AGENDA STATEMENT

City of Bellaire

MEETING: City Council - Aug 02 2021
PREPARED BY: Bryan Carroll
DEPARTMENT: Development Services

ITEM TITLE:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending *Chapter 22, Offenses—Miscellaneous*, of the *Code of Ordinances of the City of Bellaire, Texas*, by adding a new *Article VI, Short Term Rentals*, to prohibit or otherwise regulate short term rentals within the City; containing findings and provisions relating to the subject and imposing a penalty for violations - Submitted by Bryan Carroll, Assistant Director of Development Services.

RECOMMENDATION:

Action as City Council deems appropriate.

BACKGROUND/SUMMARY:

Council Members Catherine Lewis and Jim Hotze presented an item to Council on May 17, 2021 regarding Short Term Rentals within the City of Bellaire. There was discussion amongst Council on the recommendation of setting a minimum term of rental or lease for single-family homes to six (6) months, with the exception for family members or previous/former owners. As a result, City Council referred to Staff and Legal Counsel to research ordinance language and enforcement options to include limiting rentals of single-family homes to a minimum of six (6) months term along with other possible relevant policy considerations regarding this matter.

The attached ordinance template, as prepared by the City Attorney, will provide Council a chance to insert specific policy guidance on several important considerations for the final ordinance to include:

1. The definition of a short term rental (length of rental, regulatory requirements, etc.)
2. Separation through zoning of commercial and residential uses
3. Persons subject to enforcement
4. Possible permitting of short term rentals within identified zoning district(s) in the City, subject to specific conditions and possible implementation of a Hotel Occupancy Tax

Council direction should also include expectations of enforcement for the Staff relative to the adoption of any ordinance on this matter.

Attachments include the draft ordinance template from the City Attorney, a memo on this item from Council Member Hotze and previously distributed information from the City Staff.

PREVIOUS COUNCIL ACTION:

This item was previously discussed by the City Council on May 17, 2021. A request was made by the Council to City Staff and the City Attorney to provide additional information and guidance for any future Council action.

CITY ATTORNEY REVIEW:

☐ **Yes** ☑ **No**

City of Bellaire

ORDINANCE NO. 21-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS; AMENDING *CHAPTER 22, OFFENSES—MISCELLANEOUS*, OF THE *CODE OF ORDINANCES* OF THE CITY OF BELLAIRE, TEXAS, BY ADDING A NEW *ARTICLE VI, SHORT TERM RENTALS*, TO PROHIBIT OR OTHERWISE REGULATE SHORT TERM RENTALS WITHIN THE CITY; CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT AND IMPOSING A PENALTY FOR VIOLATIONS.

WHEREAS, the City Council of the City of Bellaire, Texas (the "City Council") seeks to provide for the public health, safety, and welfare of its citizens; and

WHEREAS, the City Council seeks to promote orderly and safe use of property within the City of Bellaire, Texas ("City"); and

WHEREAS, the City Council finds that short term rentals pose certain adverse externalities on neighbors not generally created by long term rentals due to the nature of temporary, transient guests; and

WHEREAS, the City Council finds that absentee owners lack the same level of commitment to the neighborhood and the community as resident owners; and

WHEREAS, the City Council finds that the community has historically been predominantly single family residences; and

WHEREAS, the City's Comprehensive Plan values residential uses; and

WHEREAS, the City Council believes that regulating short term rentals will assist in protecting and preserving the dignity, sanctity, and quiet enjoyment of single-family residential neighborhoods, which are the City's primary land use category; and

WHEREAS, the City Council desires to give City Staff tools to respond promptly to residents' concerns related to short term rentals; and

WHEREAS, the Texas Legislature has defined the short term rental of residential property as a business activity by inclusion of short term rentals in Texas Tax Code, Section 156.001, making same subject to the Hotel Occupancy Tax; and

WHEREAS, the City Council agrees with the State that short term rentals are business activities, and further that such are not "home occupations", nor are they non-conforming uses as defined by the City Code; and

WHEREAS, pursuant to Texas Local Government Code Section 211.003 the City has general authority to regulate the location and use of buildings, other structures and land for business,

industrial, residential, or other purposes; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Section 217.002, the City has general authority to define and declare what constitutes a nuisance and authorize the summary abatement of the nuisance in any manner considered expedient; and

WHEREAS, the City Council finds that the terms of this ordinance are reasonable, necessary, and proper for the good government of the City; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, THAT:

Section 1. *Chapter 22, Miscellaneous—Offenses*, of the *Code of Ordinances* of the City of Bellaire, Texas is amended by the addition of a new *Article VI, Short Term Rentals* to read as set out in Appendix A, attached hereto. All other portions of *Chapter 22* of the *Code of Ordinances* not specifically amended hereby remain in full force and effect.

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 5. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 6. This Ordinance takes effect immediately upon its passage and adoption.

