



**Eugene City Council**

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# **EUGENE CITY COUNCIL AGENDA**

**September 23, 2019**

**5:30 p.m. CITY COUNCIL WORK SESSION AND  
EUGENE URBAN RENEWAL AGENCY WORK SESSION  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

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**Meeting of September 23, 2019;  
Her Honor Mayor Lucy Vinis Presiding**

**Councilors**

Betty Taylor, President  
Mike Clark  
Chris Pryor  
Jennifer Yeh

Emily Semple, Vice President  
Greg Evans  
Claire Syrett  
Alan Zelenka

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**5:30 p.m. CITY COUNCIL WORK SESSION AND  
EUGENE URBAN RENEWAL AGENCY WORK SESSION  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

- 1. Committee Reports and Items of Interest**
- 2. WORK SESSION AND ACTION: Downtown Riverfront Development—  
Williams & Dame Associates' Concept Plan**
- 3. WORK SESSION: Short-Term Rentals**

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# EUGENE URBAN RENEWAL AGENCY BOARD

## AGENDA ITEM SUMMARY



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### Work Session and Action: Downtown Riverfront Development— Williams & Dame Associates' Concept Plan

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Meeting Date: September 23, 2019  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item: 2  
Staff Contact: Michael Kinnison  
Contact Telephone Number: 541-682-5500

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#### **ISSUE STATEMENT**

At this work session, staff will provide an update on the Downtown Riverfront project, including the park, site preparation and infrastructure work. The Agency Board is also asked to review and take action on proposed changes to the Downtown Riverfront concept plan from Williams & Dame Associates (see Attachment A).

#### **BACKGROUND**

The Agency Board's discussion of Downtown Riverfront redevelopment is part of a decades-long community planning and visioning effort to connect downtown to the river. The agency purchased about 17 acres of largely vacant Downtown Riverfront property from the Eugene Water & Electric Board in April 2018. On January 24, 2019, the agency signed a Disposition and Development Agreement with WDA. The City purchased the park for one dollar in December 2018 and has since begun work on grading and riverbank enhancement. Park construction will continue in 2020 with full development of park amenities including viewing platforms, public art, a realigned bike path, and more, to realize the community's vision of an urban riverfront park balanced by habitat enhancements and river conservation.

#### ***Park Update***

This summer, construction crews have been preparing the site for the Downtown Riverfront Park, including utility relocation and riparian and bank enhancement work. The existing steep, cliff-like riverbank is being recontoured in places to provide a more natural slope improving views and allowing closer access to the river. Non-native vegetation and trees are being removed and will be replaced this fall and winter with over 20,000 native species of live stakes, shrubs, and bulbs. Park construction will continue next spring and summer with completion anticipated by the end of the 2020 calendar year.

#### ***Site Preparation***

Site preparation is well underway, including riverbank restoration/riparian enhancement and contouring (grading) the site to accommodate the park, streets, utilities, and buildings. Contractors have been working throughout the spring and summer to prepare the site for the

infrastructure to be built in 2020. By this October, the site will be stabilized and prepared for the rainy season.

### ***Infrastructure and the Local Improvement District***

Based on council direction initiating the Local Improvement District process, engineering and design work for site infrastructure is well underway. Construction bids are estimated to be received in early 2020 and will be presented at a public hearing before a hearings official. Council action to form the LID and authorize the City Manager to award a construction contract is estimated for spring 2020. Subsequent to the completion of construction and a public hearing on proposed assessments, council will take action on an ordinance levying the assessments, expected for early 2021.

### ***Proposed Concept Plan Changes***

The current concept plan and proposed changes are depicted side by side in Attachment A. Here is a summary of the changes being proposed:

- A. Combine lots 9A with 9B and 10A with 10B
  - Allows for taller buildings (4 stories instead of 3) and moves from surface parking to structured parking on new lots 9 and 10 and existing lot 7
  - Removes private alleys that separated parcels and consolidates building footprint into one structure on new lots 9 and 10
  - Potentially could shift access to lots 9 and 10 to the primary street adjacent to the railroad
- B. Hotel moved to lot 3 (from lot 7)
- C. Affordable housing moved to lot 3 (from lot 10A)

The proposed changes would increase WDA's level of investment and the number of residential units being developed. Previously, the total site estimated investment for WDA was \$100 million with about 340 housing units. WDA anticipates that under the proposed concept plan change, the investment in the first phase of the project on the multi-family housing buildings on parcels 7, 9, and 10 will be approximately \$115 million and about 500 units. The City/Agency share of the costs and level of involvement will remain the same.

The private investment will, in turn, generate new taxable value. Over thirty years, the increased density of development on 7, 9, and 10 will generate about \$3.5 million more in property taxes to the Riverfront Urban Renewal District, the City, Lane County, School District 4J, Lane Community College, and Lane Education Service District combined, for an estimated total of \$45.5 million over the 30-year period. Of the total amount, the District will collect about \$500,000 by the time it sunsets in 2024, and the City will collect about \$22.8 million from 2025 to 2050.

Additional potential benefits from the proposed changes include:

Accelerates the timeline on vertical development for lots 7 and 9 resulting in more eyes on the park sooner and contributing to activity and safety of public spaces. If approved, the proposed concept change would have construction anticipated to begin on lot 7 or 9 in the fall of 2020. The timing for construction of affordable housing would be unchanged. Increased housing density and the addition of structured parking is a more efficient use of the land and consistent with a more sustainable, urban development form.

Structured parking increases the overall parking capacity and presents an opportunity for shared parking to serve the park and retail uses during the day.

Additional retail space to be provided on lot 9 adjacent to the plaza.

Provides potential for road between lots 9 and 10 and the road between 10 and the Steam Plant to become more pedestrian oriented with improved access points to the park.

Affordable housing proposed in a location (lot 3) with more convenient access to services, including transportation, and incrementally farther from train noise.

The majority of the Downtown Riverfront site is within an Opportunity Zone (see Attachment B). The Opportunity Zone Program is a federal investment incentive program established by the 2017 Tax Cuts and Jobs Act. The program provides tax benefits for real estate development and business investments in designated, low-income areas. Council action is not required to authorize private equity investments in Opportunity Zones. The Riverfront Opportunity Zone has attracted investor interest and provides WDA an opportunity to build significantly more housing than was envisioned in their previous concept plan.

### ***Advisory Committee***

The River Guides are scheduled to meet on September 19 to review the proposed concept plan changes. Staff will provide the River Guides' recommendation to the Agency Board at the work session.

### ***Next Steps***

If the Agency Board approves the proposed changes, the Agency and WDA will sign an amendment to the DDA and continue working to satisfy the remaining due diligence efforts. A number of City/Agency actions will be necessary before WDA is obligated to purchase the property, including budget authorization, MUPTE approval, and the third step of the LID—all requiring action by council and providing a number of opportunities for public input.

