



Economic Development Committee Agenda

Remote Meeting

Thursday, September 15, 2022 – 9:30 am

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Please join the meeting from your computer, tablet, or smartphone:

<https://meet.goto.com/716866869>

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United States: [+1 \(571\) 317-3129](tel:+15713173129)

Access Code: [716-866-869#](tel:716866869)

Open Meeting

Minutes:

- ◆ Assignment of Today's Minutes
- ◆ Approval of Minutes: May 12, 2022, June 2, 2022, July 14, 2022, August 11, 2022
- ◆ Outstanding Minutes: None

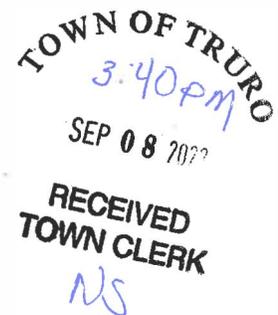
Discussion of EDC Report Outline and Content

Information Concerning Culture District Viability

Housing Discussion – Planning Board, Walsh Committee, Housing Authority

Next Meeting Dates and Agenda: Discussion

Adjourn



Town of Truro
Economic Development Committee
Meeting Minutes June 2, 2022

Present: Robert Panessiti, Nancy Medoff, Kristen Roberts, Chris LaMarco, Daniel Silva, Carole Ridley, Ridley & Associates. No members of the public were present.

Chair Panessiti called the meeting to order at 9:32am

Approval of last meeting's minutes tabled until next meeting.

Review of PowerPoint/handout for upcoming EDC summit on June 16th. Meeting will be held at the Truro Public Library at 5:30pm outdoors. In the event of inclement weather, the meeting will be moved to virtual with dial in information available on the Town of Truro website.

Kevin Grunwald from the THA will be attending and The THA is hosting a public meeting/community forum the following week.

Unanimous agreement on content and flow of handout for forum.

Flyers will be printed by Kristen Roberts to be distributed throughout Town. Town Clerk will post notice of Forum on Town website, Town Facebook, Community Facebook pages and e-blast. Kristen Roberts will notify chamber members. Flyers will be posted at Post Offices and local businesses.

Next meeting date will be determined after the summit.

Meeting was adjourned at 10:34am.

Respectfully submitted,

Economic Development Meeting July 14th, 2022

Members Present: Robert Panessiti, Kristen Roberts, Dan Silva, Nancy Medoff, Chris LaMarco

Others: Barbara Carboni-Truro Town Planner, Carole Ridley-Ridley and Associates Consultant, Darrin Tangeman-Town Manager

The meeting was called to order at 9:03 am.

There were no minutes presented for consideration.

The Chair asked Carole Ridley to help the Committee understand where we are in the process of developing the report and what we might need to move forward. He also mentioned that Sue Areson and Kristen Reed had asked that we consider a cultural district as part of our discussion.

Carole felt that the summit that we held at the library was productive and successful, consistent with what we heard in the focus groups. The vision statement and a summary from the focus groups and data collected thus far was reviewed. An outline of what the report should look like and next steps recommended to identify strategy and actionable items. Additional areas that would be difficult for the Committee to influence were brought to the Committee's attention. Carole recommended the Committee take goal areas (Affordable Housing, Business/sector Development, Environment, Built Environment and Infrastructure) and dedicate a meeting to flush these out, the first being housing.

Nancy supported the idea of going through each goal and are addressing all of the issues recognizing that we only get one chance to get this right.

At the bequest of the Chair, Carole explained how the report would be constructed and an expected timeline to deliver the report by the end of the year. Barbara stated that the Committee shouldn't feel that we need to deliver the report in a rushed manner. The LCPC wasn't anticipating it this Fall.

Dan wanted us to be sure that the report addressed the needs of the year-round population which may have conflicting goals with the second homeowners.

Nancy expressed concern that we duplicate efforts of other committees concerning the housing issue. Carole talked about leveraging the work of other Committees that it isn't a goal of the Committee to construct Truro's housing plan. Darrin explained how he believed the EDC could contribute to the housing discussion in the community.

Chris reinforced the discussion around the need for the Committee to emphasize the lack of housing and it's impact of the community and businesses to deliver services. Nancy asked that

we look at what other communities are doing. Kristen asked about alternative funding sources that might be available to the town. Darrin responded that we have applied for and are actively pursuing various programs.

Carole asked the Committee to review the outline for further discussion at the next meeting to further define the content and scope of the report. Darrin asked the Committee to consider policy recommendations to advance EDC recommendations and resource allocation.

The meeting was adjourned at 10:17 am.

The next meeting of the Economic Development Committee will be August 11th, at 9:30 am.

Respectfully submitted by,

Robert Panessiti

Chair-EDC

Economic Development Committee Meeting Thursday, August 11th

Members Present: Robert Panessiti-Chair, Nancy Medoff, Kristen Roberts and Dan Silva.

Others-Susan Areson and Kristin Reed- Board of Select members, Barbara Carboni-Truro Town Planner, Carole Ridley-Ridley and Associates

The meeting was called to order at 9:32 am.

There were no minutes to review from the last meeting so the committee will review minutes from this and the last meeting at their next one.

Sue Areson presented the Mass Cultural Counsel grant opportunities and discussed the idea of establishing the entire town as a cultural district. This has been done in other similarly sized towns. Additionally, both Wellfleet and Provincetown have cultural districts within them. It was suggested that a member of the EDC take on the application process with a select board member to present to the MCC. Nancy questioned why the Truro Cultural counsel doesn't take on this project. Kristin Reed explained what their charge is and why the EDC is a better platform.

Carol presented the strategic documents that were circulated to EDC members and all results were reviewed. There was a discussion around ADUs and how other towns had made them more accessible. Also talked about deed restrictions and short term rental limits as an example of things that had worked in other towns.

At the next meeting Bob will be inviting a Walsh Committee member and Kevin Grunwald from the Truro Housing Authority to discuss how the three committees can work together more cohesively.

The meeting was adjourned with a motion from Dan Silva and a second from Nancy Medoff. A roll call vote was taken.

Respectfully submitted by,

Kristen Roberts

secretary

Truro Economic Development Strategy

1. Affordable Housing		
Strategy	Actions	Implementation
<p>1.1 Promote land use /regulatory decisions to facilitate the development of affordable and workforce housing.</p>	<p>1.1.1 Encourage the maximum use of the 70-acre Walsh property for affordable housing for year round residents and the seasonal work force. The property provides an unprecedented opportunity to increase the supply of affordable housing.</p> <p>1.1.2 Evaluate the zoning bylaw to identify ways to encourage mixed-use development of apartments in all existing commercial districts.</p> <p>1.1.3 Evaluate whether mobile home units on commercial properties can be used for seasonal housing</p> <p>1.1.4 Consider a home rule petition that would allow the town to collect a transfer fee on home sales for affordable housing (HB 2895) Has the town maxed out assessment under the short term rental tax legislation?</p>	<p>Priority:</p>
		<p>Timeframe:</p> <p>1.1.1 Propose for 2023 ATM</p> <p>1.1.2 Propose for 2024 ATM</p>
		<p>Outcomes:</p> <p>1.1.1 Establish an EDC liaison to the Walsh Property CPC to reinforce the need to maximize use of the property for housing.</p> <p>1.1.2 Recommended zoning changes to encourage mixed use development</p>
		<p>Lead:</p> <p>1.1.1 EDC to work with Walsh Property Community Planning Committee and Select Board</p> <p>1.1.2 Housing Ad Hoc Committee to work with Planning Board and Town Planner/Land Use Counsel</p>
<p>1.2 Evaluate the use and/or expansion of policies and programs to limit use of housing for seasonal rentals and increase availability of housing for year-round residents.</p>	<p>1.2.1 Evaluate success of Truro’s real estate tax incentive to second homeowners who rent their property year round, and identify ways to increase effectiveness.</p> <p>1.2.2 Evaluate potential effectiveness of a policy, such as was used in Placer, CA, to cap the number seasonal rental units at the current number.</p> <p>1.2.3 Evaluate the potential effectiveness of a policy, such as the Vail, CO InDeed program, to purchase deed restrictions that dedicate homes to be occupied by year-round residents in perpetuity.</p>	<p>Priority:</p>
		<p>Timeframe:</p> <p>1.2.1 End of 2024</p> <p>1.2.2 & 1.2.3 Propose for 2024 ATM</p>
		<p>Outcomes:</p> <p>1.2.1 Report on effectiveness of tax credit and recommendations for expansion.</p> <p>1.2.2 & 1.2.3 Recommended bylaws or policies submitted to Select Board and Town Meeting to cap seasonal rental units and/or establish a program to purchase deed restrictions.</p>
		<p>Lead:</p> <p>1.2.1 Town Manager</p> <p>1.2.2 & 1.2.3 EDC and Housing Ad Hoc Committee</p>