PASSED, **APPROVED** and **ADOPTED** this, the 2nd day of August, 2021.

SIGNED:

_____
Andrew S. Friedberg
Mayor

ATTEST:

_____
Tracy L. Dutton, TRMC
City Clerk

APPROVED AS TO FORM:

_____
Alan P. Petrov
City Attorney

Appendix A

(deletions shown by strike-out, additions shown by underline)

Chapter 22, Offenses - Miscellaneous

Article VI. – SHORT TERM RENTALS

Sec. 22-150.-Definitions.

In this article:

Short Term Rental means the rental for compensation of all or part of a detached single family dwelling for the purpose of overnight lodging for a period of not less than one night and not more than [____] days. The term does not include hotels as permitted by Chapter 24 of this Code nor does it include a residence temporarily leased back to a prior owner in connection with a real estate sales transaction.

Sec. 22-151.-Confirmation of Zoning Violation.

(a) Short Term Rentals in the City are an unlawful business or commercial use incompatible with the zoning of the City and the ownership, operation or occupation of a Short Term Rental constitutes a violation of the City's zoning.
(b) Any person subject to enforcement under Section 22-154 of this Code found violating this section shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with Section 1-10 of this Code.

Sec. 22-153.-Declaring a Nuisance.

(a) The traffic, parking difficulty, noise, trash, and other aspects of the operation of a Short Term Rental are not the norm in a residential neighborhood of Bellaire, Texas. Those aspects of commercial use are the basis for the separation through zoning of commercial and residential uses. Therefore the City declares Short Term Rentals a nuisance in the residential zoning districts of the City.
(b) Any person subject to enforcement under Section 22-154 of this Code found violating this section shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with Section 1-10 of this Code.

Sec. 22-154.-Persons Subject to Enforcement.

The owner of the Short Term Rental, the tenant and each of his or her guests, the management company, and any partnership or corporate entity acting in those capacities are subject to enforcement under this article.

NOTE: The following section is optional, should Council wish to allow Short-Term Rentals in one or more zoning districts using a permit process.

Sec. 22-155.-Permitting.

(a) Short-Term Rentals may be permitted within the [_____] zoning districts of the City, subject to the following conditions.

1) Minimum and maximum stay. It shall be unlawful for an owner to rent or lease a Short-Term Rental for a period of less than twenty four (24) hours or more than thirty (30) days.
2) Occupancy. The maximum number of persons allowed to stay in a Short-Term Rental is two (2) adults per bedroom, plus two (2) additional adults, while not exceeding a total of twelve (12) persons.
3) Parking restrictions. Parking shall be restricted to the maximum number of cars that can be accommodated within the garage and driveway of the subject property.
4) Life Safety.
    a. The Short-Term Rental shall be equipped with:
        i. Working smoke detectors, with at least one on each floor level (if applicable) and one in each bedroom, as well as at least one working carbon monoxide detector.
        ii. A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within seventy-five (75) feet of all portions of the structure on each floor.
    b. All gas appliances shall be properly ventilated outside the home.
    c. Emergency escape openings shall comply with the currently adopted International Residential Code (IRC), with at least one emergency escape opening for each bedroom opening directly to the outdoors.
    d. An evacuation plan shall be posted in each bedroom.
    e. Any bedroom that does not comply with subsection (a)(4) Life safety, of this section shall not be used as a bedroom, and where equipped with a door, shall remain locked at all times when the dwelling is being used as a Short-Term Rental. Such a non-compliant bedroom shall not be included in the maximum occupancy calculation for the Short-Term Rental, nor be advertised as a bedroom.
5) Conduct on premises. The short-term rental owner or occupant shall comply with all requirements of this Code. In addition, the following shall be unlawful:
    a. Use of amplified sound, excessive noise or other disturbances outside the short-term rental between the hours of 10:00 p.m. and 7:00 a.m., including, but not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas;
    b. Sleeping Outdoors;
    c. Placing, or allowing to be placed, garbage at the designated pickup location prior to 6:00 p.m. on the day before pickup or failing to comply with all collection requirements; and
    d. Advertising or promoting a special event, or allowing the advertising or promotion of a special event (e.g. banquet, wedding, reception, reunion, bachelor,

bachelorette party, concert, or similar activity that would assemble large numbers of invitees) to be held on the premises.

