes that some jurisdictions permit, or require, distinctions among individuals based on factors such as national origin, gender, marital status or sexual orientation, and it does not require hosts to violate local laws or take actions that may subject them to legal liability. Airbnb will provide additional guidance and adjust this nondiscrimination policy to reflect such permissions and requirements in the jurisdictions where they exist.

While we do not believe that one company can mandate harmony among all people, we do believe that the Airbnb community can promote empathy and understanding across all cultures. We are all committed to doing everything we can to help eliminate all forms of unlawful bias, discrimination, and intolerance from our platform. We want to promote a culture within the Airbnb community—hosts, guests and people just considering whether to use our platform—that goes above and beyond mere compliance. To that end, all of us, Airbnb employees, hosts and guests alike, agree to read and act in accordance with the following policy to strengthen our community and realize our mission of ensuring that everyone can belong, and feels welcome, anywhere.

- **Inclusion** – We welcome guests of all backgrounds with authentic hospitality and open minds. Joining Airbnb, as a host or guest, means becoming part of a community of inclusion. Bias, prejudice, racism, and hatred have no place on our platform or in our community. While hosts are required to follow all applicable laws that prohibit discrimination based on such factors as race, religion, national origin, and others listed below, we commit to do more than comply with the minimum requirements established by law.
- **Respect** – We are respectful of each other in our interactions and encounters. Airbnb appreciates that local laws and cultural norms vary around the world and expects hosts and guests to abide by local laws, and to engage with each other respectfully, even when views may not reflect their beliefs or upbringings. Airbnb's members bring to our community an incredible diversity of background experiences, beliefs, and customs. By connecting people from different backgrounds, Airbnb fosters greater understanding and appreciation for the common characteristics shared by all human beings and undermines prejudice rooted in misconception, misinformation, or misunderstanding.

### Specific Guidance for Hosts in the United States

As a general matter, we will familiarize ourselves with all applicable federal, state, and local laws that apply to housing and places of public accommodation. Hosts should contact Airbnb customer service if they have any questions about their obligations to comply with this Airbnb Nondiscrimination Policy. Airbnb will release further discrimination policy guidance for jurisdictions outside the United States in the near future. Guided by these principles, our U.S. host community will follow these rules when considering potential guests and hosting guests:

#### Race, Color, Ethnicity, National Origin, Religion, Sexual Orientation, Gender Identity, or Marital Status

- Airbnb hosts **may not**
  - Decline a guest based on race, color, ethnicity, national origin, religion, sexual orientation, gender identity, or marital status.
  - Impose any different terms or conditions based on race, color, ethnicity, national origin, religion, sexual orientation, gender identity, or marital status.
  - Post any listing or make any statement that discourages or indicates a preference for or against any guest on account of race, color, ethnicity, national origin, religion, sexual orientation, gender identity, or marital status.

## Gender

- Airbnb hosts **may not**
  - Decline to rent to a guest based on gender **unless** the host shares living spaces (for example, bathroom, kitchen, or common areas) with the guest.
  - Impose any different terms or conditions based on gender unless the host shares living spaces with the guest.
  - Post any listing or make any statement that discourages or indicates a preference for or against any guest on account of gender, unless the host shares living spaces with the guest.
- Airbnb hosts **may**
  - Make a unit available to guests of the **host's gender and not the other**, where the host shares living spaces with the guest.

## Disability

- Airbnb hosts **may not**:
  - Decline a guest based on any actual or perceived disability.
  - Impose any different terms or conditions based on the fact that the guest has a disability.
  - Substitute their own judgment about whether a unit meets the needs of a guest with a disability for that of the prospective guest.
  - Inquire about the existence or severity of a guest's disability, or the means used to accommodate any disability. If, however, a potential guest raises his or her disability, a host may, and should, discuss with the potential guest whether the listing meets the potential guest's needs.
  - Prohibit or limit the use of mobility devices.
  - Charge more in rent or other fees for guests with disabilities.
  - Post any listing or make any statement that discourages or indicates a preference for or against any guest on account of the fact that the guest has a disability.
  - Refuse to communicate with guests through accessible means that are available, including relay operators (for people with hearing impairments) and e-mail (for people with vision impairments using screen readers).
  - Refuse to provide reasonable accommodations, including flexibility when guests with disabilities request modest changes in your house rules, such as bringing an assistance animal that is necessary because of the disability, or using an available parking space near the unit. When a guest requests such an accommodation, the host and the guest should engage in a dialogue to explore mutually agreeable ways to ensure the unit meets the guest's needs.
- Airbnb hosts **may**:
  - Provide **factually accurate** information about the **unit's accessibility features** (or lack of them), allowing for guests with disabilities to assess for themselves whether the unit is appropriate to their individual needs.

## Personal Preferences

- Airbnb hosts **may**
  - Except as noted above, Airbnb hosts may decline to rent based on factors that are not prohibited by law. For example, except where prohibited by law, Airbnb hosts may **decline to rent guests with pets, or to guests who smoke.**
  - Require guests to respect restrictions on foods consumed in the listing (e.g., a host who maintains a Kosher or vegetarian kitchen may require guests to respect those restrictions).
  - Nothing in this policy prevents a host from turning down a guest on the basis of a characteristic that is not protected under the civil rights laws or closely associated with a protected class. For example, an Airbnb host may turn down a guest who wants to smoke in a unit, or place limits on the number of guests in a unit.

**When guests are turned down.** Hosts should keep in mind that no one likes to be turned down. While a host may have, and articulate, lawful and legitimate reasons for turning down a potential guest, it may cause that member of our community to feel unwelcome or excluded. Hosts should make every effort to be welcoming to guests of all backgrounds. Hosts who demonstrate a pattern of rejecting guests from a protected class (even while articulating legitimate reasons), undermine the strength of our community by making potential guests feel unwelcome, and Airbnb may suspend hosts who have demonstrated such a pattern from the Airbnb platform.

*The Host then needs to decide if they want to keep hosting or not. THEIR CHOICE.*  
**What happens when a host does not comply with our policies in this area?**

If a particular listing contains language contrary to this nondiscrimination policy, the host will be asked to remove the language and affirm his or her understanding and intent to comply with this policy and its underlying principles. Airbnb may also, in its discretion, take steps up to and including suspending the host from the Airbnb platform.

If the host improperly rejects guests on the basis of protected class, or uses language demonstrating that his or her actions were motivated by factors prohibited by this policy, Airbnb will take steps to enforce this policy, up to and including suspending the host from the platform.

As the Airbnb community grows, we will continue to ensure that Airbnb's policies and practices align with our most important goal: To ensure that guests and hosts feel welcome and respected in all of their interactions using the Airbnb platform. The public, our community, and we ourselves, expect no less than this.

### 3. Airbnb's "New Study"

*Headline: "New Study: Airbnb has no significant impact on Berlin Housing Market"*

Stephan Hagemann, Head of GEWOS in Berlin, said:

*↳ a planning firm (I think - German website)*

Airbnb listings account for 0.6 percent of the housing stock and have no significant impact on the Berlin housing market. Data shows the vast majority of Berliners share their homes to boost their income and guard against rapidly rising rents and living costs. Housing concerns in the city are driven by a number of complex factors, including population growth and a lack of new homes being built, and Berlin must almost triple its rate of house building to keep pace with current population growth.

Alexander Schwarz, Airbnb General Manager, said:

Airbnb helps thousands of Berliners earn some extra income, afford rising rents and living costs and brings benefits to more families and communities. We want to work with everyone in Berlin on clear, fair and proportionate rules to support regular people who share their homes; current rules are too broad, confusing and are badly flawed.