Truro Economic Development Strategy

<p>1.3 Encourage expansion of public access to education, technical assistance and financial resources for creation of ADUs.</p>	<p>1.3.1 The number of ADUs in Truro should continue to be tracked and an evaluation of current ADU policies should be undertaken to identify ways to increase ADU creation.</p> <p>1.3.2 Encourage participation in the Community Development Partnership’s new ADU Resource Center to provide access to technical and financial resources.</p> <p>1.3.3 Information about loan programs offered by local banks including Seamen’s Bank, Cape Cod Five and Cape Cod Cooperative Bank, should be promoted to property owners.</p>	<p>Priority:</p> <p>Timeframe: 2024</p> <p>Outcome:</p> <p>1.3.1 Recommendations to modify town policies increase use of ADUs.</p> <p>1.3.2 Establish and community committee liaison to CDP to facilitate communication of programs to residents and businesses.</p> <p>1.3.3 Establish a community committee liaison to local banks to facilitate communication of programs to residents and businesses</p> <p>Lead:</p> <p>1.3.1 EDC to work with Planning Board and Town Planner/Land Use Counsel</p> <p>1.3.2 & 1.3.3 EDC and Town Manager</p>
<p>1.4 Continue to communicate the link between an adequate supply of affordable housing and Truro’s economic well-being and quality of life.</p>	<p>1.4.1</p>	<p>Priority:</p> <p>Timeframe: On-going</p> <p>Outcome</p> <p>Lead</p>

2. Businesses Development and Local Job Creation and Retention		
Strategy	Actions	Implementation
<p>2.1 Promote policies that contribute to a sustainable business environment in Truro</p>	<p>2.1.1 Evaluate local permitting requirements for restaurants, food purveyors, overnight accommodation and temporary/seasonal events to identify additional opportunities to streamline annual and temporary/seasonal permitting. Consider publication of a permitting guidebook to assist new organizations.</p> <p>2.1.2 Prior to adopting new policies or regulations, Town officials should proactively reach out to potentially affected businesses to participate in a roundtable discussion to ensure that the full effects of the policy are evaluated.</p> <p>2.1.3 Formalize and expand a business referral program whereby local businesses and organizations make referrals to Truro businesses.</p> <p>2.1.4 Evaluate the potential to increase flexibility in the Town’s policy that restricts restaurants and other businesses from wholesale trade.</p> <p>2.1.4 Promote measures to help businesses become more energy efficient and climate resilient, through encouraging participation in programs provided by MassSave and Cape Light Compact, as well as local banks that provide lending for solar installation or septic system upgrades.</p>	Priority
		Timeframe
		Outcome
		Lead
<p>2.2 Support business sectors that are well established in Truro and that create jobs that provide living wage</p>	<p>2.2.1 Hospitality and Overnight Accommodations</p> <ul style="list-style-type: none"> Identify strategies to amplify or promote Truro’s proximity to the Cape Cod National Seashore as a major tourism attraction Support collaboration between overnight accommodations businesses, Town Recreation Department and Cape Cod National Seashore to promote access to beaches by seasonal visitors Create a regional database/network of businesses modeled on the national <i>Seasonal Connect</i> network, that would provide cleaning, appliance repair, plumbing and carpentry services to meet demand during the busy season Cap the number of seasonal rentals (see 1.2.2) 	Priority
		Timeframe
		Outcome
		Lead

	<ul style="list-style-type: none">• Address unreliable wifi and cellular service in the region <p>2.2.2 Construction Trades</p> <ul style="list-style-type: none">• Ensure maintenance of the home-occupation as a permitted use in all residential districts• Participate in regional initiatives identified in the Cape Cod CEDS: The Trades Workforce and Business Development Program Coordinate and work to expand trades-related workforce and business training programs at technical high schools, colleges, and universities; Cape-First Construction and Procurement Program to encourage private developers and municipal governments to use local businesses for construction and other service.¹• Evaluate potential to expand tradesman’s park at the existing or new locations <p>2.2.3 Blue Economy</p> <ul style="list-style-type: none">• Include local charters and marine businesses in a discussion of any potential changes in policy or regulations at Pamet Harbor• Create a Blue Economy work group consisting of local charter and fishing vessels operators and research organizations to identify opportunities for joint activities, such as using vessels offseason to support research <p>2.2.4 Retail and Wholesale Trade</p> <ul style="list-style-type: none">• Evaluate the potential for creating or re-enforcing identifiable shopping areas potentially as part of mixed use re-zoning.• See 2.1.4• Work with Truro’s successful wholesale businesses to identify infrastructure and/or business support services (broadband/internet/transportation/financing) that would enable them to continue to achieve long-term business goals. <p>2.2.5 Agriculture</p> <ul style="list-style-type: none">• Ensure continued access to USDA grant programs• Address parking, safety and other concerns to ensure sustainability of an annual Farmers Market	
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¹ 2019 CEDS Executive Summary

Truro Economic Development Strategy

	<ul style="list-style-type: none"> • Evaluate the Town’s regulation of farm stands to allow local growers to operate farm stands • Participate in regional initiatives identified in the Cape Cod CEDS: Buy Fresh, Buy Local Cape Cod - Expand Cape Cod’s Buy Fresh, Buy Local program to raise awareness of and access to locally-sourced products, including facilitating business-to-business opportunities for producers, restaurants, and wholesale establishments² • Permitting or notification related to mosquito spraying that could affect local bees. <p>2.2.6 Cultural –</p> <ul style="list-style-type: none"> • Explore the economic development potential of establishing a Truro Cultural District to build cultural tourism in Truro • Re-start conversations with Cape Cod National Seashore regarding future use of the Highlands Center • Amplify <i>Truro Connections</i>, an initiative that seeks to focus on issues of sustainable living in Truro and create linkages between civic, business and non-profit organizations 					
<p>2.3 Promote policies that help businesses attract and retain employees, and thereby transition to the next generation of ownership and operation.</p>	<p>2.3.1 Increase the supply of affordable housing (see 1 above)</p> <p>2.3.2 Evaluate the use of the Truro Childcare voucher program, and whether the vouchers could also be provided for non-resident employees of Truro businesses.</p> <p>2.3.3 Help businesses gain access to training and professional development opportunities....</p>	<table border="1"> <tr><td>Priority</td></tr> <tr><td>Timeframe</td></tr> <tr><td>Outcome</td></tr> <tr><td>Lead</td></tr> </table>	Priority	Timeframe	Outcome	Lead
Priority						
Timeframe						
Outcome						
Lead						
<p>2.4 Support remote and home-based businesses that have the potential to create local jobs and spending with a limited footprint.</p>	<p>2.4.1 For business start-ups, facilitate participation in economic development, technical assistance and micro loan programs available through CDP, Coastal Community Capital, Cape Cod Chamber, and local lenders.</p> <p>2.4.2 Survey remote and remote and home-based businesses to see if there is a need for any shared facilities or co-working spaces, and assess other services such as broadband, cellular service or transportation infrastructure, that would enable their operations to thrive</p>	<table border="1"> <tr><td>Priority</td></tr> <tr><td>Timeframe</td></tr> <tr><td>Outcome</td></tr> <tr><td>Lead</td></tr> </table>	Priority	Timeframe	Outcome	Lead
Priority						
Timeframe						
Outcome						
Lead						

² 2019 CEDS Executive Summary

Truro Economic Development Strategy

2.5 Create alliances to address regional/national issues	2.5.1 Work with regional business organizations and federal elected officials to pursue expansion of the foreign work Visa program	
	2.5.2 Health care cost/availability??	