6) Signage. Signage for Short-Term Rentals shall not be permitted.
7) Advertising. The owner of a Short-Term Rental shall not advertise or promote, or allow another to advertise or promote the Short-Term Rental:
    a. Without a valid, active permit.
    b. Without including the occupancy limits and parking standards for the listing.
8) Local Contact. An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a Short-Term Rental. If called, a local responsible party must be able to, and shall be present at the premises within one (1) hour of receiving a call. A local responsible party must be authorized to make decisions regarding the premises and its occupants. A local responsible party may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release owner of any liability under this chapter.
9) Insurance. It shall be unlawful for the owner of a premises operating as a Short-Term Rental to operate without host protection or other liability insurance commensurate with the operations of the Short-Term Rental. Proof of insurance shall be required at the time of application and notice of cancelation of insurance must be made to the Development Services Department within thirty (30) days of any such cancelation.
10) Occupant Notification Packet. The owner/operator shall post in a conspicuous location of the Short-Term Rental, a packet of the following, at minimum, information:
    a. Maximum number of occupants.
    b. Location of required off-street parking, other available parking and prohibition of parking on landscaped areas or on the street.
    c. Quiet hours and noise restrictions.
    d. List of HOA rules, if applicable.
    e. 24-hour local contact person and phone number.
    f. Property cleanliness requirements.
    g. Waste pick-up requirements.
    h. Flooding hazards and evacuation routes.
    i. Emergency and non-emergency numbers.
    j. Notice that failure to conform to the occupancy and parking requirements is a violation of City Code and an occupant or visitor can be cited.
11) Rental agreement notification. The rental agreement between the owner/operator of the Short-Term Rental and the renter shall include, by attachment, all of the information provided in the occupant notification packet.

(b) Application process:

1) The following application requirements apply to a Short-Term Rental application.
    a. The name, address, contact information, and signature for the owner of the premise;
    b. The name, address, and phone number of the 24-hour contact;
    c. The registration number for the City of Bellaire Hotel Occupancy Tax;

d. A parking plan of the premises identifying the location of parking spaces to be used in conjunction with the Short-Term Rental, in relation to the residence;
e. A dimensioned floor plan of the proposed Short-Term Rental identifying bedrooms, other living spaces and emergency evacuation routes;
f. The name, contact information, and rules for the homeowners association (HOA), if applicable;
g. Proof of host protection or liability insurance;
h. A copy of the proposed host rules for the Short-Term Rental; and
i. A statement that the owner of the Short-Term Rental has met and will continue to comply with the standards and other requirements of this ordinance.

2) Changes in ownership. A new owner, if they wish to continue to operate a subject site as a Short-Term Rental, must submit a Short-Term Rental application within thirty (30) days from the closing date of the purchase. The new owner must provide a copy of the closing statement with the Short-Term Rental application form. Failure of the new property owner to apply for the permit within thirty (30) days from the closing date will result in the revocation of the Short-Term Rental permit.
3) Hotel occupancy taxes. The owner of the Short-Term Rental shall register with the City of Bellaire to pay hotel occupancy taxes, before the Short-Term Rental application is submitted.
    a. Request for occupancy history. Upon request of the Planning Services Director or the Finance Department, the owner of a premises used as a Short-Term Rental shall remit, within thirty (30) days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor.
4) Right to inspect premises.
    a. Inspections. For the purpose of making inspections, the fire marshal or code official may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and premises on presentation of the proper credentials. An owner or other authorized individual may refuse to consent to an inspection conducted by the fire marshal or the code official. If consent is refused, the code official may seek an administrative search warrant authorized by Article 18 of the Texas Code of Criminal Procedure. Nothing in this Code limits the ability of the fire marshal or the code official to inspect as necessary or as authorized by other law.
    b. The following inspections will be typical of a Short-Term Rental permit request:
        i. Annual fire inspection.
        ii. Repeat inspections. If, upon completion of an inspection, the premises are found to be in violation of one or more provisions, the city will set a re-inspection date. If a premises fails to pass an inspection, a re-inspection fee will be charged after the third re-inspection of the premises. A property cannot be occupied as a Short-Term Rental while its status with the Fire Marshal's Office is noted as being in violation.
        iii. Fire extinguishers. The owner/operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the City's requirements.

iv. Change in ownership inspection. As part of the change in ownership process for a Short-Term Rental, the Fire Marshal's Office shall conduct an inspection to verify compliance with this section.

5) Enforcement. If the owner of the Short-Term Rental property fails or refuses to comply with the requirements herein, within thirty (30) days after notification, the City may initiate enforcement actions against the property owner including, but not limited to, citations permit revocation. Any violations of the provisions of this section shall also be subject to a fine as forth in Section 1-10 of this Code. Any advertisement, whether it be online or in print, promoting the availability of a Short-Term Rental in violation of this Code is prima facie evidence of a violation and is cause to issue a citation and may also be grounds for denial of a Short-Term Rental permit.

City of Bellaire

DEVELOPMENT SERVICES

To: Brant Gary, Interim City Manager

From: Bryan Carroll, Assistant Director, Development Services

Date: July 16, 2021

Subject: Short Term Rentals (STRs)

Development Services staff has continued to research options regarding managing short-term rentals (STRs). This memo identifies STR volume across the city, outlines budgetary impact and administrative responsibilities associated with regulating STRs, and lays-out a schedule to address STR topics.