*Auckland, NZ*

*Airbnb* → We are thrilled to share news that we have signed an agreement with Auckland Council in New Zealand to provide accommodation support in the event of a natural disaster.

The Memorandum of Understanding will enable Airbnb's community of hosts to provide free temporary accommodation to residents impacted by disasters in the region.

julian-persaud-len-brown

Specifically, Airbnb's disaster response tool will:

Make all Airbnb bookings in areas affected by a natural disaster fee-free

Mobilise the Airbnb host community in the affected area, asking them if they are able to help

Connect guests to hosts that have space to offer in the affected area via a dynamic landing page

Allow local residents with extra space to host those in need

Provide Airbnb's 24/7 customer support, Trust & Safety tools, Host Guarantee and other services regularly available to Airbnb hosts

Provide general disaster response information to guests and hosts.

"The experience following the Christchurch earthquakes shows New Zealanders will open up their homes to those who require help, whether they be displaced families or emergency service workers. The agreement with Airbnb helps to make this process easier," said Auckland Mayor Len Brown.

"While disasters of scale are thankfully rare, we are proud to have an opportunity to partner with the Auckland Council and our host community in Auckland to play a pivotal role in supporting disaster relief efforts if and when needed," said Julian Persaud, regional director, Asia Pacific.

Since its launch in 2013, Airbnb's disaster response tool has been deployed in various capacities around the world, including the Nepal earthquake, Hawaii's Kilauea volcano eruption, and flooding in southern France, Liguria, the Balkans, London, Sardinia, and Colorado. Airbnb has signed similar agreements with Victoria in Australia and Alberta in Canada.

*INDIA*

We're thrilled to share news that the Government of Gujarat in western India has signed a partnership with Airbnb to promote Gujarat's unique accommodations and tourism attractions.

Under the Memorandum of Understanding, the Government of Gujarat and Airbnb will join forces to set up a close system of cooperation to promote tourism and create positive travel experiences for both domestic and international visitors in Gujarat.

As part of the Memorandum of Understanding, the parties have agreed to:

Expand tourism in Gujarat through Airbnb's global platform

Improve the quality of Gujarat's home stays and unique properties

Promote information on Gujarat's outstanding tourism resources

Improve the regulatory environment for home sharing in Gujarat

"We welcome the spirit and the intent of Airbnb to boost tourism in the state of Gujarat and promote local enterprise and localized cultural experiences in the state. Gujarat has a rich history of culture and heritage, and we see this partnership as an opportunity to enable hosts in the state to showcase their hospitality to tourists," said a spokesperson from the Gujarat government.

"The state of Gujarat is a vibrant destination for tourists in India and abroad, enriched with its unique culture and the famous hospitality of its local population. Airbnb witnessed phenomenal growth in the state in 2015, and we are delighted to partner with the Government of Gujarat to bring home stays and travel options to our community of international and domestic guests. With the state government's focus on boosting resources for tourism, this is the right time for Airbnb to contribute to Gujarat's tourism efforts and the local economy, as well as increased income for locals." said Amanpreet Bajaj, country manager of Airbnb India.

*ROME*

Airbnb hosts from all across Rome came together last month to launch their local Home Sharing Club. More than two hundred hosts filled a room in the TAG Talent Garden Poste Italiane to discuss how they can make a difference to home sharing in the city.

After learning about the successes of Home Sharing Clubs globally, the new Rome club heard about the actions taken by the recently founded Milan club, including reaching out to local small businesses, as well as the work hosts have already carried in Rome together with Retake Roma helping to clean up the city.

The club shared their vision of home sharing for the future, and how they can help promote a new form of tourism to the eternal city"

To see the community gathered to celebrate home sharing makes us realise how important it is for everyone to meet and share these moments together. The turnout clearly highlighted how hosts are willing to be part of the community and to be involved in initiatives like this. And more so, during the workshops I felt this strong desire to actively participate in making their own contribution effectively.

We are citizens, we are many, we have the right to participate in discussion on policies that affect us. As a group, we're working together to not just support home sharing, but to help Rome embrace the benefits home sharing brings to the city.

Alessandra, a leader of the Rome home sharing club:

We look forward to seeing what the Rome Home Sharing club can achieve and to see more home sharing clubs be set up throughout Italy.

*France*

Today, we are highlighting new data about the Airbnb community in the Provence-Alpes-Côte d'Azur (PACA) region in France. It shows that Airbnb helps grow and diversify tourism in the region, generates new economic activity, spreads benefits to more families and communities and supports local residents who share their homes.

This report is based on Airbnb internal data between September 2015 and September 2016 and survey data, and is part of our commitment to be good partners and share data with cities and regions. Over the coming months we will regularly release new data about the Airbnb Community in the other regions in France.

Here are some highlights from the report:

Airbnb generates new economic activity - The Airbnb community generated an estimated €910 million in total economic activity in the PACA region over the last 12 months, including Airbnb guest spending and host income. Airbnb hosts keep 97 cents of every euro they charge to rent their space.

The Airbnb community helps grow and diversify tourism - Hosts on Airbnb in the PACA region have welcomed over 1.2 million travellers from around the world in the past 12 months alone. This has grown from 18,000 guests on Airbnb in 2012.

The Airbnb community helps spread the benefits of tourism across the PACA region - The PACA region is home to more than 70,000 listings on Airbnb in 2,800 communities, ranging from small villages to large cities. According to the French National Institute of Statistics, more than 2,200 of these municipalities, including Saorge, Caille and Fouillouse, have no traditional accommodation providers and Airbnb helps spread the benefits of tourism to more families and local businesses. More than 80 percent of Airbnb guests in PACA said they chose Airbnb to explore a specific community.

Guests choose Airbnb for an authentic and local travel experience - Guests on Airbnb in PACA stay an average of 4.4 days and over 80 percent of guests said they chose Airbnb 'to live like a local'. Almost three quarters of guests on Airbnb said they are likely to return to the PACA region following their experience on Airbnb.

Airbnb hosts are typically regular members of the community - The typical Airbnb hosts in PACA share their home for 25 days a year and earn an additional €2,400 a year. The average host is 47-years-old. Cannes, Avignon, Aix-en-Provence, Marseille, Antibes and Nice all feature in the list of the top 20 cities that have the biggest percentage of hosts aged over 60 years in Europe.

You can see the full report here.

Airbnb hosts in the PACA region have been welcoming guests into their homes since 2009. Today's report shows that over the past seven years, hosts have spread and democratised the benefits of tourism, while providing guests with authentic and local travel experiences. Local residents are ambassadors for the region and share the best of their communities with guests from around the world.

In the PACA region, last August, Airbnb began collecting and remitting tourist taxes on behalf of the hosts in Antibes, Avignon, Cannes, Marseille and Nice. We want to help our community pay its fair share of tax.

*Tax payment help* ↗

We are pleased to see the positive impacts of the Airbnb community on the PACA region. Hosts on Airbnb attract new guests, provide unique experiences and spread benefits beyond tourist hotspots to more families, communities and local businesses. We want to be good partners to everyone in the region and support the sustainable growth of innovative forms of tourism.

## One Host, One Home: New York City (September Update)

### Key Figures About Airbnb's NYC Community

Today, we're releasing updated information about the Airbnb community in New York City, which updates the numbers that we released last month. This covers the time period between September 1, 2015 and September 1, 2016.