3. Critical Infrastructure (Placeholder)		
Strategy	Actions	Implementation
3.1 Water and Wastewater	3.1.1 Support municipal policies and infrastructure investments to ensure adequate water and wastewater capacity to implement the community-approved Economic Development Strategy and Local Comprehensive Plan, including future use of the Walsh Property	Priority
		Timeframe
		Outcome
		Lead
3.2 Cellular and Broadband Internet Service	3.2.1 Encourage the Cable & Internet Advisory Committee to update the 2010 survey of un-served and underserved areas in town. 3.2.2 Support regional efforts for the last mile build out of the Open Cape broadband network.	Priority
		Timeframe
		Outcome
		Lead
3.3 Commercial and Mixed-use Development	3.3.1 Evaluate the need for additional commercial and/or mixed-use zoning, as well as the potential for allowing mixed-use development in existing zoning districts as well as the Walsh Property. 3.3.2 Work with CCNS to determine measures to sustain commercial uses in the Seashore district	Priority
		Timeframe
		Outcome
		Lead
3.4 Transportation	3.4.1 Make sure Truro has adequate EV charging stations. 3.4.2 Survey Truro businesses to determine if changes in RTA public transit service would benefit the local workforce.	Priority
		Timeframe
		Outcome
		Lead

4. Implementation and Assessment (Placeholder)		
Strategy	Actions	Implementation
4.1 Continue to build a data-based understanding of conditions related to the health of Truro's economy and quality of life.	4.1.1 Identify research tasks...	Priority
		Timeframe
		Outcome
		Lead
4.2 Support adaptive implementation of the Economic Development Strategy	4.2.1 Create an administrative structure with ongoing capacity to implement, adapt and track recommendations and respond to new opportunities over time	Priority
		Timeframe
	4.2.2 Identify funding through grants or town appropriations, to support implementation of the Economic Development Strategy.	Outcome
		Lead
4.3 Track progress in the implementation of the Economic Development Strategy, and adapt to changing conditions and new opportunities	4.3.1 Identify assessment tools...	Priority
		Timeframe
		Outcome
		Lead
4.4 Continue to engage a cross section of stakeholders in the implementation and adaptation of the Economic Development Strategy	4.4.1 Reporting...	Priority
	4.4.2 Use tools such as Survey research, focus groups...	Timeframe
	4.4.3 Build networks with municipal, regional and civic organizations...	Outcome
		Lead



Office of Policy Development and Research (PD&R)
U.S. Department of Housing and Urban Development
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In 2017, the mountain resort town of Vail, Colorado, launched the Vail InDEED program to purchase deed restrictions on housing that permaner



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Vail, Colorado: The Vail InDEED Program Provides Deed-Restricted Workforce Housing in a Resort Market

The resort town of Vail, Colorado, is an international destination for vacationers attracted to the area’s renowned ski slopes, expansive natural beauty, and annual events. With a total area of less than 5 square miles and hemmed in by rugged, mountainous terrain, Vail has limited housing capacity within its boundaries and has long struggled to maintain a supply of affordable housing for its year-round residents and seasonal workforce. As is common in many popular resort destinations, the town’s permanent resident and workforce population is often forced to compete with wealthy tourists in the housing market. In 2017, the town launched an innovative program to ensure housing affordability for residents and workers in Vail and the surrounding Eagle County: the Vail InDEED program. Managed by the Vail Local Housing Authority (VLHA) and funded through the town’s general fund, Vail InDEED allows the town to purchase deed restrictions from homeowners and developers to

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permanently limit the occupancy of a given unit to individuals employed in Eagle County. At considerably less than full development cost, the program has obtained deed restrictions on dozens of residences — including all 65 units in the Solar Vail apartment building. Vail InDEED, a cornerstone of the Vail Housing 2027 plan, won the Urban Land Institute’s Robert C. Larson Housing Policy Leadership Award in 2020.

Deed Restrictions

A deed restriction, also called a restrictive covenant, is a condition attached to the deed of a property. As a major tourist destination with limited developable land and a vested interest in controlling the image it presents to its many annual visitors, Vail has used deed restrictions extensively. George Ruther, director of the Vail Department of Housing, explains that Vail has used several different types of deed restriction to pursue housing and community stability goals since the 1990s. The Vail InDEED program is a new push to buy deed restrictions on both rental and ownership units that regulate who may occupy the units.

Under the agreement between the property owner and the town, the deed-restricted housing must be occupied by a household that contains at least one “qualified resident,” a person who works at least 30 hours per week in an Eagle County business. The property’s owner may be the qualified resident or rent to the resident. The agreement is in force in perpetuity and follows the property even if it is sold to a new owner, inherited, or given away. In the case of foreclosure on a restricted property — which could result in the restriction being removed — the agreement allows VLHA to make payments directly to the property’s mortgagee and impose a lien against the property equal to the payments. Although the agreement does not limit the resale price or rent that the owner may seek, the occupancy requirement effectively shrinks the market of buyers by tying the asking price to local wages — in other words, the deed restrictions separate the local housing market and the out-of-town market, insulating locals from competition with wealthier buyers and renters. “This is the root of Vail InDEED,” explains Ruther. His research into 2016 tax records revealed that about 90 percent of sales by local homeowners in 2016 were to nonresidents, and those properties rarely, if ever, revert to local ownership. Thus, the deed restrictions permit Vail to keep housing units in the market for use as local workforce housing.

The Vail InDEED program has several benefits. Ruther reports that the program purchases deed restrictions at between 15 and 20 percent of a given property’s fair market value, and as a result the town gains a unit of workforce housing that it need not develop, manage, or maintain. Because Vail merely changes the covenants of a deed, the city does not need to adopt an ordinance to increase zoning density or wrestle with “not-in-my-back-yard” sentiments, and town housing policy can be implemented outside of municipal boundaries. In most cases, the unit can be occupied by workers immediately. Property owners like the program because it provides them with a substantial payout without having to actually sell their property; 40 percent of properties in the program are owner occupied and 60 percent are renter occupied. The program is vital to Vail’s health and ability to function as a community, providing housing that is affordable to essential workers in the local government, healthcare, hospitality, and other sectors.

Workforce Apartments at Solar Vail

Oakland, California:
Casa Arabella Adds
Affordable Housing
to Fruitvale Station

Braddock,
Pennsylvania:
Affordable Housing
for Artists Helps
Revitalize the
Commercial Center
of a Steel Town

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Senior Housing

Jefferson, North
Carolina: Adaptive
Reuse of a Historic
Hospital Preserves
a Community Asset

U.S. Case Studies:
U.S. and Japan
Case Studies: Aging
In Place 2020

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Supportive Housing

Boise, Idaho: Our
Path Home Brings
the Housing First
Model to Idaho

Seattle,
Washington:
Service-Rich
Housing Helps
Combat Chronic
Homelessness

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Sustainable Housing

San Juan, Puerto
Rico: Mixed-Income
Housing Transforms
the

The Vail InDEED program has purchased deed restrictions in two multifamily developments. The larger of these is Solar Vail, a 65-unit apartment building primarily for hotel employees that opened in November 2019. Sonnenalp Properties, the development arm of the luxury Sonnenalp Hotel in Vail, began planning Solar Vail in 2007 but had to put those plans on hold when the financial crisis struck the following year. The developer was able to resume development in 2018, when it called Ruther to discuss how it might use the town's new program. "The Vail InDEED program was built in from the ground up," says Oliver Nunnenmacher, general manager of Sonnenalp Property Management. Vail offered the developer \$4.2 million, the assessed value of the land, in exchange for deed restrictions on all 65 apartments. Sonnenalp Properties accepted, and combined that money with a \$12.6 million mortgage from Alpine Bank to finance Solar Vail's \$16.8 million development cost.

A four-story building resembling a lodge, Solar Vail is tucked against a backdrop of majestic mountains north of the I-70 Frontage Road. The development has 39 studios along with 22 one-bedroom and 4 two-bedroom units. Each unit has ENERGY STAR® appliances. The building features passive solar design and hydronic heating. Amenities include a common room with a television and foosball table, bicycle storage, and laundry facilities on each floor. The building offers a 16-space underground parking garage as well as 12 covered and 3 uncovered surface spaces. The building is adjacent to a bus stop. "Hardly anyone has to drive to work," says Nunnenmacher.

Although most of the apartments are reserved for Sonnenalp Vail employees during the ski season, 16 units are available to any qualified resident year-round; after the ski season, when fewer workers are needed at the Sonnenalp Hotel, more of the reserved units are opened up for rent by any qualified worker. Nunnenmacher reports that, although Sonnenalp Properties has no additional workforce housing projects active in Vail at this time, the developer would be willing to participate in the InDEED program again. Ruther remarks that the Solar Vail deed restriction purchase was an especially good deal for the public: Vail stipulated that the town would not pay until construction was complete. "If we can get [workforce housing] built with no development risk to the public sector — no construction delays, no unexpected costs — people will vote for it all day long."