By the numbers:

<u>Bellaire Rentals (2019):</u>

- **160** - Rental COs.
- **$12,720** - Rental CO fees.

<u>STR Listings (AirBNB or VRBO)*:</u>

- **28** Currently active listings for 77401.
- **16**** Homes / rooms in City of Bellaire.
- **38** Avg. number of daily listings (2018-2021).
- **139** Avg. number of days COB properties are listed.
- **$187** Avg. daily rate for COB properties.

*The figures above are based on data from AIRDNA, a website that provides analytics for AirBNB and VRBOs.

** Locations on the map are approximate. However, manual examination of the properties in the northeast corner indicate they are likely apartments outside the City of Bellaire in The Westmore at Bellaire Apartments or Estates at Bellaire complex.

<u>Budgetary impact:</u>

- ↑**~$15K** / yr. - HOT tax revenue.

  If a property rented for 70 days / year (50% of the avg days listed) (70) at $187 / night (average rate), this would be ~$13,000 in annual revenue for the property.

  If the city had a 7% Hotel Occupancy Tax (HOT), this would be ~$915 in tax revenue annually.

  If this logic is applied to the averages of all STR properties currently listed, this would be ~$14,640 in HOT / yr.

- ↓**~$5K to $21K** / yr. – Third-party monitoring.

This rate is based on initial discussions with third party vendors. Services vary but can include address identification, compliance monitoring, permitting and registration, tax collection, 24/7 hotline for neighbors, and rental activity monitoring.

- ? TDB – Permitting and inspection.
  The current CO process includes an inspection with each new renter. STR ordinances often include the requirement of a specific permit and annual inspections rather than each new tenant.

- ↓TDB – Code Enforcement.
  Code enforcement activity as relates to STRs will likely increase as the monitoring will identify violations that will need to be addressed. After initial conversations regarding compliance with other municipalities and monitoring services it is estimated that establishing a STR ordinance and general awareness will achieve up to 30% compliance. Compliance increases with more specific addresses identification and presentation of supporting evidence as relates to violations.

- ↓TDB – Hotel tax administration.
  Municipalities with hotel taxes are required to report annually to the State Comptroller the hotel tax rates, any applicable venue rates, the amount of hotel tax revenue, and the amount and percentage of funds spent on each major category. This collection and use of hotel tax revenues adds additional administrative responsibilities as there are specific requirements associated with these revenues. A municipality's use and expenditure of hotel tax revenue but meet specific criteria:
  1. Directly enhance and promote tourism and the convention and hotel industry.
  2. Must clearly fit into one of nine categories (
     - fund a convention center or visitor center,
     - administrative costs for convention registration
     - tourist / convention delegate attraction
     - promotion of the arts
     - historical restoration or preservation
     - sporting event expenses (for counties with a population less than 1 million)
     - enhancing sporting facilities
     - tourist transportation
     - attraction signage for tourists

Please refer to The Texas Municipal League (TML) 2017 guide for cities that covers the essentials of hotel occupancy taxes (and the criteria listed above in more detail), *What Cities Need to Know to Administer Municipal Hotel Occupancy Taxes – Abridged Version*.

Upcoming STR Communications and Activities:

- **July:** City Attorney memo addressing risk associated with municipal regulation of STRs.
- **August:** City Council workshop to consider common components of STR ordinance language (Zoning district restrictions, property registration, occupancy / stay limits, HOT tax collection, inspections, permitting, host occupancy, tenant regulation, and other special criteria)

- **August / September:** Pending workshop results; Council consideration of ordinances.

We hope this update is helpful in shedding some light regarding staff's work on this topic. If you have any questions or comments, please feel free to reach out.

Regards,

Bryan Carroll
Assistant Director, Development Services

City of Bellaire

Written Comment Log

August 2, 2021

Issue: Prohibition of Short-Term Rentals of Single-Family Homes

In Favor:

No.	Date	Commenter	Notes	Email Address
1	05/13/2021	Aaron Perkins		[redacted]
2	05/13/2021	Michael Pulido		
3	05/14/2021	Stuart Dow		
3	05/15/2021	Robert Madorsky		
4	05/17/2021	Carrie Bozkurt		
5	05/17/2021	The Johnsons		
6	05/23/2021	Bee Vines		
7	07/28/2021	Jim Williams		
8	07/29/2021	Vi Lewis		
9	07/29/2021	Camille Hill		

Opposed:

No.	Date	Commenter	Notes	Email Address
1	05/17/2021	Pat McLaughlan		[redacted]
2	05/20/2021	Scott Weaver and Jessica St. John		
3	05/21/2021	The Nortjes		

From: Tracy Dutton
To: Tracy Dutton
Subject: FW: [EXTERNAL] Stop short term rentals in Bellaire
Date: Thursday, July 29, 2021 12:56:34 PM

From: Aaron Perkins [redacted]
Sent: Thursday, May 13, 2021 11:25 AM
To: Tracy Dutton <tdutton@bellairetx.gov>
Subject: [EXTERNAL] Stop short term rentals in Bellaire

Hi Ms. Dutton,

I understand that the Bellaire City Council will be considering prohibition of short term rentals for single family homes at the next Council meeting on May 17. I wholeheartedly support this measure. Please convey my comments to the Council at that meeting.