Some key facts include:

- 95 percent of Airbnb hosts who share an entire home have only one entire home listing.
- Most hosts share their space occasionally. The median nights booked per listing over the past year is 44.
- The median annual earnings citywide is \$5,199 – an economic life preserver for many hosts who are struggling to live an increasingly expensive city.
- In order to promote home sharing in primary residences only, we have acted on a one host, one home policy in NYC and have taken down 2,918 listings that appeared to be shared by hosts with multiple listings that could impact long term housing availability.<sup>1</sup> The borough breakdown of removed listings is as follows:

- The Bronx: 21
- Brooklyn: 564
- Midtown Manhattan: 791
- Other Manhattan: 1,297
- Queens: 164
- Staten Island: 19
- Unknown Borough: 62<sup>2</sup>

We are concerned about hosts who may offer space that could otherwise have been on the long-term rental housing market in New York City. We regularly review hosts with more than one entire home listing. Some of these listings would not otherwise be on the long-term rental market and are appropriate for our community, such as independent bed and breakfasts that advertise on our platform. If we find listings that do not reflect our vision for our community, we take action by removing them from our platform.

We are committed to working with leaders in New York City on progressive policies that protect the middle class and help regular people share their permanent home.

*They get it – they know, to survive, they need to work with cities to solve the issues. Working together, we can make it work.*

<sup>1</sup> Includes all entire home removals from September 1, 2015 to September 1, 2016. Prior data releases undercounted the number of listings removed because some listings had been improperly re-classified as having been removed for another reason. The updated methodology provides the most accurate summation of Airbnb's efforts to remove listings that violate the One Host, One Home policy.

<sup>2</sup> This category includes listings for which Airbnb does not have complete address information or zip code information.

*Many restaurants, coffee shops, ice cream shops, etc. in NYC support the hosting movement.*

*Berlin*

Daniel Hofmann, Head of GEWOS in Berlin, said:

Airbnb listings account for 0.6 percent of the housing stock and have no significant impact on the Berlin housing market. Data shows the vast majority of Berliners share their homes to boost their income and guard against rapidly rising rents and living costs. Housing concerns in the city are driven by a number of complex factors, including population growth and a lack of new homes being built, and Berlin must almost triple its rate of house building to keep pace with current population growth.

Alexander Schwarz, Airbnb General Manager, said:

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## Chungnam

Download a copy of "Hello Chungnam"

Chungchungnam-do (Chungnam) is a hidden gem: with captivating nature walks and many cultural artifacts lining the region's historic time-line, Chungnam awes visitors with unforgettable experiences. Yet, the region is not known to many as travelling destinations. To tell the real stories of Chungnam, Airbnb collaborated with an amazing illustrators, Bora & Daun from Superegg, MangoPlate (a crowdsourced restaurant review app), K-ICT Tour Forum, the provincial government, and the local hosts and guests.

★ Presenting you with "Hello Chungnam Guidebook," we want to take you on a virtual tour of the beautiful Chungnam!

Main features of this local guidebook:

Descriptions of the province and its 15 cities and counties

Each city and county's 6 best restaurants and 4 main go-to places

Interviews and travel tips from hosts and guests in the Chungnam region

What sets this guidebook apart from all the other visitors guide is the cooperation with the local community. Airbnb interviewed hosts and guests from the region about travel tips and unique experiences of Chungnam. One of the Airbnb guests commented, "Imagine what it must have been like to walk down the Cheonan Three-way Intersection Park in the past. Honor and commemorate Yu Gwan Sun's life by visiting the historic site. And don't forget to try Cheonan's famous Hodu-gwaja (walnut cakes)!"

About 10,000 guidebooks and 1000 posters full of personal and lively tips will be released at various tour events and allocated to the Chungnam region. Then, Chungnam will support Airbnb in providing stacks of this guidebook to hosts in their province to provide Chungnam visitors with personal experience.

We are very excited that the partnership between Airbnb and Chungnam can be used as a springboard from which we can support hosts/guests in the region and ultimately promote rural tourism.

## Portland

Flooding in Louisiana. An earthquake in Italy. Wildfires in California.

Airbnb hosts have opened their doors to people displaced in these recent disasters.

Here in Portland, members of Portland's Airbnb community are learning how to prepare themselves, their families, their homes and the community for potential disasters.

In a recent training session, Portland Bureau of Emergency Management NET Program Specialist Jeremy Van Keuren spoke with Airbnb hosts and employees about possible natural and manmade disasters facing the northwest.

He walked Airbnb hosts and employees through developing an emergency preparedness plan and an emergency preparedness kit for their families and their guests. They also discussed steps they can take now to mitigate the impact of potential disasters, like securing a water heater with straps so it doesn't fall during an earthquake.

This training is part of our partnership with the Portland Bureau of Emergency Management, a unique collaboration designed to strengthen Portland's ability to respond to an emergency.

As part of the agreement, signed in 2014, Airbnb will work with the city before, during, and after disasters to leverage the Airbnb community's resources to make the community more resilient.

"When people are displaced during a disaster, there's little they need more than a safe place to stay. That's why PBEM and Airbnb have joined forces to coordinate shelter opportunities for Portlanders and our out-of-town guests when disaster strikes," said Carmen Merlo, director of the Portland Bureau of Emergency Management. "But taking on the role of host comes with a responsibility to prepare for rough days. That's why we're so proud of the hosts who are taking steps towards emergency preparedness -- They're demonstrating a commitment to their families, their guests, and the community."

*Could even work in cooperation w/ local hotels to list them also for those who like to stay in hotels. Work w/ Chamber to develop this.*

Airbnb has a dozen collaborative arrangements with local and regional governments around the world, including Victoria, Australia, and Auckland, New Zealand, as well as San Francisco, California.

Some have said San Francisco is banning them ..... ???

## New York

"Opening doors to people who need a place to stay is in the DNA of the Airbnb community," said Kellie Bentz, Head of Global Disaster Response & Relief for Airbnb. "When Superstorm Sandy hit the East Coast, 1,400 Airbnb hosts in New York opened doors and cooked meals for those left stranded. We were inspired by these stories to build a disaster response initiative with our community."

As part of our partnership with PBEM, Airbnb helps identify hosts who are willing to open their homes and provide free housing for those who are displaced by disaster and relief workers who are in the area to help with the response.

Airbnb activates mobile and web technology to notify both hosts and guests about significant hazardous events in their area. Those impacted by a disaster, as well as emergency responders, can then work directly with willing hosts to find temporary housing.

PBEM can also help connect people in need with the Airbnb resource following a disaster.

## Seattle

Home sharing creates a powerful connection between visitors to Seattle and hosts who make them feel like they belong in the Emerald City.

The concept of home sharing is not new. It's been around for a long time. Through Airbnb, more people are discovering the practice and opening their homes to people from around the world.

In Seattle, senior citizens are the fastest growing group of hosts. The number of hosts ages 60 to 90 grew 75% from 2015 to 2016. There are two powerful reasons behind this growth.

Home sharing helps many seniors afford to stay in their homes and earn extra money, which is particularly meaningful for hosts living on fixed incomes. Many seniors also find hosting on Airbnb creates new social connections. Hosts are meeting people from all over the world without ever leaving home.

It turns out, visitors to Seattle like staying with seniors. Hosts ages 60 to 90 have the highest percentage of five star reviews.

Making ends meet. A typical senior-hosted listing in Seattle is booked about 110 days per year. The extra money earned hosting helps many seniors pay their bills, fix up their homes and even take trips themselves.

Nationally, 41% of seniors have reported hosting has helped them afford to stay in the homes where they've often lived much of their lives. ← Helping preserve neighborhoods.

Betsy B., 78, started listing a spare bedroom in her West Seattle home to earn extra money.