Looking Toward 2027

Also in 2018, the Vail InDEED program purchased 23 deed restrictions at \$21,000 each at the 6 West Apartments in the nearby unincorporated town of Edwards. Eagle County joined Vail in this endeavor and bought 13 restrictions of its own at the building. In its first 4 years, the Vail InDEED program has purchased deed restrictions on 165 units, rendering it an indispensable component of what Ruther calls an "all-of-the-above" strategy for pursuing the 1,000-unit goal of the Vail Housing 2027 plan. "We don't spend our money on deed restrictions," Ruther emphasizes. "We invest our money in deed restrictions." In fact, Ruther reports that Vail is so dedicated to the InDEED program that it was the sole municipal program to be completely spared budget cuts when the COVID-19 pandemic first struck, indicating the town's deep commitment to securing housing for its local workforce.

Commonwealth's
Affordable Housing
Woodland,
California:
Affordable Housing
for Agricultural
Workers Builds
Community Leaders
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Zoning for Affordable Housing

San Francisco,
California:
Inclusionary Zoning
Expands the Below-
Market-Rate
Housing Stock
Addressing
Homelessness with
a Tiny-Home Village
in Olympia,
Washington
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Nantucket has been trying to pass a housing bank bill since 2016. *Mark Alan Lovewell*

Nantucket Housing Bank Bill Has Key Differences

Julia Wells *Thursday, January 6, 2022 - 5:36pm*

As proponents of a Martha’s Vineyard housing bank seek support for an Island-specific initiative, Nantucket has been working to pass some kind of housing bank legislation since 2016, with the latest version currently stalled in committee on Beacon Hill.

“It’s the same home rule petition we have filed in each session going back to 2016,” said Tucker Holland, housing director for the town of Nantucket, speaking to the Gazette by phone Thursday. “In the past the bill has gotten favorable recommendations [but never come to a vote] . . . in this session it has not moved out of committee.”

The Nantucket bill, HB 4201, filed in January 2021 by Cape and Islands Rep. Dylan Fernandes and Sen. Julian Cyr, was referred to the Joint Committee on Revenue in October. No hearing date has been set.

The Nantucket bill is one of eight home rule petitions currently pending in the state

legislature, all created to allow individual communities to impose some kind of transfer fee on real estate transactions to fund affordable housing. In addition, there are two statewide bills that would allow cities and towns to opt-in to a flexible state model.

Both HB 1377, filed by Rep. Michael Connolly of Cambridge, and HB 2895, filed by Rep. Fernandes and Sen. Cyr, would allow cities and towns to impose a fee of between 0.5 and 2 per cent on real estate transactions to support affordable housing.

Mr. Holland said the smart money at the moment is on the statewide bills.

“I think it’s unlikely that our home rule petition would go through on its own given that you now have Boston and Chatham and Truro and Concord and Brookline and any number of other communities [having filed home rule petitions]. . . and that the Vineyard will be likely to follow,” he said, adding:

“The emphasis right now is on passing statewide enabling legislation that gives communities entirely the option to opt in or not.”

While the aims of both the Nantucket and Martha’s Vineyard housing bank initiatives are similar, there are key differences between the Nantucket home rule petition and the draft proposal to create a Martha’s Vineyard Housing Bank now making its way to the annual town meeting warrants on the Vineyard. They include:

- The amount of the transfer tax (0.5 per cent on Nantucket versus two per cent on the Vineyard);
- The sunset clause (10 years on Nantucket versus 30 years on the Vineyard);
- When the fee would kick in (on sales over \$2 million on Nantucket versus sales over \$1 million on the Vineyard);
- Income thresholds for housing subsidy recipients (175 per cent of average median income, known as AMI, on Nantucket versus 240 per cent of AMI on the Vineyard);
- Who pays the tax (seller on Nantucket versus buyer on the Vineyard).

And while it is informally being called a housing bank, the Nantucket home rule petition would actually send the funds directly to the town of Nantucket to be deposited by the town treasurer with the Nantucket Affordable Housing Trust Fund. Unlike the Vineyard, Nantucket has only one town.

Mr. Holland said the home rule bill is modeled closely after the Nantucket land bank. “That entity exists, we said let’s not reinvent the wheel,” he said.

He said the \$2 million home sale threshold was based on the average sale price of a single-

family home on Nantucket, now over \$2 million. “We don’t want to be affecting the folks

whom we are trying to help here” he said. Mr. Holland said that if the legislation had been in place last year, it would have generated more than \$5 million.

Income thresholds were developed based on research and a desire for diversity in housing, a consistent theme in affordable housing projects on that island, Mr. Holland said.

“We have people at a variety of income levels who perform a variety of functions including public safety, air traffic control, barista . . . a whole spectrum of folks,” Mr. Holland said.

Using Nantucket’s AMI (a family of four earning \$122,000), the 175 per cent threshold would allow a housing subsidy for a family of four earning \$215,000.

Mr. Holland said the decision to adopt a seller-paid tax began with the fact that the land bank fees are paid by the buyer.

“The rationale there was, a buyer pays two per cent from the first dollar . . . here we are half a per cent on an amount over \$2 million,” he said. “Part of the thinking is that it’s an equitable approach . . . the land bank coming in, and this on the exit.” But he said detailed research was also done looking at the appreciation of the average home price since the inception of the land bank in the 1980s.

Using rough numbers, he said the results were eye opening.

Nationwide the average home price had increased 140 per cent. Boston, which had a hot market, had increased 550 per cent. On Nantucket the average appreciation was more than 800 per cent.

“So the idea that a seller is taking half a per cent from that incredible appreciation and contributing it toward [better housing for Nantucketers] made sense,” he said.

Mr. Holland said the half per cent fee itself was arrived at after widespread community debate and discussion.

“Candidly it was a community-negotiated exercise,” he said. “That’s the level at which folks from around the universe on Nantucket — including the real estate contingent, which is an important player — that’s where we ended up. And that’s what town meeting has unanimously supported three times.”

If the legislature opts to pass one of the statewide local option bills instead of Nantucket’s home rule petition, Mr. Holland believes the fact that Nantucket voters have already agreed to a structure can serve as the island’s opt-in.

“The effort is all being put into passage of the state enabling legislation . . . towns across the commonwealth can benefit from it,” he said. “We just think it makes a ton of sense. It doesn’t take a dime out of state coffers, it’s completely elective on the part of the municipality as to whether they want to participate.”

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EXHIBIT A – Placer County Code, Chapter 9, Article 9.42, STR Ordinance

Article 9.42 SHORT-TERM VACATION RENTALS

9.42.010 Purpose and intent.

The Lake Tahoe Basin and surrounding areas in unincorporated eastern Placer County are known for their scenic beauty and recreational opportunities. These areas are world-renowned vacation destinations. While vacation rentals have been a staple in eastern Placer County for years, the recent surge in popularity of the short-term rental in this area have created compatibility issues in established residential areas. These issues are endangering the health and safety of residents and guests and endangering the very environment and resources that attract visitors to the area. To ensure protection of the health and safety of residents and guests and to protect the environment, it is the purpose of this article to provide permit procedures and establish standards for short-term rentals in the unincorporated area of eastern Placer County legally described in subsection A of this section as the “Eastern Placer County Short-Term Rental Area.”

All requirements, regulations and standards imposed by this article are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in the Placer County Code, state and federal law, and by the Tahoe Regional Planning Agency. This article only applies to short-term rentals in the Eastern Placer County Short-Term Rental Area. Any unit permitted as a commercial lodging use (hotel, motel, condo-hotel [as defined herein], or timeshare) is not subject to this article.

A. The legal description of the “Eastern Placer County Short-Term Rental Area” is as follows:

Beginning at the southwest corner of Section 30, T14N, R16E, M.D.B.&M. being a point on the Placer-El Dorado County line, and running thence north along section lines to the northwest corner of Section 6, T15N, R16E, M.D.B.&M., being a point on the south line of Section 36, T16N, R15E; thence east along the south line of said Section 36 to the southeast corner thereof; thence north along section lines to the quarter-section corner on the east line of Section 25 of the last mentioned township and range; thence westerly along the east-west centerlines (the half section lines) of Sections 25, 26 and 27 of the last mentioned township and range 2-3/4 miles more or less to an intersection with a branch of the North Fork of the American River located in said Section 27; thence northwesterly and westerly along said branch and said river, 9-1/2 miles more or less to the north-south centerline of Section 20, Township 16 North, Range 14 East M.D.B.&M.; thence north along the north-south centerline of Sections 20, 17, 8, and 5 of said township and range and along the north-south centerline of Sections 32 and 29 Township 17 North Range 14 East, M.D.B.&M. to the north line of Placer County; thence easterly along the north line of Placer County to the northeast corner of said county, a point on the east line of the state of California; thence south along the east line of the state of California; and the east line of Placer County to the southeast corner of said county; thence west and south along the south line of Placer County to the point of beginning.