I bought my home in Bellaire over 15 years ago with the understanding that my neighborhood would be a place for families. However, for the past year, the new owners of the house next door to mine have been renting their property multiple times a month to different, transient people. The safe and neighborly character of my neighborhood has been completely undermined. It is clear that the owners do not consider themselves residents of Bellaire, as they are renting the house to strangers far more often than they stay there themselves.

A residential neighborhood should be just that: for residences. It should not be a place for a hotel, with strangers moving in and out next door on a daily basis. If someone wants to own a hospitality property in Bellaire to generate revenue, they should do so only where zoning usage and character is appropriate.

The city code should be updated immediately to help maintain the residential character of Bellaire, particularly in zones designated as residential. Accordingly, I urge the Council to close the loophole that allows for short term rentals in residential zones.

Best regards,
Aaron Perkins

EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.

From: [redacted]
To: Tracy Dutton
Subject: [EXTERNAL] Short term rentals
Date: Thursday, May 13, 2021 7:11:09 PM

Tracy

Do you mind entering my plea to NOT allow short term rentals like VRBO or Air B&B in the City of Bellaire?
As tax paying residents of this great City, we should not have to worry about living next door to an essential motel room.

thank you,

Michael Pulido
4530 Sunburst St.
Bellaire TX

EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.

From: [redacted]
To: Tracy Dutton
Subject: [EXTERNAL] House rentals in Bellaire
Date: Friday, May 14, 2021 6:57:59 PM

Hi Ms. Dutton,

I understand that Bellaire City Council is considering a law that would prevent homeowners in Bellaire from renting their houses for periods of less than 6 months – a change meant to curb or eliminate the practice of listing on websites such as VRBO or Airbnb.com. I'm writing to express my strong support for such a measure.

Leaving aside short-term rentals done as part of a property sale, allowing homeowners to rent their houses on a short-term basis is inconsistent with & actually undermines the reasons people choose to live in Bellaire. The tenant traffic that results from such rentals creates potential problems related to safety and is counter the sense of neighborhood that characterizes Bellaire. Economically, it also undermines property values.

For these reasons & many more, I hope City Council passes such a law.

Respectfully,
Stuart Dow
4532 Sunburst

EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.

From: [redacted]
To: Tracy Dutton
Subject: [EXTERNAL] 4535 Sunburst St
Date: Saturday, May 15, 2021 9:38:28 PM

Tracy,

Hope that this note finds you well. We were alerted that this home is doing AirBnB listings on our street. We have a 5 month old daughter and are equally concerned as others on our street about the influx of random people and it is a safety concern. The gate at the end of my block was part of the reason I moved to this street a couple of years ago. This house is also across the street from a school and visitors to the home are not screened.

We have smelled marajuana a few times walking by this house with our baby and now figure that this is the influx of new people.

We support the proposal to prohibit rentals for under 6 months, with the exception of seller lease backs.

Regards,

Robert Madorsky
4503 Sunburst St, Bellaire, TX 77401

EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.

From: [redacted]
To: Tracy Dutton
Subject: [EXTERNAL] re: 4535 Sunburst St.
Date: Monday, May 17, 2021 10:31:23 AM

Hello Ms. Dutton,

My name is Carrie Bozkurt and I am a resident of Sunburst St. in Bellaire. I received an email from my neighbor, Jaime Perkins, about the house on our street, 4535 Sunburst St., that is being rented on a short-term basis. It concerns me that no background checks are required of the renters. We have a lot of children on our street and I have two young daughters. I agree with Jaime, that there should be a minimum stay/rental period of six months required as well as background checks. Thank you for your attention to this matter.

Carrie Bozkurt

EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.

From: [redacted]
To: Tracy Dutton
Cc: Dr. Catherine Lewis; Jim Hotze
Subject: [EXTERNAL] Letter for today"s council meeting - Supporting Minimum Term for Rentals
Date: Monday, May 17, 2021 1:22:15 PM

Ms. Dutton,

Relating to Agenda Item #2 under New Business for the May 17th council meeting, **I am writing in support/agreement with the recommendation of Council Members Jim Hotze and Catherine Lewis for setting a minimum term of rental or lease for single-family homes to six (6) months**, with the exception for family members or previous/former owners. Please have this read during comments at today's meeting.

Thank you,
The Johnson's – Bellaire resident since 2006

EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.

