

Communication from Public

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Comments for Public Posting: Please see attached Letter.

November 2, 2023

Los Angeles City Council

Via email/Council File Management System

Re: October 4, 2023 Planning Department Enforcement Analysis of The Home-Sharing Ordinance (CF 14-1635-S10)

Dear Councilmembers,

After reading the report on the Home Sharing Ordinance (HSO), I'd like to provide an overview of actually what has happened with a Short Term Rental (STR) on our street and provide some recommendations.

A Case Study

My neighbors and I have found that however well-intentioned the ordinance has been as a means for homeowners to make a little extra money, in reality it has become a new business model for investors to make some quick money, with little regard for the neighbors, there is minimal enforcement, and few tough penalties utilized to incentivize compliance with the existing ordinance.

A home on our street was purchased by some developers. They never lived in the home and they immediately started using as a short term rental while they filed drawings with the City to redevelop the property with a much larger home. They did not have a Home Share Permit. The house was rented on weekends for large parties ranging in size from 30 to 100 people. The parties were loud and extended late into the night. At times cars lined the dead end hillside street blocking access to neighboring homes and emergency vehicles. Partygoers would leave trash behind, be seen urinating in neighbors yards and breaking glass bottles. The next day cleaning crews would come and pile up bags of garbage in front of the house. As the bags were not in garbage cans, no less at the curb, they would not get picked up, coyotes would rip the bags open and open piles of trash would soon form.

The home share hotline was repeatedly called to no avail. The police department was called for at least 20 incidents, however, due to pressing emergencies, often times they did not come, or they came after the party was over. The piles of trash were reported to Los Angeles Department of Building and Safety, which was over 3 years ago. However, looking at the LADBS online inspection status, the complaint still reads "pending scheduling" today. We provided the home share unit with online advertisements for the unregistered property. To the best of our knowledge this is the only citation that was issued.

We organized meetings with the Planning Department Home Share Unit, our local council office, LAPD, & LADBS, where we learned that the Planning Department has no enforcement arm, and LAPD and LADBS did not have the resources to take on this additional enforcement responsibility. Additionally, LADBS stated that they had no off

hours inspectors (the time when most problems occur), Home Share was a Planning Department issue and even if they did have resources, they could not enter the problem property without the owner's permission.

Eventually, the property was placed on the Zero Tolerance Party list by the LAPD, though no citations were issued based on this action. That said, the parties only stopped when neighbors filed a lawsuit against the property owner, putting a temporary end to the short term rentals.

To add insult to injury, the owner was rewarded with A Home Share permit for a guesthouse approximately 1 year later. When the Owner exceeded the 120 day limit of short term rentals and the neighbors reported this to the Home Share Unit, no one replied, however, an extended home share permit was granted thereafter and neighbors were only contacted about the extended home share permit after it was issued.

Our conclusion is that unethical operators understand that there are little to no consequences to operate illegally, and if you do get caught, just file for a permit. It is easy to come up with documents that satisfy the registration requirement, regardless of if you actually have ever lived at the property, and if you lay low, you will be rewarded with an extended home share permit, regardless of your past history, because only "citations" count, and it is very, very hard to get a citation. Furthermore, because there is no one enforcement arm, neighbors are left to figure out the city's byzantine system of responsibilities on their own, which ultimately leads to frustration and lack of accountability.

The Report

I think it should have been stated that the ability to use a residence as a short-term rental is a privilege, not a right.

I was disappointed to see that the report does not accurately describe the reality of how destructive STR's have been to some neighborhoods.

The claim that the number of illegal STR listings went down dramatically after enforcement of the HSO began in 2019 does not ring true from what we have experienced. "Enforcement" merely seemed to drive bad operators underground and off of mainstream online platforms. The rentals continued, despite numerous documented complaints to the Home Share Hotline, the Planning Departments Home Share division, our Council Office, LAPD and the City Attorney's Office.

I saw no mention in the report of short term hourly rentals of pools or yards, such as those found on platforms like Swimply.com, which can be just as problematic as overnight rental as they are often repeated party locations. While most people don't mind their neighbor having an occasional pool party, that is much different that living next to an unregulated pool party business.

The extended home share provision, should accurately be described as a zoning change; converting a long term rental into a short term rental. Its primary purpose is to maximize profits for the STR operator, not to help a homeowner earn a little extra money to get through hard times. For whole house rentals that can just as easily be done with a long term rental. Extended Home Share provisions constitute a zone change benefiting a few, but the consequences can be large. This provision allows long term rentals to be taken off the market, and a constant flow of transient lodgers disrupting otherwise quiet residential streets.

As noted in the report “the issuance of an administrative citation for violation of the HSO is a complex and time intensive process, involving the coordinated efforts of several City agencies and their vendors”. The appeal process adds to that delay, and the fact that additional citations cannot be added until existing ones are resolved, requires that neighbors withstand bad behavior for extended periods of time, and it unfairly limits the number of citations. Since the number of citations becomes important criteria in reviewing Extended Home Share applications, getting an accurate count of citations is important.

The following recommendations would improve the current STR situation:

Enforcement

- There needs to be a dedicated field enforcement arm to quickly respond to site conditions, especially during nighttime hours. Someone who could witness problems, issue tickets and work with LAPD and LADB and LAHD on larger issues.
- The City must reserve the right to enter short-term rentals as a condition of granting a STR permit
- Complaints need to be dated, trackable online by the general public, and assigned to one individual who can be contacted. The current organization of enforcement agencies diffuses responsibility to multiple parties, which leads to a lack of accountability and puts the responsibility of navigating a complex city bureaucracy for enforcement on neighbors.
- The process of issuing citations needs to be streamlined and accelerated if it is going to continue to serve as a basis for evaluating permit holders, and allowing more than one citation at a time should be allowed.

Organization

- Based on personal experience and the successes of programs in other cities, consolidating the administration and enforcement efforts related to short-term rentals into a single department is needed.
- In order to regularly review the performance of this new entity, I think it could benefit from a citizen oversight group, much like the Community Police Advisory Boards that works with LAPD.

Changes in the Ordinance

- Only hosted rentals should be allowed in residential zones and especially in Very High Fire Hazard Severity Zones. Many conditions of the current ordinance are very difficult to enforce. Hosted rentals are less likely to receive complaints as the homeowner is also present and can witness problems and intervene before they get out of hand.
- Allowable nights should be reduced to 90 at most. The transient nature of allowing STR's every night of the year has a negative impact on residential neighborhoods.
- Film permits should not be issued at homes with short-term rental permits. Repeated nonresidential uses need to be viewed together, not separately. Their cumulative impact has an adverse effect on quality of life.

Sincerely,

Wayne Schlock