"My mortgage is going up so it's almost to the point where I was considering moving to something that's less expensive," she said. "But I thought if I have some guests in my house, I'll probably be able to stay here for another five years."

For Elizabeth C., 68, keeping up with the cost of living in Seattle on a fixed income is a challenge. Without the extra money she earns from listing her guest room on Airbnb, she wouldn't be able to stay in her Crown Hill home. It also helps Elizabeth pay other bills.

"I wouldn't be able to afford the medicines that I need if Airbnb didn't function through my life the way that it does," she said.

Meeting new people. Hosting brings the world to the doors of seniors when they can no longer travel themselves. In fact, 28 percent of senior hosts noted that the primary reason they host is to meet new people, and 15 percent of hosts welcome guests into their home primarily to keep themselves active.

Betsy, for example, started hosting for financial reasons, but she has come to enjoy meeting people from all over the world, including China, New Zealand and Iran.

Some of her guests, from cities like Washington DC and Chicago, have stayed at Betsy's home while moving to Seattle in order to try out her neighborhood.

## European Leaders

Leaders in Europe have called for action to challenge complex and fragmented rules that are holding the collaborative economy back in parts of Europe. During a meeting of EU's Competitive Council yesterday, leaders said recent guidance calling for a consistent approach to collaborative economy rules across member states is only truly meaningful if it is enforced.

Peter Žiga, Chairman of the Competitiveness Council and Slovak Minister of Economy, said: "There is a strong push for this part of the economy and its opportunities. Rules should be applied in a proportionate manner and allow new forms of economy to flourish. In this sense, some ministers warned against new regulatory barriers and called for a more coordinated EU approach."

Earlier this year, the EU Commission voiced its support for the collaborative economy and called for rules that are consistent across Europe. It said national rules must be proportionate and that it will work with member states to ensure unnecessary barriers to participation in the collaborative economy are removed.

Speaking after the gathering of EU leaders yesterday, Baroness Neville-Rolfe, UK Business Minister, said:

"It is important to support new business models and develop new businesses in areas like sharing accommodation. The Commission's guidance rightly says that national laws regulating these sectors need to be proportionate - not over burdensome - I have been making the point to my colleagues that this type of business model is not just good for business but it's really good for consumers."

*Forward looking leaders are waking up to the benefits, not caving in to the fear of the new concepts.*

#### 4. Sacramento Amending their ordinances to allow Airbnb

BY ELLEN GARRISON  
egarrison@sacbee.com



The Sacramento City Council unanimously approved two ordinances Tuesday allowing short-term rental services such as Airbnb.

The ordinances require Sacramento operators of short-term rentals to obtain a permit and pay associated taxes and fees. The changes respond to a quickly evolving part of the sharing economy in which residents advertise a room or entire house for rent online, typically on a nightly basis as an alternative to a hotel.

Council members spoke of the importance of creating a balanced system where homeowners can share their homes and make some extra money without causing problems for their neighbors.

Councilman Steve Hansen said he has neighbors who are Airbnb hosts and has no problems. If there's an issue with a guest, he talks to the homeowner.

Several neighborhood residents expressed concerns about allowing six guests a night, noise problems and how well the ordinances would be enforced.

Airbnb hosts told the council members the income they receive from home-sharing allows them to maintain their homes and praised the hosting experience. Airbnb representative Jeff Dorso said the company approves of the ordinances.

City officials and staff have been reviewing and proposing changes to the short-term rental and bed and breakfast inn sections of the city's code for more than a year. In December, the ordinance passed its final hurdle of the Planning and Design Commission.

At each step, requirements on short-term rental hosts have been relaxed.

Previously, renting out a spare room or an entire house fell under the category of a bed and breakfast inn section of city regulation. Under those rules, someone operating a bed and breakfast inn is required to obtain a conditional use permit, among other things.

Conditional use permits for bed and breakfast inns can cost around \$5,000, said Joy Patterson, principal planner for the Community Development Department.

Under the new category of short-term rental, detailed in the first ordinance approved Tuesday, short-term rental owners would still have to obtain a business operations tax certificate and pay the city a transient occupancy tax, which is 12 percent of the room charge. But they are exempt from the conditional use permit process.

The new ordinance also requires the city to notify all neighbors within 200 feet that a permit has been issued. It sets a six-guest limit.

Each owner is required to keep a register of guests and to ensure all postings on Airbnb and similar sites are permitted residences.

Some people raised concerns at a September public meeting that an investor could buy an apartment complex and turn it into a short-term rental business. To address this, each owner cannot rent for more than 90 days annually if the space is not a primary residence.

Bed and breakfast inns in certain zoning areas are allowed to host weddings, fundraisers and other events with the appropriate conditional use permit; short-term rentals are not.

The second ordinance amends the city's definition of a bed and breakfast inn to include short-term rentals as a subsection that do not require conditional use permits.

Angela Mia said she views being an Airbnb host as being an ambassador for Sacramento. She has been sharing her home near downtown for more than a year to supplement her income, as one of more than 300 advertised on Airbnb.

She said she's glad the city eliminated the conditional use permit requirement. She would have paid it because she knows she could recoup the investment, but first-time hosts would find it cost-prohibitive.

"I think the planning department has been great," Mia said. "The different committees have been great. They made it less restrictive than what they were proposing."

Other cities have cracked down on short-term renting, like Santa Monica's recent ban of most home rentals for less than 30 consecutive days. San Francisco voters defeated a ballot measure in November that would have limited vacation rentals to 75 days a year and increased enforcement penalties for violators.

Councilman Jay Schenirer said he thinks these ordinances could become a model for cities figuring out how to handle home-sharing.

*Ellen Garrison: (916) 321-1920, @EllenGarrison*

Read more here: <http://www.sacbee.com/news/business/article55560300.html#storylink=cpy>

5. **From: Marcie Smith** [mailto:2marciesmith@gmail.com]

Sent: Wednesday, September 7, 2016 1:40 PM

To: Jerry Merrill <jerry.merrill@rexburg.org>

Subject: Airbnb Comments and Questions

Dear Mayor Merrill,

First I want to thank you for all the work you and the city council do to keep the city a nice place to live in so many ways. I would like this letter read into the minutes of the next council meeting as public comment since I am out of town waiting for my daughter to deliver another grandchild.

As I have learned about Airbnb's this last year, I have considered doing it since I have 5 empty rooms and 9 empty beds in my home when my children aren't living with me or visiting. I have been reading all the news articles and comments as I see them, to know many of the issues coming up. These are my concerns, thoughts and comments.

1. Property Values:

I think the concern on reducing property values is solved by just making the owner live in the home mandatory during Airbnb reservations . Don't know how you would enforce this except by neighbor's complainants and sending an officer over to check for owner and a hefty fine.

2. Stranger Danger Concern:

Well my opinion is strangers are everywhere anyway. Even some of your neighbors friends that visit. If my neighbor wants to invite questionable people to their home to stay, then that is their choice and right. I believe it puts them at the front line for something happening to them and their property.

3. Parking:

Not anymore of a concern than your neighbors who have a party or family reunion and friends over all the time. You deal with it for a short time and park on your driveway. They have to be off the street in the winter nights anyway.

4. Questions to consider:

Is there anyway to tell if someone is running a business out of there home; besides asking them? Checking Arbnb the only way? Nope. What is the difference between a business and a party? Is it the exchange of money? Can the city fine someone for just advertising a business (IE Arbnb, clothing sales, haircutting) online, even if a service is not performed or goods delivered? Does the city require business licenses for home businesses? Which ones and why or why not? I am thinking Mary Kay, Tupperware, Salon services, Ebay, and Clothing Sales, and Yard Sales.