From: [redacted]
To: Tracy Dutton
Subject: [EXTERNAL] Short term rental concern
Date: Sunday, May 23, 2021 7:05:25 PM

Dear Tracy,
My name is Bee and I live on 4500 block of Mimosa Drive. There is a house across directly from me has been using it for Airb&b for almost 3 years now. I have seen different groups of people in and out and drive recklessly on our street. I have seen party goers that drinking at midnight oursite of the house, family reunion that have many cars parked on our street. I had called police but they couldn't do anything. I have 3 young kids and their safety is my priority. Many of my neighbors are very concern about their safety as well especially a widow who live nextdoor to the house. We have filed many reports to Bellaire City but nothing was done and never heard back from city. Can you please help to address this issue? I can get all my neighbors to sign a petition if needed.

Thank you very much!

Regards,

Bee
EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.

From: Tracy Dutton
To: Tracy Dutton
Subject: FW: [EXTERNAL] Short term lease ban
Date: Wednesday, July 28, 2021 4:22:59 PM

From: Jim Williams [redacted]
Sent: Wednesday, July 28, 2021 3:56 PM
To: Tracy Dutton <tdutton@bellairetx.gov>
Cc: Jaime Siff Perkins [redacted]
Subject: [EXTERNAL] Short term lease ban

Tracey, I have resided at 4515 Sunburst St, Bellaire, TX for over 20 years. I am sending this email in lieu of attendance at the City Council meeting being held on August 3rd. It is my position that the council should pass the proposed ban on short term leases to promote and maintain the type of social environment that has made Bellaire a wonderful place to live and raise a family. We have several long term renters on our street that have become part of the Sunburst family. This is not a statement against families who want to or need to rent. The population and individuals that these short term leases attract are not necessarily the family oriented population that Bellaire needs or desires.
Please feel free to contact me if you have any questions or concerns at 281-236-8068!

Regards, Jim
GO CARDS!!

EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.

From: Tracy Dutton
To: Tracy Dutton
Subject: FW: [EXTERNAL] proposed amendment up for vote regarding short term rental
Date: Thursday, July 29, 2021 11:48:20 AM

From: Vi Lewis [redacted]
Sent: Thursday, July 29, 2021 9:37 AM
To: Tracy Dutton <tdutton@bellairetx.gov>
Subject: [EXTERNAL] proposed amendment up for vote regarding short term rental

City Council,
I live on Sunburst Street where the neighbors located at 4535 Sunburst have consistently been doing short term rentals for nearly 2 years. I do not like these short term rentals and I do not like short term renting generally in the City of Bellaire. There are too many negatives of short term rentals.
I am absolutely in favor of a prohibition on short term rentals in the City of Bellaire. I hope that you all pass this new proposed amendment. I am in favor of it.
Thank you,

EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.

From: [redacted]
To: Tracy Dutton
Subject: [EXTERNAL] I support the proposal that Rental house in Bellaire must be for at least 6 months.
Date: Thursday, July 29, 2021 3:05:15 PM

To: Bellaire City Council

I live at 5012 Imperial St, Bellaire, TX 77401.
I want to be counted as supporting the proposal that
that Rental houses in Bellaire must be for a minimum of 6 months.
This is necessary to protect and maintain the residential character of established neighborhoods and to keep the area safe and secure for all the residents. This proposal will eliminate short term rentals , which have created motel-like situations in residential neighborhoods.

Sincerely,
Camille Hill

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From: [redacted]
To: Tracy Dutton
Subject: [EXTERNAL] Council Agenda Item Prohibiting Less Than Six Month Rentals
Date: Monday, May 17, 2021 2:22:58 PM

Tracy, Please get to Mayor /Council for 5/17/2021 meeting.

I am opposed to the prohibition of rental / leasing of homes for less than 6 months.

This is a potential negative impact on my property rights. Many legitimate shorter term rentals exist such as seller / buyer occupancy following a property sale, extended treatment at Med Ctr, business travel, relocation to area in search of home purchase, etc.
Enforcement of such will be difficult. Possibly a shorter period of less than 15 days rental prohibition would be appropriate. This could be defined and enforced to those organizations engaging in management of such leasing.
I do understand that night by night rentals as a party location are undesirable, but this should addressed by appropriate police action.

Thanks, Pat

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From: [redacted]
To: Andrew Friedberg
Cc: Tracy Dutton
Subject: Re: [EXTERNAL] Property Owners Statement Regarding May 17th City Council Meeting and Short Term Rentals
Date: Thursday, May 20, 2021 3:09:28 PM

Mayor Friedberg and Ms Dutton,

Yes, we would greatly appreciate adding the emails (with Mrs. Perkins's email address and mine redacted for privacy) to the public record for the June 7th meeting as we will be unable to speak in person as we will be traveling for a funeral. We have requested time to speak at the following meeting on the 21st.

I'd also like to add the following ..