9.42.020 Definitions.

The following words, phrases and terms as used in this article shall have the following meanings:

“Agency” means the community development resource agency.

“Agency Director” means the community development resource agency director.

“Agent” means a professional property management company authorized under contract with the property owner to rent and manage the short-term rental.

“Condo-hotel” means a facility meeting the definition of a hotel or motel, rented to the general public for overnight or other temporary lodging, with ownership structured as a condominium, cooperative or other

ownership/financing arrangement, but shall not include timeshares in or interval or fractional ownership of a hotel. The condo-hotel has front desk in-person management with access to all units who responds to complaints, enforces trash, noise, and parking rules, and includes NFPA 13-R or 13 fire sprinkler systems and NFPA 72 centrally monitored fire alarm system connected to all individual units and is inspected annually.

“Guest” or “guests” means the individual or individual(s) renting the short-term rental for the purposes of staying overnight.

“Hearing officer” shall mean the person or persons appointed by the agency director to preside over an administrative hearing provided for in this section. The zoning administrator may also act as the hearing officer if so appointed.

“Homeowner’s primary residence” means a dwelling lived in by the owner for at least ten (10) months who claims homeowner exemption on their property taxes.

“Local contact person” means an individual who is personally available by telephone on a twenty-four (24)-hour basis and who maintains the ability to be onsite within sixty (60) minutes and who has access and authority to assume management of the STR unit. An agent or professional property management company that meets the availability requirements can serve as the local contact person.

“Owner-occupied property with STR unit” means property that the owner(s) claims as their primary residence and which property includes a STR unit, either attached or detached. Primary residence is established by property tax records.

“Professional property management company” means a licensed firm charged with operating a real estate property for a fee.

“Property owner” means the owner of record of the real property on which the short-term rental exists.

“Property” means the legal parcel(s) that is the situs of a short-term rental. For single-family dwellings, “property” is defined as lot(s) upon which the dwelling is located. For a condominium, the “property” is identified as that condominium unit and the air space within it.

“Short-term rental unit” or “STR unit” means any unit, or portion thereof, permitted for residential use and rented for occupancy, dwelling, lodging, or sleeping purposes for a period of not less than one night and not more than thirty (30) days. Commercial lodging use (hotel, motel, condo-hotel [as defined herein] or timeshare) is not included in this definition and not subject to this article .

“Transient occupancy tax certificate” or “TOT” means the certificate defined in Placer County Code Chapter 4, Article 4.16.

9.42.030 Application

A. Any property owner or professional property management company who leases, rents or otherwise makes available for compensation a short-term rental unit for a period of fewer than (30) days, must first obtain a short-term rental permit pursuant to this article prior to advertising and/or operating the STR unit. The short-term rental permit is in addition to the transient occupancy tax permit that is required pursuant to County Code Chapter 4, Article 4.16 and the business license required pursuant to County Code Chapter 5. All STRs shall include the STR permit number in all advertisements.

9.42.040 STR Permit cap.

A. Cap. Effective March 31, 2022 the total number of residential short-term rental unit permits issued shall be capped at 3,900 (“overall cap inventory”). Hotels, motels, condo-hotels (as defined herein) and timeshares are not subject to this article and therefore not subject to this cap.

B. Exemption. Owner-occupied property (as defined herein) with a STR unit in good standing and a current TOT certificate is exempt from the cap but otherwise subject to all other provisions of this article.

C. Administration of the Cap.

1. STR Permit Renewal. Provided a STR unit permit in good standing is renewed prior to the expiration date of the permit, that permit application will be processed and included in the cap. STR permit renewal applications will be given priority in processing. For the 2022 permit cycle, renewal applications will be due within ninety (90) days of March 31, 2022. If a property owner or agent fails to submit an application for renewal prior to the ninety (90) days, the application will be treated as a new permit and processed on a first come first serve basis. Beginning with the 2023 permit cycle, if a property owner or agent fails to submit an application for renewal prior to the expiration date of the permit, the application will be treated as a new permit and processed on a first come first serve basis. See subsection 3 for more information.

2. Previously Approved Exemptions. It is a violation to operate or advertise a STR unit for rental without a STR permit. In an effort to bring all residential STR inventory into compliance, there will be a one-time safe harbor period for STR units that were issued approved exemptions from the program prior to adoption of this article. The certificate holder must apply for a permit within ninety (90) days of March 31, 2022. These permits will be processed on a first come serve basis. All such permits issued will be added into the cap. Failure to apply for a permit within this period of time shall result in any future application being treated as a new STR permit application, per subsection 3, and subject to the cap and waitlist provisions of this section.

3. New STR Permits. New STR permit applications, those that do not fall into subsections 1 or 2 above, and are received prior to reaching a total cap inventory, will be processed on a first come first serve basis. At such point that the total cap inventory is reached, all outstanding permit applications, either in process or received will be placed on a waitlist.

4. Change of Ownership. A change of ownership of property with a permitted STR Unit shall result in the automatic termination of the STR permit. The new owner may apply for a new STR permit. See subsection 3 for more information.

5. Revoked STR Permits. A property owner with a revoked permit may not seek a new permit for a period of two (2) years from the date of revocation. The application will be treated as a new permit. When a STR permit is revoked, the overall cap inventory will be adjusted accordingly.

6. For purposes of this article, a STR permit in good standing shall mean a permit with no violations, no unpaid fines, taxes, or assessments, and no verified complaints.

D. Wait List. The Agency will maintain a wait list for applications received or in process. The Agency will continually maintain the overall cap inventory as permits are not renewed or revoked and on a quarterly basis commencing on July 1, 2022 will open up the application process to those on the waitlist. Applications will be processed based on the date of receipt of the application, starting with the oldest date.

9.42.050 Short-term rental unit permit requirements.

It is unlawful for any person to advertise, maintain, operate or use a short-term rental in the Eastern Placer County Short-Term Rental Area without a short-term rental permit, or in violation of the terms and conditions of the permit. Short-term rental permits shall be renewed annually, and separate permits are required for each short-term rental. The permit requirements for short-term rentals are set forth below. The issuance of any permit pursuant to this article does not relieve the owner of the obligation to comply with the other provisions of the Placer County Code pertaining to the use and occupancy of the short-term rental or the property in which it is located.

A. Where Allowed. As to this article, short-term rentals are allowed in all zone districts that allow residential use, with approval of a short-term rental permit, a business license, and a TOT certificate, in the Eastern Placer County Short-Term Rental Area as described in Section 9.42.010.

B. Application Process. An application for a short-term rental permit shall be submitted by the property owner or agent (written property owner authorization and contact information is required for an agent to

file the application) to the community development resources agency. The application form is located on-line at: www.placer.ca.gov/6109/Short-Term-Rental-Program. For an application to be deemed complete, it must include the following:

1. Property owner or agent name and contact information.
2. The name of the local contact person, if different from the property owner or agent, and a telephone number at which that party may be immediately reached.
3. Address and assessor's parcel number for property for which the short-term vacation rental is located.
4. Rental unit type (i.e., single family [detached or halfplex], duplex, triplex, condo, apartment in a building with four or more units, as determined by county assessor records). Identify number of units located on the property. If more than one residential unit is located on the property, identify which rental unit is the STR.
5. Number of Bedrooms. For purposes of this section, a bedroom is a room that contains a minimum of seventy (70) square feet and that meets all requirements of the California Residential Code and contains a window or opening that can be used for emergency egress.
6. Total number of on-site parking spaces and description of parking locations, if applicable. If on-site parking is not available, an alternative parking plan must be provided designating the location of off-site parking, excluding street parking.
7. Proof of total number and type of trash receptacles (e.g. dumpster, bear box). Proof can be established by transmitting photos of installed trash receptacles consistent with Section 9.42.080 (E).
8. An application for TOT certificate that must be completed within thirty (30) calendar days from the date of application.
9. An application for a business license must be completed.
10. Number and location of fire extinguishers, smoke and carbon monoxide alarms.
11. Beginning thirty (30) days from adoption of this article, all short-term rentals shall provide a passing fire-life safety inspection within twelve (12) months. Beginning March 31, 2023, all short-term rentals shall provide a passing fire-life safety inspection upon permit application (required annually for privately managed STRs or every three years for professionally managed STRs). The approved fire-life safety inspection certifies compliance with Fire Code and fire safety requirements. If a fire-life safety inspection fails twice in a twelve (12)-month period, the short-term rental application shall be denied.
12. Beginning thirty (30) days from adoption of this article, all short-term rentals shall provide a passing defensible space inspection within twelve (12) months. Beginning March 31, 2023, all short-term rentals shall provide a passing defensible space inspection, conducted within preceding twelve (12) months, upon permit application. The approved defensible space inspection certifies compliance with Fire Code defensible space requirements and is required annually. If a defensible space inspection is not submitted before next renewal date or within twelve (12) months, whichever is sooner, the permit shall not be renewed. If a defensible space inspection fails twice in a twelve (12)-month period, the short-term rental application shall be denied.
13. Acknowledgment that the property owner or agent has read and understood the operational standards and prohibitions and restrictions in this article, and the county's noise, parking, garbage collection, and guest safety.
14. Photo proof of interior posting of Good Neighbor Flyer in unit.