## **PREVIOUS COUNCIL DIRECTION**

### **[January 31, 2018, Work Session](#)**

- Riverfront update and WDA representatives presented their project proposal, including the concept plan.

### **[July 9, 2018, Work Session](#)**

- Council authorized the Agency Director to approve a disposition and development agreement with WDA.
- Council initiated the process for the necessary land use code and plan amendments to enable the development of the downtown riverfront consistent with the concept plan presented by WDA.
- Council initiated consideration of a proposed LID and directed the City Manager to return with the report described in section 7.160(6) of the Eugene Code, so that the council can determine whether to proceed with the LID.

#### July 23, 2018, Work Session

- Authorized the Agency Director to sell lot 10A to WDA to build (solely or in partnership with another entity) no fewer than 75 units of affordable housing. The units shall be affordable to households at or below 60 percent of the area median income.

#### February 19, 2019, Work Session

- Update on the Downtown Riverfront Redevelopment project.

#### April 15, 2019, Work Session

- Approved the use of \$8 million of Riverfront Urban Renewal funds for the park and \$4 million for the plaza.

#### July 22, 2019, Work Session

- Approved the land use amendments necessary to carry out implementation of the WDA concept plan and development of the park on the Downtown Riverfront site.

### **AGENCY BOARD OPTIONS**

1. Approve the proposed change in the concept plan.
2. Reject the proposed change in the concept plan.

### **AGENCY DIRECTOR'S RECOMMENDATION**

The Agency Director recommends approval of the proposed changes to the concept plan.

### **SUGGESTED MOTION**

Move to authorize the Agency Director to amend the Disposition and Development Agreement consistent with the proposed changes in Attachment A.

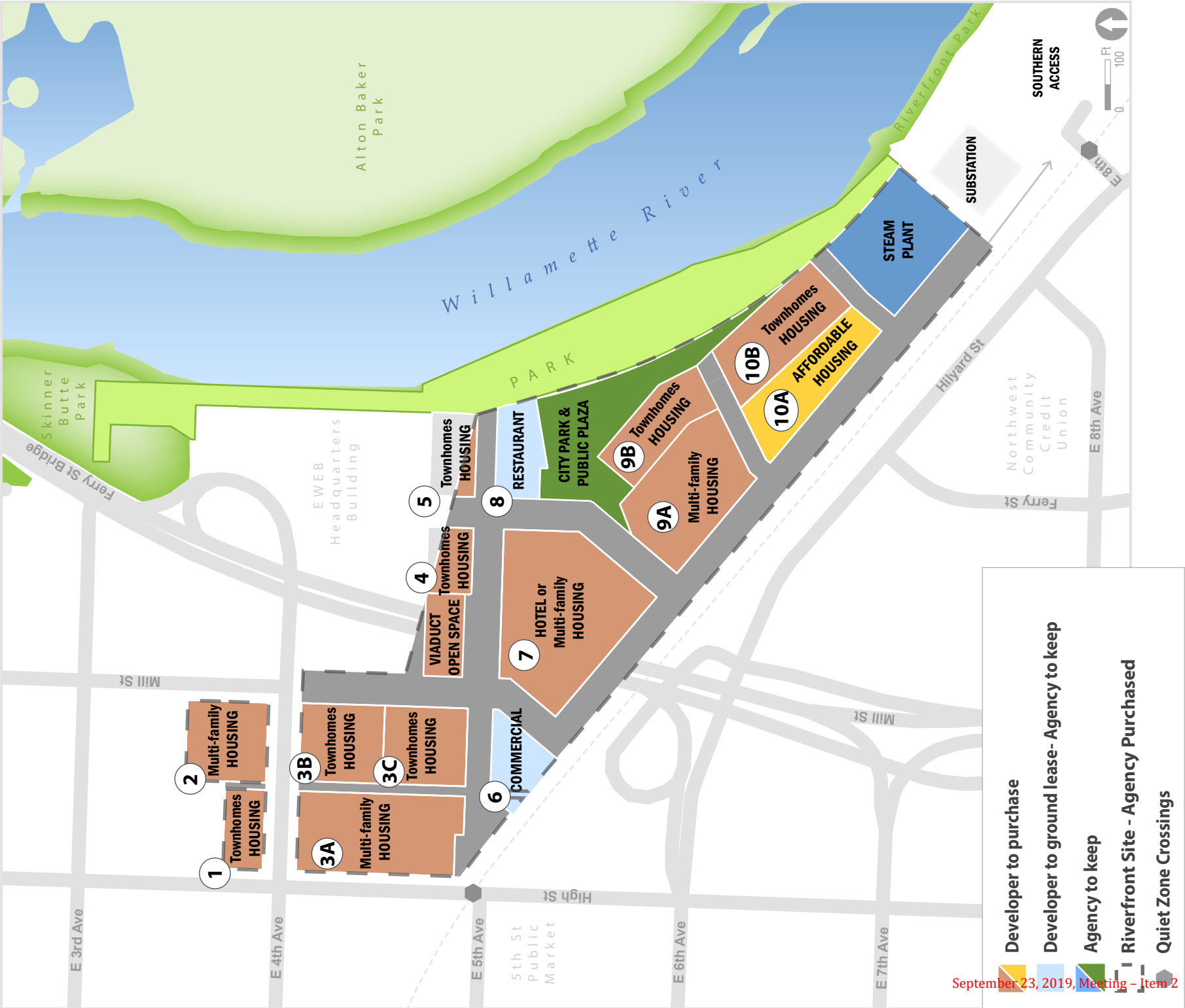
### **ATTACHMENTS**

- A. Concept Plan – Current and Proposed Changes
- B. Downtown Riverfront and Opportunity Zones Map