5. What I have seen and would like to see happen:

I have seen that many people run businesses out of their homes already. Some are online and some are selling things from their home thru a postal service or people visiting a room in their residence. I have seen these home businesses by increased traffic when kids are picked up from babysitters homes, and music or dance lessons start and end. They should have adequate off street parking for those businesses that does not include their front yard landscaping. I think this should go for the number of students too. So if 3 Eight year olds are being picked up from dance, there should be 3 off street parking spots to keep the neighborhood streets clear. This last scenario does not happen presently. People that run their business thru the postal service have an increased amount of UPS and Federal Express trucks to their homes everyday as well. I don't

believe Arbnb (or whatever the next competitors name is) is any different than other home businesses. I believe if the owner is present, they should be allowed to do business in their home and on their property providing adequate parking. No signs to blight the neighborhood.

Prediction:

Arbnb will have competition soon and it will be called other things so you cannot rely on just one website to catch all the people who do this out of their homes. There are already KSL Classifieds and Craigslist that have similar formats for finding rental properties and vacation spots to stay. And then there is word of mouth and other advertising. I also believe that Arbnb's will decrease when adequate hotels have been built in Rexburg which will drive down the prices of the expensive hotels making Arbnb's less attractive. People often prefer safety and privacy but are willing to give it up for a price. That price is the difference between the hotel costs and the Arbnb cost.

Thank you for hearing my thoughts and observations. Please share this with the City Council.

Marcie A Smith  
Rexburg Idaho

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**Council President Smith** indicated to Mayor Merrill that the whole City Council has done a lot of studying of the rental issues. She talked to residents in other areas of the City. She said that if the practice were allowed to go City wide, it would cause a lot of contention in many neighborhoods. The feeling she gets from the residents is “Please, Please, Don’t Consider this”. We are not Sacramento; we do not want to be. People really value their neighborhoods here. Mayor Merrill asked if Council President Smith did not think Sacramento residents valued their neighborhoods. She did not think Sacramento residents lived in the same type of environment that we do. We live in a different environment. She again expressed her feelings that this was not the correct move because “why would we want to do something that is not working in a lot of areas?” Our police and many people are not in favor of it. Economically, it may be a mistake because we are a small town. We would like to have another hotel or two. She expressed the need to see how the City Council felt on the issue; so, she asked to make a motion at this time.

**Council President Smith** moved to clarify the definitions (*Bed & Breakfast Rentals and Boarding House Rentals*) in the Development Code and to unify the application process for MDR and HDR Zones as it relates to short term residential rentals; Council Member Benfield seconded the motion;

Discussion:

**Council Member Mann** was concerned with making local laws based on discrimination. He said the current restrictions do not allow Airbnb or any other type of short term rentals in the Low Density Residential 1 Zone. He recommended having the neighborhoods put forth recommendations for their neighborhood. Let the people who want the change present to their neighbors and then bring it forward to Planning and Zoning to make the change in their neighborhood. Community Development Director Christensen recommended an overlay to reduce the changes to the code.

**Council Member Flora** presented a compromise to have the requestor for an Airbnb fill out a form. The form would have to be signed by a percentage of the neighbors on the street; if the neighbors approve then an anonymous survey would be sent to the residents in the neighborhood. After the survey is completed, the requestor would go to City Hall and fill out a business registration form. The business would go through the City’s registration approval process, which includes an inspection of the premises, etc. Upon completion of all of the steps required, the requestor would be allowed to have an Airbnb. She asked the City Council Members if this type of compromise would work. Council President Smith said it would require a new definition of a home occupation in the City code.

**Community Development Director Christensen** said he favors the anonymous aspect of the compromise. Council Member Mann expressed his concern with the possibility of favoritism between neighbors and what it could do to the neighborhoods.

**Mayor Merrill** said this type of compromise would be too complicated. He said it is the City Council's job to uphold the Constitution of United States. He read the portion of the City's Development code that reads "protecting property rights and enhance the value of the property". He indicated these two principals have been interpreted in many different ways; however, he believes in protecting private property rights and in enhancing the value of the property in the most basic way possible and with as much freedom as possible.

**Mayor Merrill** referred to restrictive covenants and zoning laws in general, they protect the possibility of someone or something causing the devaluation of one's property. He is ok with chickens or pigs if they don't bother him; He is for freedom of using one's property as one see fits as long as it does not bother our neighbors. He is aware of those concerned with keeping the neighborhoods as is with the current code. When looking at the risk factors, he thinks the risk factors are low. He wants to show people all over the world what we have in Rexburg. From a protection and safety point of view, hotel people may have more risk of doing harm to the City than those using room rentals in the neighborhoods. He referred to a conversation he had with a neighbor on the hill; he asked the neighbor if he would be upset if a change was made to allow short term rentals in the Low Density Residential 1 Zone. The neighbor said that he would understand if it was changed.

**Rory Kunz** said the City is going to grow because of the growth of BYU-Idaho University. He is in favor of property rights and ownership; before purchasing his home, he looked for a home that was not in a Home Owner's Association or under covenants to give him the freedom he was looking for. The neighborhoods that have a Home Owner's Association are there for the intent of having the people live within the bounds of the HOA. He explained the neighborhoods that do not have a HOA and are in the same zone as the one that do. The City is restricting the neighborhoods as if they were in a HOA, by not allowing them the freedoms that they have by not living in a HOA. He believes it is a Home Owners Association's duty to restrict nightly rentals.

**Rory Kunz** mentioned there are many invalid reasons for why short term rentals should be and should not be allowed. He explained a long term rental is defined as renting the property for more than 30 days and it is allowed in Low Density Residential 1 Zone.

**Steve Oakey** said any change in the code to allow short term rentals in LDR1 Zone should be simple, fair and equitable. He thought the proposed changes were not simple, fair or equitable. The current code that governs a Bed and Breakfast or Boarding House within the City limits is simple. One of the stipulations for a Bed and Breakfast or Boarding House is for the owner to live on the premises. He stated keeping the code as it stands is simply not fair for those wanting to rent their home short term.

**Steve Oakey** said in order to understand the thought process of the people against short term rentals. He used the rezone request made by Council President Smith last week at the Planning and Zoning Meeting, as an example. He explained Council President Smith stated at that meeting, she had purchase the property on Main Street thirty years ago for the intention of selling the property as an investment. The residents during the public hearing section of that meeting expressed the same concerns with rezoning the property as with short term rentals. There were seven concerns mentioned by the residents. The two main concerns were traffic and property value. He said the Planning and Zoning Commission denied that rezone request, because of the traffic concerns.

**Steve Oakey** said he simple doesn't understand from the stand point of being fair to those people who want to operate their homes as they see fit and benefits them; how it's being fair that they are denied their right, while on the other side of the coin we are somehow protecting the other people. There seem to be a contradiction to him. He asked Council President Smith what the difference between short term rentals and her rezone request.

**Council Member Smith** replied the difference in her opinion; is first, she requested a zone change because the rezone fit within the Comprehensive Plan Map. Her rezone request and the people requesting short term rentals in Low Density Residential 1 Zone is not the same. They are not requesting a zone change or a Comprehensive Plan Map change.

**Steve Oakey** asked again about the rights of the neighbors in both cases; why are they different. Council Member Benfield explained the Indian Hill's neighborhood changed the zone from LDR2 to LDR1 to protect the neighborhood from rentals.

**Steve Oakey** said regardless of the reason; it is not equitable because it simple denies the ability for all property owners to do what they want to do with their property. We are treating two different bodies differently. It does not affect the neighborhoods any different than any other activity.