15. If the information supplied by the property owner on the application for a short-term rental permit is not consistent with county records, an inspection may be required prior to or after the issuance of the short-term rental permit. An inspection fee shall be charged for the inspection.

C. Denial of STR Permit Application.

1. The county may deny a new permit or renewal application in any of the following circumstances:

a. The short-term rental permit application is incomplete and the application has failed to respond to Agency requests to complete for a period of thirty (30) days;

b. The short-term rental permit application contains a false or misleading statement or omission of a material fact;

c. The short-term rental, property owner, agent or guest is currently in violation of, has previously been found to be in violation of, or is under investigation for violation of, any local, state or federal laws, statutes, rules or regulations;

d. A short-term rental property owner has received three violations within any twenty-four (24) month period;

e. The property owner or agent is delinquent on any payment to the county of any fees, penalties, taxes, or any other monies related to the short-term rental property, including, but not limited to, transient occupancy taxes and property taxes;

f. Prior revocation or suspension of a short-term rental permit;

g. The operation of a short-term rental is a threat to the public health, safety, or welfare, or where the chief building official has deemed the structure uninhabitable;

h. A failed fire inspection, or a refusal to allow a fire inspection of the short-term rental;

i. Absence/expiration of a TOT certificate;

j. Any required application fee or renewal fee has not been paid; or

k. A notice of non-compliance has been recorded on the property pursuant to Placer County Code Section 17.62.080(B).

2. Appeal. The applicant may appeal the denial of a permit pursuant to Section 9.42.110.

9.42.060 Permit fees.

A. Permit Fee. Each short-term rental permit application shall be accompanied by the non-refundable short-term rental permit fee.

B. Fee Schedule. The fee schedule shall be established by resolution of the board following a public hearing. Said fee schedule may be adjusted by resolution of the board following a public hearing. Permits and fees required by this article are non-refundable and are in addition to any license, permit, certificate or fee required in any other chapter of the Placer County Code.

9.42.070 Term, scope and renewal of short-term rental permit.

A. Term and Scope of Short-Term Rental Permits. A short-term rental permit issued under this article shall expire three hundred sixty-four (364) days from date of permit issuance, unless revoked earlier. The permit authorizes the property owner to conduct only such services as is described in the permit and in accordance with the terms and conditions of this article. Beginning January 1, 2022, a STR permit application for an existing short-term rental permit must be submitted prior to the expiration date of the permit. Beginning in 2023, a STR permit application for an existing short-term rental permit must be submitted at least thirty (30) days prior to the expiration date of the permit. Upon timely submittal of renewal, the STR permit will remain effective until such time as the STR permit is renewed or denied. Failure to timely submit an application for a renewal of an existing short-term rental permit shall result in that permit being eliminated from the cap inventory and the owner or agent must apply for a new short-term rental permit.

9.42.080 Operational standards.

All short-term rentals are required to comply with the following standards and shall not generate other potential disturbances which may disrupt the peace, safety, and general welfare of communities. Failure to comply with the standard conditions of this section may result in fines and permit revocation as outlined in Section 9.42.100.

A. Responsibility of Property Owner to Prevent Nuisance Behavior and Maintain Neighborhood Peace and Quiet. The property owner and/or agent shall inform guest(s) that they are not to violate the standards of this article and shall be responsible to take any action necessary to ensure that guest(s) abide by the terms of this article and other applicable provisions of Placer County Code.

B. Local Contact Person. A local contact person shall be personally available by telephone on a twenty-four (24) hour basis and maintain the ability to be physically present at the short-term rental within sixty (60) minutes of contact by code compliance, the Placer County sheriff, or the guest(s), and has access and authority to assume management of the short-term rental in order to respond to and remedy calls or complaints. Calls or complaints about physical conditions or circumstances that constitute an immediate threat to the public health and safety shall obligate the local contact person to immediately contact the appropriate law enforcement, fire, or other authority.

C. Parking. On-site parking for all vehicles, boats and trailer parking shall be provided for each short-term rental. If the property does not have on-site parking the property owner shall have a county-approved parking plan designating the location of off-site parking. Parking shall not encroach into the roadway. In addition, snow area parking must comply with all applicable Placer County Code sections, including Section 10.12.020 (Illegal Parking—Generally). All permitted parking locations and the quantity of vehicles that fit on said locations shall be clearly set forth in all rental agreements and in all online advertisements and listings per Section 9.42.080 (F).

D. Noise. All short-term rental guests are required to comply with the standards of Placer County Code Article 9.36 (Noise) and the community noise equivalent levels (CNEL) of the Tahoe Basin Area Plan with the following additions:

1. The daytime and nighttime noise limits shall be posted inside the vacation rental in a location readily visible to all guests.

2. Amplified sound, meaning sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means, shall not be used outside or be audible from the parcel line of any short-term rental at any time.

3. Quiet hours shall be imposed from 9:00 p.m. to 8:00 a.m. Pacific Standard Time. No sound from the STR shall be audible from the parcel line of any short-term vacation rental unit during this time.

E. Trash and Refuse.

1. With the exception of trash properly deposited in trash collection receptacles, accumulation of trash and debris outside of the short-term rental at any time is prohibited.

2. A minimum service level or equivalent of two trash containers per short-term rental per week must be maintained. If the agency director determines the minimum service level is insufficient to accommodate all trash generated by the short-term rental, the property owner and/or agent shall arrange for a higher level of service which will accommodate all trash generated by the short-term rental.

3. Each exterior trash collection receptacle shall be “animal proofed” and shall comply with Placer County Code Chapter 8, Article 8.16, Part I, Division II Recollection and Storage Practices. Each short-term rental shall provide a bear box enclosure or dumpster as defined and pursuant to the requirements of Placer County Code Chapter 8, Article 8.16, Part I, Division III Prevention of Bear Access to Garbage Can Enclosure. Bear bin enclosures or dumpsters must be large enough to securely contain the minimum trash service level or sized appropriately to securely accommodate all trash generated by the short-term rental. Failure to provide proof of bear-bin installation and maintenance of the same may result in denial of the permit issuance or renewal.

F. Posting Requirements.

1. Interior Postings. The Placer County Good Neighbor flyer shall be posted within the interior of the rental unit in a visible location by the front door and on the interior of each bedroom door, as well as in all online or printed advertisements and listings. The Good Neighbor Flyer shall contain the contact information for the local contact person and emergency information, and operational standards at a minimum pertaining to noise, parking, fire and life safety, occupancy limits, bears and trash, and pets.

2. Exterior Postings. Each short-term rental shall post the STR permit registration number of the unit as well as the Placer County STR Hotline phone number on the exterior of the wildlife proof trash receptacle, if applicable, visible from the street, or in the front window or front door of each STR, visible from the front entrance.

3. Requirements for Advertisements. All permitted short-term rentals shall include the following information in any online or printed advertisement:

1. Valid Placer County Short-Term Rental Permit number
2. Maximum daytime and nighttime occupancy
3. All permitted parking locations and the quantity of vehicles that fit on said locations
4. Link to Good Neighbor Flyer

G. Visible Address. Each short-term rental shall have an address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short-term rental unit will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street. Address identification characters shall contrast with their background and conform to the minimum size requirements of Placer County Code Section 15.04.260. A short-term rental in a condominium building that does not have an individual address may utilize the condominium building address and need not comply with these requirements.

H. Smoke Alarms. Smoke alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed in each bedroom, and at least one alarm on every level of the short-term rental, including basements and habitable attics.