If the majority of Bellaire citizens feel like there should be more regulation than is in place currently, there are many examples of good regulation across the country and state to draw from. Looking at other comparable cities, many consider short term to be less than 28 days (1 month), including Austin, TX. Restricting rentals to minimum terms of over 6 months will put Bellaire in the most restrictive of any city that I know of.

We do not run an open "hotel", renting rooms for one night. The majority of our rentals have been longer term (at least one month). These guests are people (mainly families with children) who are looking for a home with a kitchen to cook meals in, with a yard for their children to play in, located in a good neighborhood where they feel comfortable. Our house has provided them with a safe, clean "home away from home" while they learn the city before they make a home purchase in Houston, or get treatment at MD Anderson, or wait for their flooded home to be repaired.

While we are choosing not to continue leasing our place for less than the proposed 6 month minimum at this time, I do think that there is a value to the neighborhood in allowing shorter term rentals.

I ask that the council not make policy based off of one bad apple (I understand that which actor is the bad apple is up for debate). I ask that the council look across Bellaire and make deliberate, thoughtful policy based off of collective data and multiple viewpoints from citizens, not unsubstantiated claims from one person/people with a bone to pick with their neighbor. Whatever the outcome, we will adhere to the Bellaire guidelines just as we currently do.

On Wed, May 19, 2021 at 4:05 PM Andrew Friedberg <afriedberg@bellairetx.gov> wrote:

> Scott,
>
> Thanks for your e-mail below and for sharing more about the situation with Council. By copy to the City Clerk I'd ask that she please include your e-mail as written comment in the public record for our next Regular Session, which will be on June 7--please let us know if that's not your intention.

Best regards,
Andrew

Andrew S. Friedberg
Mayor
City of Bellaire
7008 S. Rice Ave. | Bellaire, TX 77401
(713) 662-8222 | Fax: (713) 662-8212
afriedberg@bellairetx.gov
Visit my Mayor's Musings blog

From: Scott Weaver [redacted]
Sent: Wednesday, May 19, 2021 3:23 PM
To: Andrew Friedberg <afriedberg@bellairetx.gov>; Neil Verma <NVerma@bellairetx.gov>; Dr. Catherine Lewis <clewis@bellairetx.gov>; Gus Pappas <gpappas@bellairetx.gov>; Nathan Wesely <nwesely@bellairetx.gov>; Michael Fife <MFife@bellairetx.gov>; Jim Hotze <jhotze@bellairetx.gov>
Subject: [EXTERNAL] Property Owners Statement Regarding May 17th City Council Meeting and Short Term Rentals

Mayor Friedberg and City Council,

My name is Scott Weaver and my wife is Jessica St John. We were made aware of our neighbor's complaint and the introduction of the short term rental ordinance proposal to the May 17th City Council meeting today, when a reporter approached us for a comment.

We then went to the city's site and viewed the meeting to learn more about the proposed change in city's current policy regarding short term rentals.

Upon watching the video of the council hearing, it was then clear that Mrs. Perkins has misrepresented the situation and misrepresented who we are or any conversation she may have had with us.

Jessica and I purchased the Sunburst house as our new home in 2019, as we just had another child and wanted space and a yard. We moved into the house and began renovation on it right away. We loved the incredible neighborhood and our neighbors on the street immediately.

Once Covid hit and offices and businesses shut down, we thought it would be a good change of pace to spend some time at our home in Colorado where the weather was more pleasant and we could enjoy the outdoors and spend time with family. At that point, we rented our house out to a couple whose home in River Oaks had flooded for 3 months.

We never heard a complaint or issue from the Perkins's or any other neighbors. Renting the

house out seemed to be a win for everyone. We received additional income and the renters got to live in a great neighborhood.

Since then we have rented the house a handful of times as things have started to open back up. Not once, have we received a complaint about the renters from the Perkins's except for that our patio string lights were left on after 9:30pm. Mrs. Perkins has texted us several times to turn them off, and being respectful neighbors we quickly asked the tenants to turn them off as our text conversations can show.

Other than our porch lights being left on, that is all we have heard from them until the May 9th, when Mrs. Perkins confronted Jessica in our driveway and told her that she and the rest of the neighborhood "hate" us. She then said that she didn't approve of us renting our house and finished by threatening to call Child Protective Services because we weren't providing a stable environment for our children. Although it was an extremely hurtful conversation, we never said that we "didn't care" but rather that we appreciated her bringing the matter to our attention.

We then wrote an email to Mrs. Perkins, which I have included simply because she did not mention it or accurately represent it in the city council meeting. Please note the date, as it was well before the meeting took place.

The reality is that Bellaire is our home and not a business. Our son will be attending Horn Elementary in the Fall and we have no intentions of renting our home out as you can see in our letter to Mrs. Perkins on May 10, 2021. You can also review the Certificate of Occupancy request for July for the name of the gentleman and his family who are Bellaire residents that will be renting our home for the month of July so that they can complete the renovations on their home.