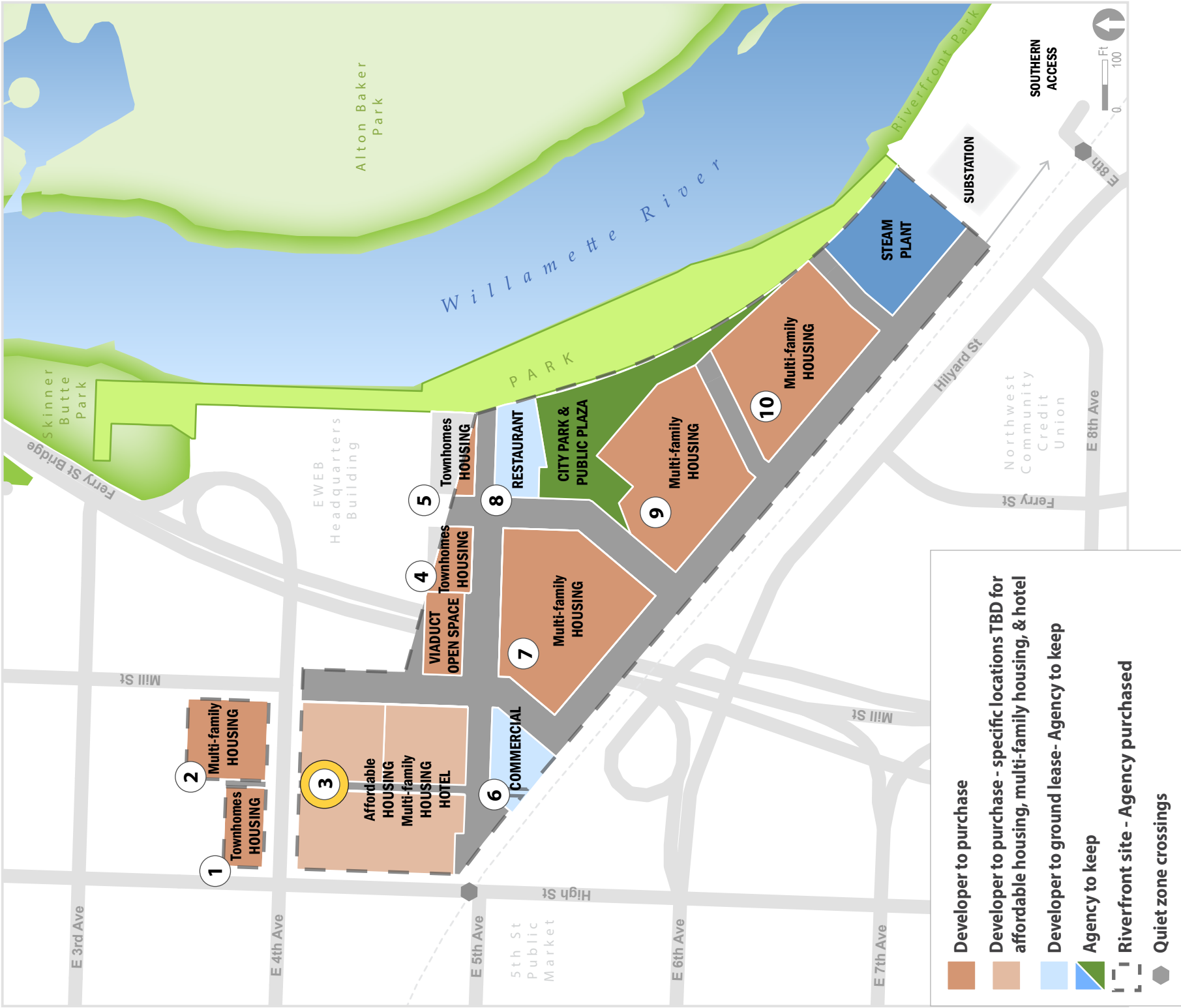
### **FOR MORE INFORMATION**

Contact: Michael Kinnison, Community Development Director  
Telephone: 541-682-5500  
Staff E-Mail: [mkinnison@eugene-or.gov](mailto:mkinnison@eugene-or.gov)

Existing Concept Plan

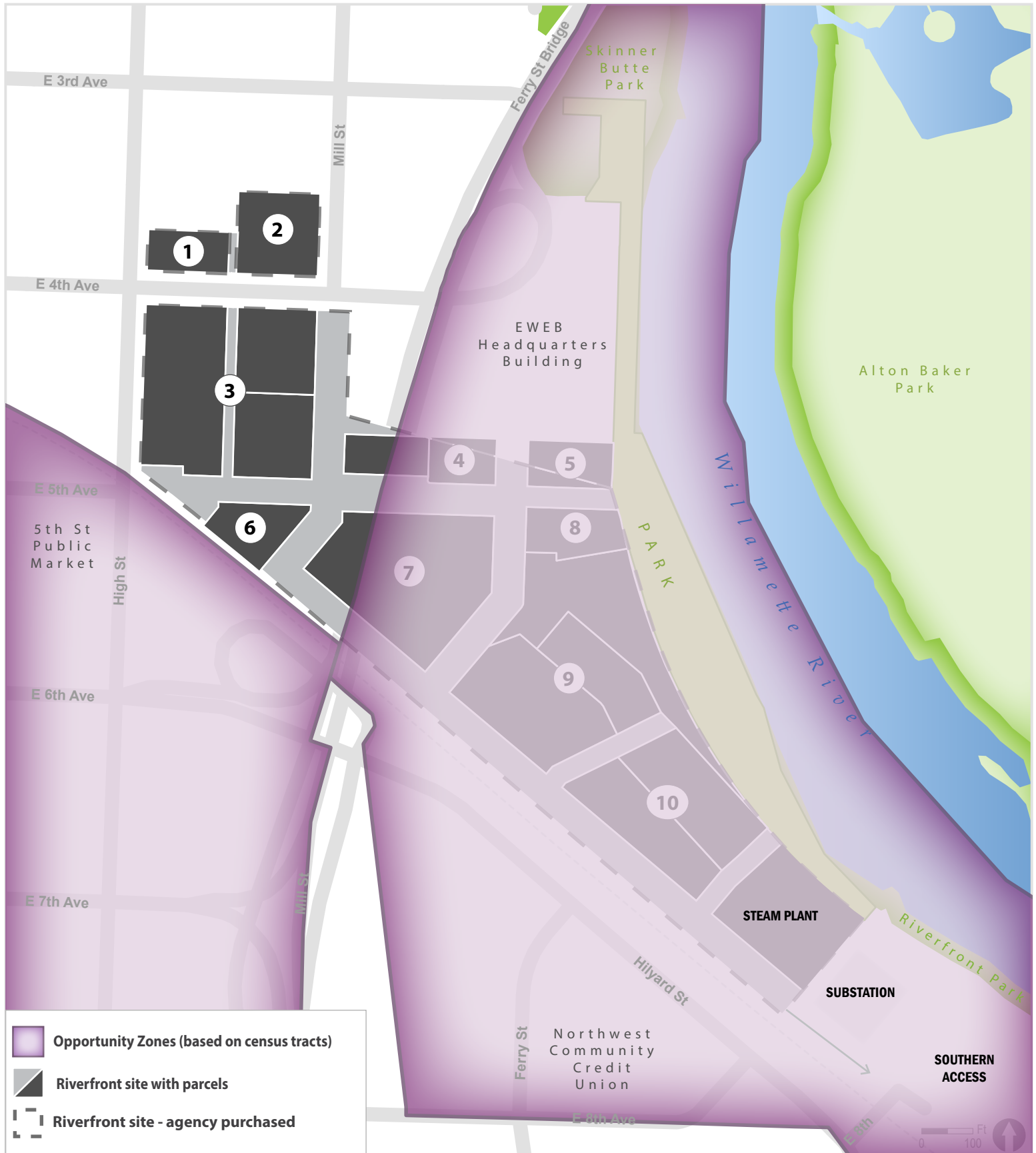


Proposed Concept Plan





## Downtown Riverfront Redevelopment Site & Opportunity Zones





# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Work Session: Short-Term Rentals

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Meeting Date: September 23, 2019  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3  
Staff Contact: Lydia Kaye  
Contact Telephone Number: 541-682-5482

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### ISSUE STATEMENT

The City Council requested information regarding short-term rentals, specifically regarding the positive and negative effects as well as what types of regulations other cities have adopted. Council also requested regulatory options (from minimal to outright prohibition) and asked how taxes paid compare to those paid by the hotel industry. This work session will address these issues.