**Council Member Benfield** mentioned the neighbors renting out their homes as short term rentals are asking for something that is not allowed in the first place. They are going against what is already established before they purchased their home.

**Steve Oakey** explained this is one of the down falls of zoning and government behavior because it lags so far behind any innovative economic activities. People with innovative ideas that are risk takers, they create disruptive activities that years hence benefit everyone; however, in order for them to get those economic activities running there is always opposition. He said looking 10 to 20 years ahead there would be a different economic value for the current requests. Airbnb is allowing homeowners to enhance their property value and make extra income. They have been doing Airbnb for several years. If the owner were on-site, it would solve all of the Airbnb problems.

**Community Development Director Christensen** asked Mr. Oakey for his opinion regarding the following example; of a group of people requesting to have only single-family homes in a particular area and establish a subdivision, where the people who purchased a lot were aware that it's for single- family homes only, if it would be considered a property right. Mr. Oakey replied yes, he would consider that type of situation a property right. Community Development Director Christensen questioned the reason why it is ok in Mr. Oakey's opinion for the residents to make this type of request and not ok for the government.

**Community Development Director Christensen** explained in order for the residents to make a person comply with the rules they have to go back to the government in litigation that is the only way they can govern their own subdivisions. He said zoning is much kinder to everyone in the long run because the rules are already in place in a particular zone; violations can be resolved by following zoning verses litigation.

**Council President Smith** reminded the group that planning and zoning is the key to these issues. Planning comes first before the zoning; one cannot exist without the other. When she purchased the property on West Main Street, she thought it was a changing neighborhood.

**Mayor Merrill** agreed to have Planning and Zoning with less restrictions. He also agrees in protecting property rights and in enhancing property value. Anything that is not bothering these two things should be allowed.

**Council Member Flora** said the people living in the Low Density Residential 1 Zone are the most dissatisfied with allowing short term rentals. Mayor Merrill clarified there are other zones that allow short term rentals that are experiencing problems with residents allowing a short term rental in their neighborhood.

**Steve Oakey** indicated when reviewing the City Codes regarding Boarding Houses and Bed and Breakfast. The city does not have the tools needed to govern in a Medium Density Residential Zone. Community Development Director Christensen asked for ways to regulate these businesses when

the owner is not on-site. The short term rental problems have come from units that do not have an owner on-site. Mr. Oakey said a compromise would be to simply have an owner on-site

**Council Member Mann** referred to a request to do nothing to the City Code; he did not think Airbnb was a high risk factor. Mr. Oakey said neighborhoods with covenants are voluntary. The government has the power to follow the majority. Mr. Oakey was opposed to the government having a law to impose rule over everyone.

**Community Development Director Christensen** said rules are established to protect the neighborhoods. Covenants, Conditions & Restrictions (CC&Rs) can only be governed with litigation. He referred to meetings in his sub-division where they went to LDR1 from LDR2. He was precluded from having an apartment in the future. One option was to re-write the covenants or change the zone to LDR1; thus, keeping the issue out of the courts.

Discussion: on following the law or CC&Rs in a neighborhood.

**Mayor Merrill** referred to the 20% rule for home businesses; if they use more than 20% of the home for their business will the City shut them down. Why should we police room rentals; just change the nighttime restriction. He said there are ordinances already in place that would take care of any nuisance.

Discussion on simplifying the home occupation definition. A single-family definition is noted in LDR1, LDR2, MDR1, etc. Community Development Director Christensen said we would have to change the definition of a single-family. In the single-family, the definition states for non-profit.

**Steve Oakey** said there are always exceptions and when exceptions are thought of, more rules are created; for example, if you have a dance hall in your basement, that is breaking the law. What if his daughter brought someone to stay with them that is not part of the family? He is concerned that by adding more and more rules, they will get out of hand. He is in favor of keeping the laws simple.

**Council Member Benfield** said the Indian Hills neighborhood has been a test case of having short term rentals in Low Density Residential 1 Zone; are we prepared to have the problems that they have experienced throughout the city.

**Mayor Merrill** asked if the Indian Hills neighborhood has been a test case, what problems did the neighborhood experienced. There were several problems mentioned including playing music loud at night, people on the roof, etc. Council Member Benfield said there was a case where the house was rented out to six people; however, 35 people showed up and caused problems. Steve Oakey asked if the short term rentals required the site to be owner occupied, if that would be a compromise.

**Council Member Mann** questioned what is considered owner occupied for example; if he purchases a home and his son or another renter lives in the home and they starting renting it out as a short term rental, is it still considered owner occupied. He said no matter how simple the law is there will still be regulations and who is going to monitor these regulations, will the City need to hire additional personal. He gave a scenario of a neighbor who is upset about his neighbor's short term rental so he calls the police and the short term rental is shut down. The owner of the short term rental gets upset because he believes the claims against his rental are arbitrary and decides to sue the City. Short and simple laws cannot always be short and simple because of nuances.

**Community Development Director Christensen** said the building code in a change of occupancy requires a building permit. Changing a house into a short-term rental requires a building permit.

**Council Member Busby** questioned if the Indian Hills Sub-division implemented CC&Rs, when the sub-division was established. He questioned how binding the CC&Rs are in the neighborhoods that have them. City Attorney replied they are as binding as the HOA wants them to be.

**Council Member Busby** said there has been discussion amongst the Indian Hills Sub-division residents that they have not met or paid dues to the HOA. City Attorney Zollinger said HOA's are not required to collect dues; however, they are required to hold annual meetings. In the State of Idaho HOA's are required to be registered.

Discussion regarding the neighborhoods that have HOA's and CC&Rs.

**City Attorney Zollinger** said CC&Rs are recorded in the property's deed. CC&Rs are always forcible; however, they do not always prevail in litigation. CC&Rs can get past the first stage of a lawsuit because they are recorded against the properties deed.

**Council Member Busby** said there are many residents expressing their concerns with allowing short term rentals in the Low Density Residential 1 Zone. One of their concerns is that the City might not be prepared to handle the issues, which will arise by allowing short term rentals.

**Mayor Merrill** referred to the city of Sacramento and the changes they are making to their ordinance.

Discussion regarding the experience in staying in an Airbnb.

**Council Member Flora** indicated she would like to protect the property rights of the people who want to rent their home out as a short term rental. She believes a compromise should be reached by both views.

**Council President Smith** clarified law enforcement is not in favor of short term rentals in Low Density Residential 1 Zones. There are people that are hiding from law enforcement using Airbnb because the Airbnbs do not have the same security measures as hotels and motels.

**Rory Kunz** suggested short term rentals be added to the same zones that a boarding house, bed and breakfasts, are allowed and leave them out of Low Density Residential 1 Zones. The boarding houses, bed and breakfasts are allowed in Medium Density Residential Zone and above. Council Member Mann explained he agrees with Mr. Kunz; however, that is not the issue. The issue is whether to allow short term rentals in the Low Density Residential 1 Zones.

**Mayor Merrill** said the requests are coming from the citizens. They are asking the City to come up with a compromise between those in favor and those opposed to allowing short term rentals in the LDR1 Zone.

**Mayor Merrill** mentioned there is a motion on the table to clarify the definitions of (*Bed & Breakfast Rentals and Boarding House Rentals*) in the Development Code and to unify the application process for MDR and HDR Zones as it relates to short term residential rentals

**City Attorney Zollinger** explained clarifications to the definition of "Short Term Rentals" and a standardization of the owner on-site requirement in the Medium Density Residential and High Density Residential need to be made to the code. He used Mr. Hebdon's request for a Conditional Use Permit to allow a "Boarding House" (i.e. nightly rentals; short-term rentals) in a Medium Density Residential 1 Zone as an example of why the definitions need to be clarified.