As a veteran and proud US citizen I have always prided myself on being a good citizen and neighbor. I'm not sure where things went wrong with the Perkins's but I assure you we have been responsible neighbors. If there were problems, the Perkins's chose not to address them to us. Further, as a show of good faith, we have removed our home from STR sites because the discomfort of our neighbor isn't worth the extra income for us. We would like to honor 3 bookings we have, as they are in full compliance with Bellaire's ordinances.

We have forwarded you the email we sent to the Perkins's on the 10th which she failed to mention. At the very least please know that we certainly do care about our neighborhood and about being good neighbors.

Respectfully,

Scott Weaver and Jessica St. John

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EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.

From: [redacted]
To: Tracy Dutton; Andrew Friedberg
Subject: [EXTERNAL] Bellaire Short Term Rentals
Date: Friday, May 21, 2021 11:37:55 AM

To Whom it May Concern:

Please include this email to the City Council Clerk for the public record in the Bellaire City Council Meeting on June 7th.

My name is Cherish Nortje and my husband Gert and myself stayed in Scott and Jessica Weaver's short term rental for the entire month of January of 2021. We are now residents of Houston's Memorial Area. After reading the Houston news this morning about Bellaire's proposal of cancelling short term rentals I felt compelled to write to you to express my dismay. It felt all too personal.

We met Scott in December in Colorado and expressed to him we were looking to relocate to Houston from Vail, CO. Houston is a totally new city for us and we felt it was important to stay there prior to putting in an offer on a home from afar without any knowledge of the city ourselves. Scott mentioned to us that he was able to accommodate us for a month or more if we were interested in trying Houston out since their personal residence is in the Bellaire area and was centrally located. They were able to stay in their Colorado residence during that time to help accommodate us. He also recommended Bellaire as a great community, good schools and encouraged us to look there when searching for our new home. He mentioned that everyone was so friendly and in all of his experience moving around they have never felt so welcomed and had never met so many of their neighbors. We were sold. We are coming from a golf course neighborhood in a rather stuffy part of Colorado and were really looking for a sense of community. We have a 2 year old daughter and moving for us meant relocating our nanny here as well so we were serious about spending time in the area.

We were drawn to Houston for diversity, warmth, culture, food and a top notch international airport. People are shocked we chose Houston over Vail when we can live anywhere in the world, we are not yet disappointed, we'll report back after August :). Limiting short term rentals in a city like Houston has multiple down sides. First off, with many companies that have employees that may need to travel here, it forces families into hotels or sterile environments while they are forced to be away from home. Most people who have the means to stay in homes the quality of Scott and Jessica's are not "fly by the night", it's also not a home you'd "party" in nor was any aspect of the agreement we signed with the Weavers would tolerate such behavior. We brought our daughter, nanny and 3 dogs with us when coming down. We were "at home" in their residence. We didn't live in their home any differently than we would have been in our own home. We had another couple come visit us for 4 days while we stayed there as they too were interested in relocating to Houston from Denver. We are all adults in our 40s, who will maybe drink 2 glasses of wine and speak at a level which wouldn't wake a sleeping 2 year old after 8pm. We specifically chose their home because it had a full setup of a nursery and seemed safe and quiet. We are in software as well and work from home. His house had everything a home away from home needed as our daughter is 6 months older than theirs. It made our search in Houston for a home so much easier and stress free.

Some of the reasons we didn't choose Bellaire to reside in was because the excessive barking

next door to the Weaver's. Noise is to be expected in the city but It made us aware that we had to have a bigger lot to hopefully avoid such issues. We also were subject to rude comments from neighbors and people going so far as to look us in the face and purposefully ignore a good morning on multiple occasions. It finally felt like anger that had nothing to do with us. It encouraged us to look out towards the memorial for a less "big city" feel. We didn't need to be best friends with anyone while staying in another's home but we felt the anger from day 1 and it felt unfounded.

I am unsure if there are so many other rentals in that area that are causing a problem but I will tell you from owning a second home in Florida for many years and the renters we had, these types of homes attract renters that are no different than neighbors, it's not a house on the beach near cancun. It's not a vacation zone. It's removing options for families working for Houston companies for an extended stay away from home, building homes on lots nearby and/or extensively remodeling, accommodating extended family to visit grandchildren when space is unavailable in your own home, or people genuinely trying to look for a home in that very area. I encourage you to explore options such as monthly rentals as maybe a balance.

At the end of the day Houston is a lovely, warm, welcoming city, and restrictions like this make people wanting to reside here feel unwelcome. Bellaire isn't next to Disney, I encourage your community to take pause and think about the reasons people would rent these types of residences, and ask yourself, are those people the people you really are trying to keep out?

Respectfully,

-The Nortje's, new Houston Residents Thanks to the Weaver's

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