### BACKGROUND

Short-term rentals are generally considered rentals available for 30 days or fewer, though this definition isn't codified locally or by the State. STRs are permitted and currently considered a residential use in the City of Eugene. STRs in single-family residential zones are required to comply with the definition of family. That is, no more than five unrelated people can stay in a single-family dwelling. There is no limit to the number of related persons that can occupy a single-family dwelling. Short-term rentals in Eugene are required to pay a Transient Room Tax. Not all cities require short-term rentals to pay such a tax.

On September 4, 2019, the Land Conservation and Development Commission upheld Eugene's interpretation that STRs are a permitted use in a single-family residential zone. LCDC discussed Eugene's STRs in response to a Petition for an Enforcement Order against the City of Eugene. LCDC determined there was not good cause to proceed with the Enforcement Order.

Short-term rentals are most commonly provided through hosting platforms such as Airbnb, VRBO (Vacation Rental by Owner), and HomeToGo. Because this phenomenon is relatively recent, there is not a large amount of data available. Much of the information is provided by the platforms. To provide an informed, impartial response to the council's inquiries, staff utilized the services of Eugene Library staff who have prepared a thorough white-paper on the issue (Attachment A), which summarizes much of the research. Another significant reference is a document by Sadie Dinatale of the University of Oregon's Department of Planning, Public Policy and Management (2017) which reviews STRs as they pertain to Oregon. A link to Dinatale's document is provided in Attachment A.

The platforms that facilitate short-term rentals are described in Dinatale's report as a means to give people access to a user-friendly, global marketplace for home sharing. Some of the benefits identified are:

- Increased tourism in local communities, which can increase spending in a local economy (some note this would occur if these travelers utilized more traditional sources like hotels)
- Adding jobs (in servicing STRs) to the local economy
- Helping property owners earn extra income
- Offering visitors a local experience
- Contributing to Transient Room Taxes

In addition to benefits, there are perceived negative impacts of STRs including the loss of tax revenue (where a TRT is not collected) and perceived impacts on traditional lodging business. The research reviewed by staff did not validate impacts to lodging businesses. Other impacts identified are:

- Nuisance issues, including noise, garbage and increased traffic
- Impacts to livability by creating a sense that people in neighborhood are transitory
- Impacts to affordable and available housing

There has been a great deal of discussion about whether and to what extent STRs impact housing affordability and availability. While it does appear that STRs impact both, the research varies regarding to what degree. Many short-term rentals are offered for a few days per year, so they are not removed as housing stock. Dinatale's report indicates that approximately 70 percent of Airbnb hosts generate less than \$10,000 per year and of those, 30 percent generate less than \$600/year.

Several communities in Oregon and across the nation have chosen to regulate STRs through licensing requirements and there are several different standards that apply with varying frequency. Options for consideration are:

- Outright ban
- License and renewal fee
- Owner-occupancy requirement
- Limit the number of days a unit can be rented
- Limit STRs to certain areas
- Separation requirements between STRs (existing units would likely be grandfathered)
- Inspection requirements
- Permit revocation based on number of complaints per calendar year
- Requirements for on-line platforms to assist in regulations
- Parking requirements

Staff have spoken with a representative from the NLC as well as from the Oregon Restaurant and Lodging Association. Neither of these entities is requesting that STRs be banned. Rather, the request is that they are regulated to mitigate negative impacts to neighborhoods. ORLA indicates that the most effective city regulations are ones that include accountability for the online

platforms, ensuring that they play a role policing the illegal rentals. For example, requiring hosting platforms to prohibit booking any service transaction without proof of a license from the municipality. Additional limitations, such as the number of days a unit is to be rented, could also be the responsibility of the platforms. Cities that have implemented ordinances with such language include San Francisco, Santa Monica, Los Angeles, Boston, Washington DC, and Honolulu.

In reviewing regulations in other communities, the requirement for owner occupancy is common, as is the requirement for licensing and annual renewal. The licensing and renewal fees are utilized to run the program and implement the regulations. Requiring owner occupancy would preclude homes being bought by non-homeowners for the sole purpose of using them for short-term rentals. Some communities require an owner occupy the home a specified number of days to determine owner occupancy, though confirming this may be challenging. Regulations could include a prohibition on license renewal if a specified number of violations occur within a calendar year. Additional information on local regulations and geographic distribution of STRs will be provided at the work session.

If council is interested in regulating short-term rentals, the existing business license program could administer STR regulations. Amendments to Chapter 3 could begin with a public hearing with council's direction. Staff note that a land use process would be required to make amendments to parking requirements contained in Chapter 9.

#### **PREVIOUS COUNCIL DIRECTION**

None

#### **COUNCIL OPTIONS**

This work session is informational only.

#### **CITY MANAGER'S RECOMMENDATION**

There is no recommendation at this time.

#### **ATTACHMENTS**

A. Short-Term Rentals; Issues and Possible Solutions

#### **FOR MORE INFORMATION**

Staff Contact: Lydia Kaye  
Telephone: 541-682-5482  
Staff E-Mail: [lkaye@eugene-or.gov](mailto:lkaye@eugene-or.gov)

# Short term rentals

## Issues and possible solutions

Eugene Public Library  
Adult Services

One of many phenomena enabled and expanded by the Internet is the platform for short-term rentals (STRs), by which those living in a house, apartment or other domicile rent that space for short periods to (usually) vacationers, often coinciding with their own vacations but increasingly done as a full-time business. Companies have sprung up online as middlemen who ease the transactions for host and customer, earning a profit themselves. As with other parts of the “sharing economy,” cities have struggled with properly licensing and taxing this activity, while managing or alleviating its effects. Some have so far done nothing, some have possibly tried to do too much. Among STR platform companies Airbnb is the dominant player, around whom most of the research and controversy pivots. Many studies cover STRs as a whole while inevitably centering on Airbnb, others specifically focus on that company. In what follows the industry and the particular company are usually interchangeable.

### STRs and the housing market

Do STRs, and in particular Airbnb, cause home prices and rental rates to go up? The kernel of the issue is the incentive of financial rewards. A homeowner can earn more from renting his property for various short terms than one long term.