I. Carbon Monoxide Alarms. Carbon monoxide alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed outside each bedroom, on every level of the rental unit, including basements and habitable attics, and bedrooms or attached bathrooms with a fuel-burning appliance, and shall be installed in accordance with the manufacturer’s installation instructions.

J. Fire Extinguisher. Each short-term rental shall be equipped with one five-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short-term rental has more than one level, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order.

K. Emergency Communications. Each short-term rental unit shall contain at least one working landline phone or Voice Over Internet Protocol.

L. Fire Inspections. Except as provided in Section 9.42.150, short-term rentals shall allow fire district staff or other fire district-approved designees to conduct a life-safety inspection prior to permit application for all STR permits, once every year for privately owned STRs or once every three years if the rental is managed by a professional property management company, or upon request by the fire district. The fire inspection is to ensure the rental complies with sections relating to occupancy based off the number of bedrooms (9.42.050(B)(5)), smoke alarms (9.42.080(H)), carbon monoxide alarms (9.42.080(I)), fire extinguishers (9.42.080(J)), visible address (9.42.080(G)), emergency communications (9.42.080(K)), outdoor fireplaces, grills and barbecues (9.42.090(C)). Additionally, the short-term rental shall pass annual defensible space inspections to meet all local and state code requirements. The inspections, including re-inspections, due to noncompliance and inspections prompted by complaints and/or violations, are subject to the applicable fire district fee schedule cost for inspections. Records of such issues shall be provided by the fire district to the code compliance services division for inclusion in its administrative citation process and referred to the county for enforcement. Failure to allow an inspection to occur may result in revocation of the short-term rental permit pursuant to Section 9.42.100(D). See also Section 9.42.090(C) for prohibitions and restrictions for fire restrictions.

M. Active Building Permits. Short-term rentals shall not be rented during construction, remodeling, additions, or an active building permit, unless the building permit for the same has been approved by final inspection or county issued occupancy certificate, or approval by the county's building official, and upon an affirmative showing by the agent that the safety and welfare of occupants can be maintained. If the work creates an uninhabitable area by lack of sanitation, cooking, sleeping, or heating, the chief building official shall deem the structure uninhabitable and the structure shall not be rented as a short-term rental until authorized by the county's building division for such use or occupancy.

N. Maximum Occupancy Amount. Nighttime occupancy is defined as two people per bedroom, plus two additional people, up to a maximum of 12 guests, excluding children under twelve (12) years of age. Nighttime occupancy limits begin at 9:00 p.m. Daytime occupancy is defined as one and a half times the maximum number of occupants allowed to stay overnight at the unit, excluding children under twelve (12). Occupancy limits may be increased on a case-by-case basis, at the discretion of the agency director or if a permit has been issued by the county pursuant to Placer County Code Section 17.56.300(B) and shall not exceed occupancy design limits set by the California Building Code in effect at the time. Daytime and nighttime occupancy standards shall be included in all advertisements and listings per Section 9.42.080 (F).

O. The property owner shall be responsible for maintaining the property at all times in compliance with the county's Hazardous Vegetation and Combustible Material Abatement Ordinance pursuant to County Code Chapter 9, Article 9.32, Part 4.

P. Minimum Number of Days and Nights for Rent or Lease. Short-term rentals shall be rented a minimum of thirty (30) nights per year. The STR permit will not be renewed if the property did not meet the minimum number of nights rented. Properties with an active building permit per Section 9.42.080 (M) that prohibits the minimum use of STR shall not be disqualified from permit renewal if the number of nights is reduced due to the activity authorized by the building permit.

Q. Snow Removal. Snow removal services, provided by either the owner, manager, or a professional service, shall be included for any STR booked between December 1 and April 1.

9.42.090 Prohibitions and restrictions.

A. Prohibited and Restricted Structures.

1. **Affordability and Deed Restrictions.** A structure or property with a recorded county covenant, deed restriction or agreement restricting its use, including, but not limited to, affordable or achievable dwelling units or deed-restricted secondary dwelling units, shall not be used for short-term rentals, except for those deed restricted to allow a maximum duration of short-term rental use under the Workforce Housing Preservation Program. Short-term rentals are not allowed in structures not intended for residential occupancy under the California Building Code Standards and county code.

2. **Types of Units.** Short-term rental of tiny homes or mobile or manufactured home units is prohibited.

3. **Maximum STR Units per Property.** Only one STR unit per property is permitted, including single-family and multi-family properties.

B. **Incidental Camping.** A short-term rental permit does not authorize incidental camping, which means any overnight camping, sleeping in tents or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles parked on the short-term rental property.

C. **Fire Restrictions.**

1. **Grills and Barbeques.** Grills and barbeques are not permitted beneath a potentially flammable source including trees, umbrellas, decks, or other appurtenant structures, and shall be no less than ten (10) feet away from a structure or as far as can be accommodated and any flammable materials. Charcoal grills of any type are strictly prohibited. Guests shall not bring personal grills and barbeques to the short-term rental; only those provided with the short-term rental are permitted to be used as installed.

2. **Outdoor Fireplaces.** No open wood burning pits, bonfires, or campfires are permitted to occur at short-term rentals. Natural gas/propane burning fireplaces and fire pits with twenty (20) pound tanks or smaller are acceptable outside provided the device is at least ten (10) feet from a structure and any flammable materials and is existing at the short-term rental. Guests shall not bring personal fireplaces or firepits to the short-term rental.

3. **Red Flag Days.** When a National Weather Service Red Flag Warning is in effect for the geographical area where the short-term rental is located, all sources of outdoor open flame (including gas/propane/pellet bbqs) are prohibited.

D. **Pets.** Pets shall be secured within the boundaries of the STR parcel at all times. If the STR parcel is not fenced, pets must be kept on a leash and accompanied by the owner at all times while outside. Failure to comply with the county's leash and dog barking requirements (See Placer County Code Chapter 6, Article 6.08, Sections 6.08.010 and 6.08.020) could result in penalties under that article.

E. **Subletting.** Guests are prohibited from subletting a short-term rental. Only property owners and/or agents with a valid short-term rental permit and TOT certificate are allowed to advertise and rent a residential unit as a short-term rental.

F. **Special Events.** Weddings, corporate events, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities, unless a permit has been issued by the county pursuant to Placer County Code Section 17.56.300(B).

G. **Fireworks.** No person shall use, discharge or possess any fireworks, as defined in Sections 12505 or 12529 of the State Health and Safety Code, unless issued a permit pursuant to County Code Chapter 9, Article 9.33.

9.42.100 Penalties.

Any person including guests, property managers, local contact person, agent, and/or property owner who violates the provisions of this article may be subject to administrative and/or judicial remedies as set forth herein.

A. Operating or Advertising a Short-Term Rental Unit Without a Permit.

It is a violation to operate or advertise a short-term rental without a permit. Failure to apply for the same within thirty (30) days of written notice from the county shall result in an administrative penalty of one thousand five hundred dollars (\$1,500.00) (“first administrative penalty”). Failure to comply within thirty (30) days of issuance of the first administrative penalty shall result in a second administrative penalty of three thousand dollars (\$3,000.00) (“second administrative penalty”). Failure to comply within thirty (30) days of the second administrative penalty shall result in a third administrative penalty of five thousand dollars (\$5,000.00) (“third administrative penalty”). The penalty amounts are cumulative. If the property owner fails to comply after the imposition of the third administrative penalty, the county may initiate nuisance abatement and/or seek judicial remedies to prohibit continued operations and/or advertising of the unpermitted STR unit.

B. Operating a Short-Term Rental Unit in Violation of Section 9.42.090, Prohibitions and Restrictions.

Operating or advertising a STR unit in violation of Section 9.42.090 is prohibited. The county shall notify the property owner and/or agent of the same and require the use of the unit as an STR be discontinued within thirty (30) days of notice. Additionally, the county shall issue an administrative penalty of one thousand five hundred dollars (\$1,500.00) (“first administrative penalty”) to the property owner. Failure to comply within thirty (30) days of issuance of the first administrative penalty shall result in a second administrative penalty of three thousand dollars (\$3,000.00) (“second administrative penalty”). Failure to comply within thirty (30) days of the second administrative penalty shall result in a third administrative penalty of five thousand dollars (\$5,000.00) and a hearing for revocation of the permit. The penalty amounts are cumulative. If the property owner fails to comply after the imposition of the third administrative penalty, the county may initiate nuisance abatement and/or seek judicial remedies to prohibit continued operations.

