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From: Son Hawaii [son.hawaii@yahoo.com]
Sent: Thursday, March 13, 2008 6:20 AM
To: City Clerk
Subject: Oppose bills 6, 7 & 9, Support Bill 8: Vail-Avon CO bans short-term rentals in residential zones



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 CITY CLERK
 HONOLULU, HAWAII

"E Malama i ka Nohona Kaiaulu o O'ahu."
 P.O. Box 88131
 Honolulu, HI 96830
 www.sonhawaii.org

Dear Council Members;

The operators of illegal B&B's and TVU's have repeatedly claimed that "only" Oahu has issues with short-term rentals. Please review the attached PDF file (Vail-Avon CO ban short-term rentals in residential zones) that demonstrates their propaganda is false. Visitor lodging business such as B&B's and TVU's being located in residential zoned neighborhoods is increasingly becoming a problem for many municipalities around the country and the world.

Thank you for protecting our residential zoned neighborhoods.

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Vail Daily

Avon's short-term rental law upheld

Court says Avon can forbid vacation rentals in residential areas

Matt Terrell
Vail, CO Colorado
July 17, 2007

AVON — An Avon law prohibiting short-term rentals in residential areas of town has been upheld in the Colorado Court of Appeals.

Avon was sued by Jackson & Co. (USA) Inc., a Delaware-based corporation, in August 2005 after the Town Council passed an ordinance that redefined short-term rentals and clarified a vague 1979 Avon ordinance that outlawed lodges in residential areas.

The new law more clearly defined a lodge as "a building containing a common kitchen and dining facilities occupied by paying guests on a temporary (thirty one (31) days or less) basis."

Jackson and Co. Inc. had wanted to rent out a duplex in Wildridge. Jackson had modified the duplex layout to include six individual bedroom-bathroom suites with the intent to rent the property for short-term rentals to offset the expense of owning it.

The company also advertised the property on the Internet for short-term rentals with weekly rentals preferred. The advertisement stated that the property could sleep 16 people and was "ideal" for large families or a corporate retreat.

The town filed a countersuit to enforce the ordinance and in October 2005, Judge R. Thomas Moorhead of the Eagle County District Court issued a preliminary injunction, or court order, against Jackson, which prevented the company from renting out the property. In December 2005, the injunction was made permanent, and Jackson appealed the permanent injunction.

"With the adoption of the 2005 ordinance it is clear that no person in a residential area of the Town of Avon, in Wildridge or elsewhere, can have a lodge," said Town Attorney John Dunn.

Jackson, however, argued that because the duplex was built in 2004, well before the new ordinance was passed, and since the original 1979 law didn't specifically prohibit short-term rentals, that it did not need to comply.

The court ruling confirmed that short-term rentals in Wildridge are prohibited by the language of the Wildridge neighborhood developing rules, regardless of the ordinance in effect, and that the town's obvious intention is to prohibit lodges in residential areas.

"The upheld judgment confirms the town's right to enforce its ordinance," Town Manager Larry Brooks said.

He said that any short-term rental in a residential area is in violation of the town's ordinance and that owners who rent even for one to two weeks over the holidays while they are away would be in violation of the town's ordinance.

Staff writer Matt Terrell can be reached at 748-2955 or mterrell@vaildaily.com.