A comprehensive paper by Barron, Kung and Proserpio analyzed Airbnb listings in the United States from 2012 to 2016, matched with house prices and rental rates from Zillow. They found that “a 1% increase in Airbnb listings leads to a 0.018% increase in rents and a 0.026% increase in house prices.” And there is a general increase in the supply of short-term rental units, and a corresponding decrease in long-term rental units. They are careful to account for all factors at work, and nuances such as the variance between and within zip codes (the more affluent, and less owner-occupied, homes are more likely to become STRs, though another paper finds STRs more prevalent in slightly lower-income areas). They put forward a mild recommendation of trying to limit the favoring of short-term over long-term rentals via an occupancy tax on those who rent their entire home for an extended period, and of requiring proof of owner occupancy to avoid this tax.

A study by Merante and Horn puts it in terms only a statistician could love: “...a one standard deviation increase in Airbnb density (in a census tract) is correlated with a 5.9% decrease in the number of rental units offered for rent.” One twist they found is that almost half of the Airbnb-listed units in Boston are by those with more than one simultaneous listing, frequently the case in larger cities and a source of ire for the more opinionated authors.

Ariel Stulberg’s 2015 study in *The Real Deal* focusing on New York City mentions a study by NYU’s Furman Center that removing a figure that hovers around 1% of the housing stock results in median rent rising by 1.2 to 2.3 percent. TRD’s own analysis found that in different clusters of NYC neighborhoods, if Airbnb listings became regular rentals, the median rent would drop by \$37 to \$69, \$39 to \$67 and \$30 to

\$57 (starting from around \$3,000; this is New York City after all). Airbnb disputed the numbers and did its own (unavailable) study which found rent increases of only \$6 per month. The article admits to complications arising from gaps in data and in the end characterizes its findings as “a back-of-the-envelope approximation.”

An advocacy organization, Los Angeles Alliance for a New Economy (LAANE) released a study in March 2015 that is urgent in tone, tying Airbnb to higher rents and thousands of units being taken off the market. They find that neighborhoods with “Airbnb market density” (stopping short of a specific figure) have average rents 20% higher than the citywide average. A figure (p.19) comparing median rent between Airbnb top neighborhoods and citywide median rent over a two-year period shows the former climbing by 16%, the latter by 12%. Predictably, the top Airbnb areas are the most touristy (p.29), and here the incentives are felt most keenly. As an example they mention an apartment complex (p. 16) in Venice Beach listed by Coldwell Banker for sale, contrasting the \$200,000 potential annual income expected by renting the units (and they are rent-controlled) versus a possible \$477,000 per year assuming a total conversion to Airbnb units—a worst-case scenario in their opinion.

Sheppard and Udall of Williams College rely entirely on modeling and speculation to conclude that “doubling of the total number of Airbnb properties within 300 meters of a house is associated with an increase in property value of 6% to 9% (depending on model specification)” (p.41) and that having Airbnb properties “nearby” increases a house’s price by from 3.5% to 65% (p.42). The fact that these conclusions are reached by theory alone—and are the only two readable sentences in the paper—hasn’t stopped them from being cited by other authors.

In a complicated paper, David Wachsmuth and Alexander Weisler of McGill University argue that by creating a “rent gap,” the presence of Airbnb leads to gentrification, at least in New York City. They cite another study which contends that “the 20 neighborhoods most popular on Airbnb have lost 105 of their rental units,” lowering the availability for residents. This more limited point has been noted in other sources as well as their contention about gentrification, viewed as negative.

A report focusing on Oakland found that neighborhoods in that city with the highest Airbnb density have less rental vacancies. They present a pair of tables (p.12) which, while the visual match isn’t perfect, show a correlation between Airbnb reviews for entire home listings and rent price increases in the city’s Bushrod neighborhood. Nevertheless they make a leap from Oakland having a housing crisis to STRs being responsible, painting a picture of “neighborhoods under siege” (p.10) while noting early on that the area was experiencing a growing demand for housing even without STR companies to “burst onto the scene.”

It’s logical that an inelastic housing supply with an increasing housing demand will result in shortages and higher selling prices and rents, even without the impetus of STRs. Currently there are anecdotal reports of investors buying properties in Eugene intending them for use as STRs, raising the specter of shrinking the housing for residents. This author knows one person whose tenancy was terminated after his landlord opted to use his building exclusively for STRs; another resided at an upmarket complex downtown whose tenants have received strong suggestions from the owners that they should “make use” of their apartments as STRs when they vacationed.

The degree of price increase posited by Barron, Kung and Proserpio may be less alarming than that in other studies as they have taken a very high resolution view, though even after all other factors are figured in, Airbnb still explains part of the increase in rent. There is no necessary connection between an

expensive STR and the monthly rates paid at the next residence. It's when a long-term unit becomes a short-term unit (conversion) that pressure is exerted on rates.

**The effect of home-sharing on house prices and rents: Evidence from Airbnb.** Kyle Barron, Edward Kung, Davide Proserpio. SSRN, July 2017/June 2019.

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3006832](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3006832)

**Is home sharing driving up rents? Evidence from Airbnb in Boston.** Mark Merante, Keren Mertens Horn. Dept. of Economics, University of Massachusetts Boston. 2016.

[http://repec.umb.edu/RePEc/files/2016\\_03.pdf](http://repec.umb.edu/RePEc/files/2016_03.pdf)

**How much does Airbnb affects rents in NYC?** Ariel Stulberg. The Real Deal. Oct. 14, 2015.

<https://therealdeal.com/2015/10/14/how-much-does-airbnb-impact-nyc-rents/>

**Airbnb, rising rent, and the housing crisis in Los Angeles.** Roy Samaan, LAANE. March 2015.

<https://www.laane.org/wp-content/uploads/2015/03/AirBnB-Final.pdf>

**Do Airbnb properties affect house prices?** Stephen Sheppard and Andrew Udell. Williams College Dept. of Economics. Jan. 1, 2018.

[https://pdfs.semanticscholar.org/c41a/555192f8b8a63413cfd461f4295b95123e6f.pdf?\\_ga=2.1525041.1044339924.1566438551-620960455.1566438551](https://pdfs.semanticscholar.org/c41a/555192f8b8a63413cfd461f4295b95123e6f.pdf?_ga=2.1525041.1044339924.1566438551-620960455.1566438551)

**Airbnb and the rent gap: Gentrification through the sharing economy.** David Wachsmuth and Alexander Weisler. School of Urban Planning, McGill University. July 7, 2014.

<https://davidwachsmuth.files.wordpress.com/2017/07/wachsmuth-weisler-airbnb-draft.pdf> (This link is to the draft. The .pdf at Researchgate cuts off some of the text on the right edge.)

**The impact of short term rentals on affordable housing in Oakland: A report and recommendations.** Dessi Mia Carbajal. Community Economics, Inc and East Bay Housing Organizations. December 2015.

<https://www.naceda.org/assets/EBHO%20Short%20Term%20Rental%20Impact%20Report.pdf>

## Economic and other impacts

Short-term rentals create impacts other than on the housing market, some financial, some involving the quality of life in a city and its neighborhoods. STRs in this context are bound up with discussion of the tourist industry and accommodations sector of local economies.