**City Attorney Zollinger** mentioned the definitions of a boarding house, bed and breakfast need to be consolidated into "Short Term Rentals". The City of Sacramento went through the process of consolidating all of their definitions into short term rentals instead of trying to differentiate between the different forms of short term rentals.

**City Attorney Zollinger** clarified any action taken tonight by City Council would be in a form of a directive because in order to amend the current code requires Planning and Zoning to hold a public hearing and make a recommendation to City Council. The recommendation from Planning and Zoning would include substantive changes to clarify the language as to what constitutes a short term rental and owner occupied.

**Council Member Flora** questioned the result of voting yes or no on the motion before them. Mayor Merrill indicated by voting yes City Council is giving Planning and Zoning the directive of clarifying the definitions of boarding houses, short term rentals, bed and breakfasts in the Development Code. He said if they vote no than Planning and Zoning would not make any changes to the definitions.

**City Attorney Zollinger** clarified there are two pending request in which both are in the Medium Density Residential 1 Zone; neither one of whom want to comply with the boarding houses definition. The City is at a standstill for those wanting short term rentals in the MDR 1 Zone and the only ones that are going forward are those in the High Density Residential Zone.

**Mayor Merrill** asked if a proposal should be developed for short term rentals for requestors. Home Occupations could be in any zone with a home occupation.

**Council Member Mann** said the neighborhoods have a right to request changes to their zone and submit their request to the Planning and Zoning Commission.

**Mayor Merrill** suggested putting some suggestion forward from people who have requested short term rentals in their neighborhoods to Planning and Zoning for the Low Density Residential 1 Zones.

**Council Member Busby** asked how many city residents a still advertising on the Airbnb web site. City Attorney Zollinger said to his knowledge the residents that received the letter informing them short term rentals are not allowed in the LDR1 Zone have stopped advertising.

Discussion regarding enforcement of short term rentals.

**Mayor Merrill** mentioned several home occupations that are more disruptive than short term rentals. City Attorney Zollinger indicated there is a distinguishing characteristic between the home occupations mentioned and Airbnb's; one depends on local cliental the other is for a transient customer. The reason why Airbnb's have come under fire in all of the United States is due to the transient nature of the customer.

**City Attonery Zollinger** reiterated the montion before City Council.

*Council President Smith moved to clarify the definitions (Bed & Breakfast Rentals and Boarding House Rentals) in the Development Code and to unify the application process for MDR and HDR Zones as it relates to short term residential rentals; Council Member Benfield seconded the motion; Mayor Merrill asked for a vote:*

**Those voting aye**

Council President Smith  
Council Member Flora  
Council Member Benfield  
Council Member Mann

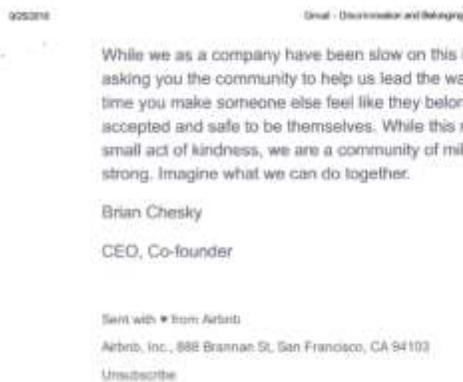
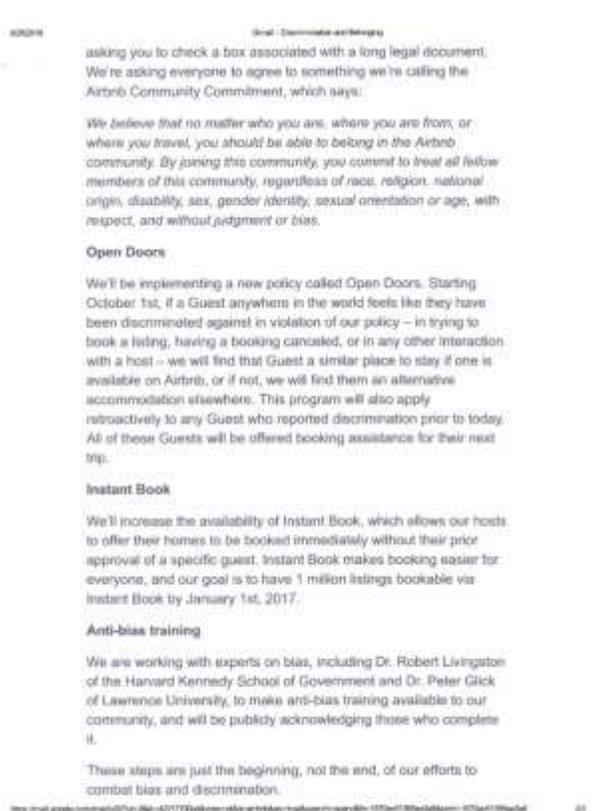
**Those voting nay**

None

**The motion carried**

**Written Input:**

1. **Kristine Bennion**



## 2. Sharon and Jim DeMordaunt (3<sup>rd</sup> Letter)

September 27, 2016

Dear Council Members, Mayor, City Attorney and other Officials:

Please pardon the fact that this is the third letter we have written to you on the topic of the nightly rental proposal. We are not trying to drown you in paper, but we do want to be heard on some of the points the rental proponents make, and they made some new assertions at the recent town hall session, after I had spoken, and I would like to address them.

First, we will note that drafting these letters is frustrating in the sense that there really are no "arguments" being asserted by the rental proponents. Their exhortations basically boil down to "We want this, therefore, you must give it to us," and are mostly ways to dress up the naked assertion of want.

### The Ages of Concerned Citizens is Irrelevant

Several speakers commented that the people objecting to the concept of overnight rentals are "old," whereas those desiring overnight rentals are young. As I hope the council realizes, this is completely irrelevant, and offensive. Citizens are entitled to be heard and respected regardless of age. Points of view are not discounted or amplified based on age. Older residents are just as important as younger residents. The City Council's charge is to protect all citizens, for the overall well being of our neighborhoods. While I am tempted to launch into an essay about how the insights of more seasoned citizens may be even more valuable, we will resist taking the age v. beauty bait laid out by the rental proponents.

### The "This is the Future" Argument is Completely Rebutted by Zoning / Lawmaking Trends across the Country. The Trend is to BAN Overnight Rentals

Several proponents asserted the abstract platitudes "this is the future." Unfortunately, the facts from across the country support precisely the opposite conclusion. The "trend" is that communities are BANNING overnight rentals. And these are not communities of "old" people, these are communities of responsible people, who care about preserving the quality of the towns they live in.

Airbnb started in 2008, in the Bay Area of California. So just eight years ago, NO community had enacted laws specifically designed to ban or curtail Airbnb. And now, MANY have. Airbnb commenced quietly, largely outside of the awareness of city leaders. It initially proliferated in California. By now, it is on the radar of civic leaders in California - including plenty of "young" and tech savvy civic leaders and residents.