C. Operational Standards Violations. It is a violation of this article for any guest, property owner, or agent to fail to comply with the operations standards set forth in Section 9.42.080 of this article.

1. General operational standard violations. With the exception of 9.42.080 subsections C, D, E, and N, the county shall notice the property owner and/or agent for violations of operational standards and require compliance within thirty (30) days. Failure to comply within thirty (30) days shall result in the issuance of a citation for a first administrative penalty of one thousand five hundred dollars (\$1,500.00). Failure to comply within thirty (30) days of issuance of first administrative penalty shall result in a second citation for an administrative penalty of three thousand dollars (\$3,000.00). Failure to comply within thirty (30) days of the second administrative penalty shall result in a third citation for an administrative penalty of five thousand dollars (\$5,000.00) and a hearing for revocation of the permit.

2. Parking, trash, and occupancy violations. The county is authorized to notice both the guest and the property owner separately for violations of Section 9.42.080 subsections C, E, and N. The county shall notify the local contact person and guests of the violation and the requirement to cure the same within one hour. Failure to cure the violation(s) within one hour after notification shall result in the issuance of a citation for a first administrative penalty of one thousand five hundred dollars (\$1,500.00) (“first administrative penalty”). If the violation continues, for one day after the first administrative citation, the county is authorized to cite a second administrative penalty of three thousand dollars (\$3,000.00) (“second administrative penalty”). Failure to comply within thirty (30) days of the second administrative penalty shall result in a third citation for an administrative penalty of five thousand dollars (\$5,000.00) and a hearing for revocation of the permit. The penalty amounts are cumulative. A property owner and/or guest(s) staying on the property who together receive a total of three notices of violation within a ninety (90) day period shall result in the issuance of a citation for an administrative penalty of one thousand five hundred dollars (\$1,500.00) regardless of whether the violations were cured within one hour after notification. A citation issued for three notices of violation within a ninety (90) day period will count towards subsection (D)(4).

3. Noise violations. The county is authorized to notice both the guest(s) and the property owner separately for violations of Section 9.42.080 subsection D. The county shall notify the local contact person and guests of the

noise violation and the requirement to cure the same within one hour. Failure to cure the violation(s) within one hour after notification shall result in the issuance of a citation for a first administrative penalty of one thousand five hundred dollars (\$1,500.00) of each guest and/or property owner. If the violation continues for one additional hour, the county is authorized to issue a second administrative penalty of three thousand dollars (\$3,000.00) for each guest and/or property owner. If the violation is not cured within three hours after notification, the county is authorized to issue a third administrative penalty of five thousand dollars (\$5,000.00) of each guest/and or property owner. The penalty amounts are cumulative. A property owner and/or guest(s) staying on the property who together receive a total of three notices of violation within a ninety (90) day period shall result in the issuance of a citation for an administrative penalty of one thousand five hundred dollars (\$1,500.00) regardless of whether the violations were cured within one hour after notification. A citation issued for three notices of violation within a ninety (90) day period will count towards subsection (D)(4).

D. Revocation of a Short-Term Rental Permit. The county may revoke a short-term rental permit for any of the following reasons:

1. The short-term rental permit application contains a false or misleading statement or omission of a material fact;

2. The short-term rental, property owner, agent or guest is currently in violation of, has previously been found to be in violation of, or is under investigation for violation of, any local, state or federal laws, statutes, rules or regulations;

3. The property owner or agent fails to comply with violations and payment of penalties pursuant to subsection C.

4. A short-term rental property owner and/or guest(s) staying on the property have together received a total of three citations within any twenty-four (24) month period;

5. The property owner or agent is delinquent on any payment to the county of any fees, penalties, taxes, assessments, or any other monies related to the short-term rental property, including, but not limited to, transient occupancy taxes;

6. Prior revocation of a short-term rental permit;

7. The operation of a short-term rental is a threat to the public health, safety, or welfare, or where the chief building official has deemed the structure uninhabitable;

8. A failed fire inspection, or a refusal to allow a fire inspection of the short-term rental;

9. Absence/expiration of a TOT certificate or business license;

E. Other Remedies.

1. Nuisance abatement. It shall be a nuisance to operate a STR unit in violation of this article. The county may initiate nuisance abatement proceedings pursuant to Placer County Code Chapter 17, Article 17.62, Section 17.62.160. The county may initiate nuisance abatement proceedings in addition to the citation and administrative penalty process outlined herein.

2. Civil penalties. The county may seek civil penalties in addition to the administrative penalties identified in this article pursuant to Placer County Code Chapter 1, Article 1.24, Section 1.24.010(C) to enforce this article. The county may seek judicial remedies for failure to pay said administrative penalties within thirty (30) days of the date of the violation.

3. Remedies Cumulative. The remedies, procedures and penalties provided by this section are cumulative as to each other and to any others available under state law or other county ordinances. In the event of any conflict

between the penalties set forth in this article and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

F. **Costs of Enforcement.** All money and assets collected in payment of penalties for violations of this article and all money and assets collected for recovery of costs of enforcement of this article shall be used to offset the cost of enforcement of this article.

9.42.110 Appeals.

A. **Appeal.** A guest, property manager, local contact person, agent, or property owner of the short-term rental may appeal a penalty or decision on a permit application issued pursuant to this article to a county hearing officer by filing a written notice of appeal to the code compliance services division within ten (10) calendar days of the service of the notice of the penalty or decision.

1. If an appeal is filed, the code compliance officer or designee shall schedule an appeal hearing with a county hearing officer selected on a rotating basis from a list of appointed hearing officers who are not current county employees. Such appeal hearing shall be heard within thirty (30) days from the date of receipt of the appeal.

2. Once the appeal hearing has been scheduled, written notification thereof shall be given to the guest/property owner/agent by certified mail at least ten (10) calendar days prior to the hearing date.

3. At the hearing, the guest/property owner/agent shall have the right to testify, to be represented by counsel, to present witnesses on the guest/property owner/agent's behalf, to cross-examine all other witnesses and to present oral and written documents and evidence on the issues.

4. Within thirty (30) days of the conclusion of the hearing, the hearing officer shall render a written decision which shall be served on the guest/property owner/agent by certified mail. The hearing officer's decision shall be the final level of administrative action of the county.

9.42.120 No property rights conferred.

Short-term vacation rental permits do not provide a vested interest or entitlement in the continued operation of a short-term rental upon a change of property ownership. Short-term rental permits are revocable, non-transferable permits and shall not run with the land.

A change of ownership created by the sale of the property on which the STR permit is located results in the termination of the STR permit. It is the responsibility of a property owner who has sold their property to notify the county and revenue services upon change of ownership. Change of ownership occurs upon close of escrow. As of this date, all existing short-term rental permits will automatically terminate and be of no further force and effect. Continued operation of a short-term rental upon change of ownership will result in a violation of this article. It is the property owner's duty to resolve any bookings that will occur after close of escrow. The new owner of the property may apply for a new STR permit, which is subject to all requirements of this article, including the cap.

9.42.130 Severability.

The provisions of this article are declared to be separate and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section or portion of this article, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this article, or the validity of its application to other persons or circumstances.

9.42.140 Administration.

The Placer County community development resource agency director, the Placer County chief building official, Placer County fire warden, Placer County health officer, the Placer County environmental health officer, the

Placer County sheriff, and any employee designated by any of those persons, are authorized to administer and enforce this article to ensure compliance.

9.42.150 Application of article.

This article takes effect thirty (30) days from adoption of this article. With the exception of Section 9.42.090(A)(3) and Section 9.42.080(L), all provisions of this article shall apply as of that date to applications for new and renewed STR permits.

As to Section 9.42.090(A)(3), STR permit holders who have more than one STR unit per property and for which a STR permit was issued in the past by the county and which permits and properties have no violations of this article or county code, may request an amnesty period of up to one year or until March 31, 2023, whichever comes sooner, during which to reduce the number of STR units to comply with this article. Amnesty may be granted by the agency director if there are no outstanding violations or administrative penalties, the STR permits are still valid, and fees, taxes, assessments, and TOT payments have been paid in full as of December 2021. The agency director may deny a request for amnesty if any of these findings cannot be made and such a decision is appealable.

As to Section 9.42.080(L), beginning thirty (30) days from adoption of this article, all short-term rentals shall provide a passing fire-life safety inspection and defensible space inspection within twelve (12) months. Beginning March 31, 2023, all short-term rentals shall provide a passing defensible space inspection, conducted within preceding twelve (12) months, and a fire-life safety inspection upon permit application.