Russ Klettke of the Vacation Rental Management Association paints a predictably rosy—not necessarily false—picture of the economic benefits to communities from vacation rentals (Airbnb is not specifically mentioned), noting economic activity in general and job creation in particular. It should be mentioned

that research conducted for the “numerous studies” he cites was conducted by industry players themselves including Airbnb and Homeaway. He plausibly notes that visitors patronize all manner of local businesses during their stays; a contractor in the Poconos resort region estimates \$1 million in spending per year by guests in the area. Even a nondescript location like St. Joseph, Michigan, by the author’s estimation, has 300 workers servicing STRs.

Cited by Klettke above, a 2015 study by NUSIPR looked at the economic impact of STRs in San Diego, analyzing data from the 2014-2015 fiscal year. 6,100 STR units (at the FY end) generated \$110.3 million in lodging revenue and another \$86.4 million in visitor-related spending, with a total economic impact of \$285 million and supporting 1,842 jobs. Transient occupancy taxes collected came to over \$11 million. Significantly, in light of anti-STR lobbying efforts by the hospitality industry, hotel occupancy rates and revenues do not seem to have been affected.

Also cited by Klettke is a study of STRs’ impact on Galveston, TX, this too by a STR trade group. It found that in 2013 STRs created \$283 million (out of a visitor-related total of \$951.8 million) in economic activity and accounted for 3,100 jobs. Galveston is heavily dependent on tourism: “Tourism-generated tax revenues, not including hotel occupancy tax revenues, accounted for more than half of the City of Galveston’s General Fund budget of \$42.9 million in 2013.” Based on the numbers above it could be stated that STRs contributed a bit under a third of that half. Guests at STRs enjoy a cost savings compared to hotel stays, yet the report does not mention an adverse effect on the local hotel industry and the table of indicators (p.3) does not seem to reflect it.

A short regional committee document from Nevada presents some raw numbers from Las Vegas, likely from 2015, showing total Airbnb room revenue of \$19.5 million, subject to a room tax rate of 12% and yielding \$2.3 million to local coffers. Interestingly that city did not have a Community Compact with Airbnb, which the company itself claims would result in more tax revenue collected.

In contrast, Josh Bivens and the Economic Policy Institute, focusing specifically on Airbnb, posits that the company’s costs outweigh its benefits. More precisely, “the costs to renters and local jurisdictions likely exceed the benefits to travelers and property owners.” Among his points are that travel and its associated spending will happen whether or not accommodation is with Airbnb, so economic benefits are overstated; travelers don’t save very much; tax payments are less reliable; and externalities damage the quality of life for those near Airbnb locations. He sharpens his political ax in speculating that since most housing wealth is held by whites (p.8) they will disproportionately enrich themselves further.

Dan Bucks also disagrees that Airbnb is a good deal for localities and says the agreements between the company and local governments actually result in lower compliance (to below 37 per cent). Part of the reason is that Airbnb is selective about distributing 1099 reports, which reduces compliance by 56 per cent. He is also among the many who criticize the company for its secrecy, the voluntary agreements with states and localities asking as a mask to prevent further inquiry. He gives further examples of tax chicanery by which risk is passed from Airbnb to others, and recommends far more transparency from Airbnb and independent auditing of their accounts.

Many of the cited sources allude to negative externalities that can be realized by long-term residents when STRs are prevalent in an area. An article by Nicole Gurran and Peter Phibbs reviews the effects of STRs on Sydney, Australia, a city that experiences not only a heavy influx of tourists, but of younger travelers who would rather sojourn in a “neighborhood” than a hotel. This article is one of the more convincing in positing a link between a high number of STRs and a tighter housing market with higher



rents. The comments on externalities (p.87) are representative of those in other sources: Partying and noise, extra garbage and parking congestion, especially when happening repeatedly, can degrade the quality of life for residents. A more subtle and pervasive change, though, is one they note from another source: "...a more general disquiet about the increasing presence of visitors in the neighborhood..." The parade of new people week upon week in the same premises brings "a feeling of unease"—as a stable neighborhood takes on the character of a transient one.

**Advocacy series: Vacation rentals generate jobs, local economic stability.** Russ Klettke. Vacation Rental Management Association. April 23, 2019.

<http://advocacy.vrma.org/blog/vacation-rentals-generate-jobs,-local-economic-stability>

**Short-term rentals in the city of San Diego: An economic impact analysis.** National University System Institute for Policy Research. October 2015.

[http://www.nusinstitute.org/assets/resources/pageResources/NUSIPR\\_Short\\_Term\\_Rentals.pdf](http://www.nusinstitute.org/assets/resources/pageResources/NUSIPR_Short_Term_Rentals.pdf)

**The local economic impact of short term rentals in Galveston, Texas.** TXP, Inc. Fall 2014.

<http://www.stradvocacy.org/useruploads/files/Galveston-STR-Report-FINAL-101314.pdf>

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## Legislative and administrative responses

Legally and administratively, how have cities dealt with STRs and their growth? A frequently adversarial relationship has grown between participants in the industry and nonparticipants, with local governments caught in the unhappy role of a mediator who welcomes a piece of the potential rewards but must try to preserve the character of its neighborhoods and the quality of life of its permanent citizens. The platform companies are often seen as the villains, and their distance from the consequences of their policies can blot their reputation, while coalitions against them can be unstable marriages of convenience. The bete noir, Airbnb, has not been consistent itself. The company obstructs efforts to monitor it yet at other times seems cooperative and eager for cities to share in the wealth. In 2015 it created a Community Compact by which the company partners with cities by collecting and remitting taxes to them.

An article by Dana Palombo, as well as providing a good introduction to the sharing economy and STRs, details two opposing approaches to Airbnb, specifically by New York City and San Francisco. Leaders in NYC have opted for a restrictive approach aimed to preserve the city's economic stability while SF—the company's birthplace—has chosen to work with Airbnb and accept a certain amount of volatility.

NYC has legally fought Airbnb as “illegal hotels” while Airbnb—their appeals tailored to present the company as a possible abettor of social programs—has offered to collect the requisite taxes, claiming the city is missing out on up to \$65 million. Much hinges on the inability of cities to glimpse Airbnb's true earnings. It's also felt they should be more forthcoming about the fact that they do not insure hosts or guests, though their terms do explicitly mention that the parties they “match” should make such arrangements on their own.

NYC has some unique zoning laws that Airbnb runs afoul of, but at little cost, as violations are difficult to detect and enforce. An approach that would back off and acknowledge that STRs are going to operate anyway would also allow collection of taxes, a sore point for hotel operators who resent the break STR hosts are getting.