If the proponents want Rexburg to be influenced by 'the trend,' here it is: One after another, California communities are enacting BANS or severe restrictions of Airbnb activity. And now this is increasingly true for communities across the country, and around the world, not just California. In recent months and years, the following communities have banned or severely restricted nightly rentals in residential neighborhoods:

#### California

San Francisco (Airbnb's hometown)  
 Tiburon (in the Bay Area, where Airbnb has proliferated the longest)  
 Danville (in the Bay Area)  
 Belvedere (in the Bay Area)  
 Sausalito (in the Bay Area)  
 Unincorporated Napa County (in the Bay Area)  
 Monterey

Hermosa Beach  
 Ojai  
 Anaheim  
 Aliso Viejo  
 Manhattan Beach  
 Los Angeles  
 Laguna Beach  
 West Hollywood  
 Santa Monica  
 Ventura  
 San Clemente  
 Irvine

#### New Jersey

Fort Lee  
 Palisades Park  
 Englewood Cliffs

#### New York

New York City

#### Florida

Miami Beach

#### Louisiana

New Orleans

If Rexburg's city leaders are influenced by 'trends,' as the rental proponents seem to think they should be, the trend is to STOP the corrosive effect of nightly rentals in residential neighborhoods. Why does this trend exist? Ojai City Council Woman Betsy Clapp told the Ventura County Star:

"This online business model circumvents and undermines community zoning laws. It is also an assault on legitimate licensed businesses playing by the rules," said Clapp. "These seemingly harmless home-based hotels ... impact school enrollment, housing stock, volunteerism and community cohesion. I've seen how they have turned neighbor against neighbor. They are not good for our town."

The following LA Weekly headline also chronicles the parade of cities acting to restrict Airbnb activity in Southern California:

Airbnb is infusing the Neighbors. Is it Time for New Rules?



Rental Proponents have the "Entitled" Analysis Precisely Backwards

At the meeting, a talking point that the rental proponents repeatedly employed was to call those opposed rentals "entitled." A simple analysis reveals it is actually the rental proponents who fit this term.

Rexburg citizens bought homes in residentially zoned neighborhoods. They justifiably relied on the content of the zoning ordinances, the city's history of enforcement, and the character of the neighborhoods that were a product of such zoning / enforcement - including the manner in which these factors affect property values.

Someone who has invested, and justifiably relied on the rules of play in place for decades is not behaving as "entitled" when they react to the threat of having the rug pulled out from under them.

On the other hand, the rental proponents, who likewise bought homes in residentially zoned areas, with full knowledge of the zoning restrictions, now plead, throw tantrums and laugh at other residents, because they want to ignore the zoning laws, in order to make money.

The rental proponents boldly seek to cash in on the tranquil neighborhoods created by the city's zoning laws. They have figured out an easy way to make money, and they do not care if their agenda tramples on the tranquility, safety, convenience, or property interests of others. This is "entitled" behavior.

The Rental Proponents are supported by a Lobbying Firm Masquerading as a Neutral Observer

A curious piece appeared recently in the local paper, strongly tilted in favor of overnight rentals. It was advocacy, not news reporting. It was written by an Idaho Falls resident, a young woman who seemed curiously passionate about short-term rentals in Rexburg.

It turns out; this "foundation" is actually a lobbying organization. According to the tax returns of the "Idaho Freedom Foundation," lobbying is their primary activity.

Apparently, outside influences consider Rexburg's citizens, press and politicians easy marks, and they are aggressively trying to prevent Rexburg from doing what other towns are realizing is necessary to preserve their peace and charm - banning overnight rentals from single family residential areas.

Conclusion

So far we have not heard any argument that withstands scrutiny.

Thank you again for your diligent service, and please be strong in the face of pressure and influence peddling. Remember your stewardship the way that Ohai's councilwoman did. Her words bear repeating:

"This online business model circumvents and undermines community zoning laws. It is also an assault on legitimate licensed businesses playing by the rules," said Clapp.

"These seemingly harmless home-based hotels ... impact school enrollment, housing stock, volunteerism and community cohesion. I've seen how they have turned neighbor against neighbor. They are not good for our town."

When we leave this world we would like to bequeath to Rexburg the same goodly quality of life we have enjoyed over 45 years. Single-family neighborhoods uncompromised by nightly rental business are an essential element in a family community. Rexburg is a light in this world.

Sincerely:

Sharon and Jim DeMordaunt,

345 Shoshone Ave, Rexburg, ID 83440

3. Craig and Virginia Porter

PORTER HOUSE BED & BREAKFAST
4832 W. 1000 N. • Rexburg, ID 83440 • (208) 800-3006



August 13, 2016

Mayor Jerry L. Merrill
25 North 1st East
Rexburg, ID 83440

Re: VRBO and Airbnb Hosting in Rexburg

Dear Mayor Merrill,

We have used both VRBO and Airbnb as travelers. We have also hosted hundreds of guests as a traditional B&B operator in the Rexburg area for the last 20 years.

From our experience on both sides of the lodging coin, we would like to offer the following facts for your consideration as you thoughtfully deliberate on this important issue.

- Throughout all our years of operation we have seen no difference in the quality of the client using bed and breakfast facilities in our area. All of our clients have been good quality people who have positively affected the economy in the city of Rexburg and been positively affected by Rexburg.
The kind of people who have come out to categorized two-2 basic groups:
1. Tourists coming to our area to see the sites
2. Family members supporting events associated with BYU-Id
The only demographic shift we have seen is the increased amount of Chinese tourists since the Chinese government loosened the travel restrictions on their citizens.
The commercial lodging of Rexburg cannot accommodate the influx of BYU Idaho parents for graduation and semester changes. The Airbnb/VRBO option has fulfilled that need in a great and efficient way thru the use of weekend personal assets of the community, allowing family members to stay in Rexburg rather than Idaho Falls. Not only do they lodge in Rexburg, they eat in Rexburg, restaurants and shop in Rexburg stores.
Many of our "social" guests have commented favorably about the lodging costs in Rexburg as compared to West Yellowstone. They are grateful for this option. A lot of good will results from the Airbnb and VRBO lodging available in the Rexburg area.
Airbnb has a great "vetting" setup. Hosts are required to provide an online review of each guest and guests are required to provide an online review of the accommodations. As an Airbnb host we appreciate being able to pre-screen potential guests based on previous hosts' reviews prior to accepting or declining a reservation request. We have never experienced "questionable" guests with this process in place.

Shifting from facts to opinions

- It is our opinion that the Airbnb and other internet facilitated lodging system exist and are so popular because they meet a demand that has not previously been met. By way of example, when our youngest son graduated

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From the Air Force Academy we were able to arrange, via VRBO, the use of a home in Colorado Springs that was large enough to accommodate our entire extended family (26). It was so wonderful to all be together in one place rather than in scattered hotels as we did with his older brothers. It was so cost effective and enjoyable that we repeated the experience in a different home 6 months later when he got married. We have all agreed that this is preferable to staying in separate hotels for such gatherings. We are not alone in this opinion. As we searched for accommodations in the Colorado Springs area there were hundreds of homes listed on VRBO and booked years ahead for the graduation week. Rexburg has a similar demand that needs to be met.

We strongly recommend that the City of Rexburg allow Airbnb and other internet-facilitated lodging options to fully function within the city limits. Although we are not within the city limits, the greater Rexburg area is affected by the decisions made by the City of Rexburg.

If you would like any additional information we would be glad to respond to your queries.

Sincerely,

Jerry L. Porter, Virginia Porter
Craig & Virginia Porter, Owners

208-200-3006 (Craig) craig@virginiaporter.net
208-351-9168 (Virginia) virginiaporter22@gmail.com

- at: Sally Smith, City Council President
Doreen Benfield, City Council Member
Christopher J. Mann, City Council Member
Jordan Busby, City Council Member
Tisha Flora, City Council Member
Brad Wolfe, City Council Member

Adjourned at 5:40 P.M.

APPROVED:

Jerry Merrill, Mayor

Attest:

Blair D. Kay, City Clerk