The relationship between Airbnb and San Francisco has been less adversarial. With STRs legalized there after rocky beginnings, Airbnb has maintained it wants to follow the law and collect the 14% tax, allowing the city to collect (by one estimate) \$274 million from STRs and—as elsewhere—soothe hotel operators by seemingly leveling the playing field. “The city is accepting home-sharing, but on its own terms through restricting regulations.” (p.313) Among other things a STR host is limited to renting 90 nights per year, and restricts renters from themselves renting out, which would violate their lease. As in Portland (p.317) Airbnb, whether as image-polishing or as a genuine effort, is trying to foster a relationship with the city's citizens and entrepreneurs as more than mercenary, via their Shared City initiative.

With the tempting financial incentives of STRs to homeowners, municipalities may not have a choice of whether to “allow” them. Listings can overwhelm an enforcement apparatus with sheer numbers even when clear rules are in place. Despite an ordinance “among the toughest in the country” which entails licensing, registration and a list of prohibited buildings, Chicago is beset with illegal rentals via Airbnb and other vendors.

It may be worse in Portland (who ironically, reached an early agreement with Airbnb), partly because the permit is so expensive (\$178 to rent one or two bedrooms, up to \$5,000 for three to five) and the rules so stringent, partly because the city has not been able to obtain the rental companies' data. That most hosts do pay the taxes on their earnings implies they are not scofflaws and that an adjustment of the ordinance would turn them "legal." It is difficult to tell if harm is being done, despite a Willamette Week article speculating that if the illegal Airbnb rentals disappeared, "as many as 1,718 homes could be made available to Portland residents instead of tourists." (They don't bother to add up the total days into a figure for full-time rentals.) Hosts without permits in Petaluma, CA also voiced concerns about the bureaucratic process inflicted on them, and considered the fees in addition to high property taxes to be somewhat of an insult added to injury.

New Orleans' French Quarter, likely a ground zero for STRs even before Internet-based platforms, has seldom enforced its ban on rentals under 60 days, and given the enduring nature of the practice in that city, coming to an arrangement that allows collection of revenue may be a nod to reality. Nevertheless the same battle as in other cities is being replayed, with a ban on STRs in the French Quarter and a temporary ban on issuing of licenses for whole-home rentals as of late 2018.

The three instances in which cities can collect fees from STR hosts have been handled very differently even among large cities, as a chart in a Hurdler article compares New York City, Los Angeles, San Francisco, Chicago and Austin. Three of the cities don't even charge for a business license. Several have taxes that seem nominal compared to the 14% Transient Occupancy Tax charged in Los Angeles and San Francisco, yet San Francisco may be one of the compliant locations due to better relations between Airbnb and that city. The Oakland report above notes that STR businesses in that city had not been subject to the TOT until the city signed an agreement for Airbnb to collect the tax (the Community Compact). Even with that in place, they find what Airbnb is turning over is not the full amount. The Stulberg article mentions a possible pressure point, at least for properties fully given over to STRs: If a property is a de facto hotel it can be designated "commercial."

A balance may have to be struck between what can be realistically collected with the costs of monitoring compliance by hosts—which leads to another example of sharing economy entrepreneurship: Vendors who will monitor STR compliance for cities. Eugene and various other Oregon cities have availed themselves of this service, according to an August 2018 news story.

Given that keeping STRs, and Airbnb, out altogether is a tall order, some cities have opted for measures to limit their impact. One means is to sequester them by restricting licenses to certain sections of town; the other somewhat opposite approach is to limit their density, thus dispersing them. At least a couple of communities in Oregon (see below) have gone these different routes.

The Internet-based STR business model is so new that cities' code responses have had to start from scratch, with first-try ordinances often being modified. Based on the above examples and others, the most effective legislative approach may be to require a reasonably priced license, have streamlined processes that don't overly inconvenience the hosts, and have monitoring that doesn't overstrain local government resources but which assures collection of taxes. Because crafting effective legislation can take several tries spread over months or years, the process should begin soon in order to take advantage of opportunities in the near future.

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## **Attitudes toward STRs and Airbnb**

Anyone hoping to create policies on STRs will have to address strong opinions held by the public regarding both the practice and its dominant platform. Among many factors that can shape these opinions are evidence, self-interest, group membership, and personal visions that predate the other three.

“Independent visual storyteller, community activist and technologist” Murray Cox’s Inside Airbnb site uses datasets that those with computer skills can use to analyze the company’s impact in various cities in the United States and worldwide. He also has a number of highly critical and contentious articles about negative aspects of the company’s presence, for instance as a gentrification tool favoring whites over blacks.

Airbnb Citizen, by contrast, has dozens of articles highlighting positive impacts the company has made for hosts, guests, localities, even whole nations. It’s hardly a revelation that Airbnb Citizen is a product of Airbnb itself. With attractive design and a seeming requirement for anyone in a photograph to be beaming joyfully, it backs up claims in the articles with statistics, but no peeks behind them for methodology or data. To be fair, some articles provide links intended to help hosts comply with local rules, and topics such as accessibility to the disabled are covered.

The Airbnb Analyst lands somewhere in between the two opposing sites, though its articles lean more toward the critical. They feature stories on every topic of contention involving the company, although the stories are not quite fresh (nothing past 2017). Their factsheets are aimed at providing information for those looking to regulate STRs, and its author is an innkeeper in Portland.

AirDNA is a fee-based tool apparently aimed at STR entrepreneurs whose “unlocked” (free) search allows a search by city to show a map of STR locations; general statistics on average price, occupancy rates, revenue, rental size and amenities, as well as a breakdown by platform (at the moment in Eugene, it’s 84% Airbnb, 6% Homeaway, 10% both). These are just numbers and can be used by both friends and foes of Airbnb and STRs.

It can be argued that Airbnb Citizen’s tools for persuasion come from the potential, while Inside Airbnb’s come from the actual. Inside Airbnb points out that Airbnb Citizen advances the interests of Airbnb and that its studies are framed to flatter the company, and is among many who mention Airbnb is unforthcoming with the actual data behind what amount to press releases.

But the downsides pointed out by detractors are sometimes “potential” as well. Many of the studies cited make claims that are not disproven, but might be accepted in a milder form. It is difficult to separate out all relevant factors. The study by Barron et al is the most complete study of the housing

market aspect, and the problem looks less severe when viewed with the most exacting lens. In several cases, authors merely juxtapose a local housing crisis with the presence of STRs, the correlation seasoned with emotive language. The very subtitle of the Portland Auditor's report includes "effect on housing crisis unknown."

The LAANE report cited above, something of an activist battle cry, is frequently cited by other authors who are critical of STRs and especially Airbnb. Among them is Dayne Lee in Harvard Law & Policy Review who details a very real housing crisis in Los Angeles and the likelihood that part of this may be due to STRs and Airbnb, then appends a host of other social problems to the platform. As in the case of many others, he only gives a nod to the other end of the problem: "...neither the market nor the public sector can swiftly replenish the housing stock, given the time, cost, and legal barriers to developing affordable housing in Los Angeles." (p.235)

Where he cites the LAANE report, it is at second hand via its mention in an article in Curbed about one successful STR entrepreneur—or group of entrepreneurs—who rent out 78 units in Los Angeles. The Curbed article itself points out, in turn via the LAANE report, that a majority of Airbnb listings in LA are for whole dwellings, and that many hosts don't make any money. After that the author's personal distaste takes over as he sniffs at the owners' organizational background, and the fact that their two public faces for awhile were two white women.

The libertarian Cato Institute, by contrast, favors institutions and policies that give people more choices and allow more decisions to be made noncentrally. So they favor a governmental response that is least meddlesome while allowing transactions that don't do harm to others. They are quick to cite the paper by Barron et al since those authors' research ended with the least apocalyptic picture of STRs' effects on the housing market—the effects are real, but smaller than some think. Even Cato doesn't think STRs should be unregulated. On this issue and others, they frequently address negative externalities, and feel they should be paid for by those who impose them rather than by a cost levied on everyone.

A disruptor entering an established industry or business model always has opponents among the incumbents. In the case of STRs there has been pushback from the hotel industry, which has allied with activist groups in an otherwise unlikely pairing, united in opposition to possible loss or downgrading of jobs. As seen above, it is debatable whether hotels have suffered at all due to STRs. And during tourist seasons or irregular, highly popular events, both venues will likely fill to capacity. The Cato Institute points out the hotel lobby's disingenuous outrage about hosts with multiple STR listings, and their vested interest in this stance. Again in the LAANE report, the authors are shocked that jobs in the hotel sector may be lost and take a consumerist tack, portraying Airbnb rentals as looming deathtraps in comparison to sparkling, safety-conscious hotels. Dan Bucks' report, highly negative about Airbnb, was written under the auspices of the American Hotel & Lodging Association—though his criticisms draw on expertise in tax regulation rather than fervent emotion.

#### **Inside Airbnb: Adding data to the debate**

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**The face of Airbnb, New York City: Airbnb as a racial gentrification tool.** Murray Cox/ Inside Airbnb. March 1, 2017.

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## **Airbnb Citizen**

<https://www.airbnbcitizen.com/>

## **The Airbnb Analyst**

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**How Airbnb short-term rentals exacerbate Los Angeles's affordable housing crisis: Analysis and policy recommendations.** Dayne Lee. Harvard Law and Policy Review. 2016.

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## **Oregon, specifically**

A major document by Sadie Dinatale and the University of Oregon's Department of Planning, Public Policy and Management (2017) reviews the issues with short-term rentals as they pertain to Oregon and offers suggestions on how to respond to them. Its Appendix B gathers statistics from ten resort and coastal towns in Oregon, which indicate a general financial motive for owners to operate STRs. Appendix C shows the legislative approach taken in each case, followed by an industry summary for all Oregon cities with Airbnb. Very few showed no revenue for the period covered; Portland showed \$64 million+, Eugene \$8 million+, but figures did not necessarily rise in tandem with population. Many of the communities with higher revenue were small, and located on the North Coast (p.19).

In the year covered, SRT hosts earned \$82 million, on which the state via its 1.8% transient lodging tax (TLT) earned \$1.5 million. Aligning with other studies, they find STRs are likely reducing the supply of long-term housing as STR growth increases faster than construction. The financial incentive favoring them is greater in resort communities.

There is both a short version (p. 8-10) and a long version (p. 28-43) of the author's conclusions and recommendations. A couple of minimums are that STRs should have a licensing requirement, and that they should pay fees and taxes. She points out the state's imposition of the transient lodging tax (TLT) and that cities can impose it also. But many cities do not, and some that do haven't told Airbnb and



other platforms about it (p.22). Input should be gathered regarding regulations and—as implied in cases above—they should be clear and enforceable.

The author found (p.16) that outside of the Central Oregon and North Coast regions, Airbnb accounts for only 1% of the housing stock. However, plausible speculation would find Eugene to be an area of potential growth since the city is only an hour's drive from the coast, and hiking and backpacking is not unknown in the Eugene area itself. Not to mention a couple of athletic events on the horizon. Perhaps surprisingly, STRs are more common in lower-income neighborhoods. In most cases the STR is an entire home, and only 13% are apartments (p.18).

The author favors a general principle of shared regulation (p.28-29) for Oregon communities, and this seems to dovetail with that approach most successful in other cities. It spreads responsibility among community members, business people, policy makers and others, striving for a midway point between self-regulation and centralized regulation, not requiring either regulators or regulated to be angels.

It is necessary to have clear definitions of STRs and the different types, with specific numbers such as days rented per calendar year (p.29-30). This not only makes the law exact but specifies when taxes can be collected. Aligning with many other sources, the author indicates an outright ban is unlikely to work, while incentives to moderate them can be suitable to all parties. Enforcement (p.35-36) must strike a balance between hands-on and hands-off. Again echoing the experience of other cities around the nation, she notes that fines and other recriminative measures against violators are generally not too effective.

Even though she calls it “A typology for smaller jurisdictions,” the author’s table on p. 40-43 seems helpful for those crafting regulations in a community of any size. Options are listed in summary form allowing simultaneous comparison by a group, and each given a grade.

Bend and Hood River are examples of communities that have developed clearly written policies and guidelines. Available at the city of Bend’s website is input gathered from citizens and interested parties showing a (not necessarily representative) sample of concerns collected by a task force that made recommendations to the City Council.

Policies can be changeable: In 2016 Hood River modified its policy with an ordinance to limit STR listings to permanent residents of the city, as it had been found that at least a majority of the listings had been from owners who did *not* live in the city. The ordinance only applies to residential zones and has a seven-year (!) grandfather clause. Comically, two council members were renting out their own homes and one resigned his position. The impetus for the ordinance was a lack of affordable permanent housing, specifically for employees of local businesses. Hood River’s public hearings on the issue highlight a variety of voices, not all of whom agree that vacation rentals and the housing shortage are related. A commentary in Hood River’s local newspaper last year says the housing affordability problem has worsened, connecting it partly to STRs continuing to increase as rules have again proven inadequate.

The problem of rentals by “absentee” homeowners is a recurrent theme. The greater tendency for owners distant from the dwelling to rent it out may be magnified in the case of resort communities. News articles show a clash between purported economic benefits and quality of life for residents, from gradual changes in neighborhood character to noise, garbage and congestion issues. Coastal communities have had to visit and revisit the concerns legislatively. Both Seaside and Cannon Beach have taken legislative steps to limit STRs, Seaside by designating sections of town not allowing them,

Cannon Beach by a numerical limit on the number of permits. Manzanita's hybrid approach is to limit the density of STRs in certain areas.

The surest statement that can be made about the STR landscape is that any response to it should be considered a work in progress.

**Assessing and responding to short-term rentals in Oregon: Enabling the benefits of the sharing economy.** Sadie Dinatale. University of Oregon Dept. of Planning, Public Policy, and Management. 2017.

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