



## **Editorial**

# **Short-term rentals deserve long look**

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Early this week, City Councilor Rebecca Wurzbarger raised a seasonal question: enforcement of the ordinance against short-term rentals of Santa Fe homes. In so doing, she might do some long-term good: The law needs a fresh look.

Today, it's a violation of the zoning code to rent out your home for less than 30 days. Some good arguments have been made for that restriction on property rights: The neighborhoods of our community should be places of stability, not subject to the upheaval of folks traipsing in and out every few days, cramming the streets with bunches of cars and treating a single-family residence like a motel, with noisy parties and the like.

But if those are real problems -- and we doubt that they're really big ones -- shouldn't they be a matter for our police and parking enforcers?

Vacation rentals aren't cheap: They tend to start at around \$200 a day. Folks paying that much are likely to behave well as they explore Santa Fe from the residential point of view. If a gang of rowdies descends en masse on a quiet home and ignores neighbors' pleas for peace and quiet, we've got ordinances for bringing 'em up short. Apply those laws on a case-by-case basis.

But outright outlawing of vacation rentals? With fines of up to \$500 a day, or even 90 days in jail? That seems a bit draconian for a community like ours, which, summer after summer, offers visitors a vast array of cultural attractions in a cool and laid-back setting. Strolls through our older neighborhoods are part of the appeal; those responding to it contribute to our economy.

To be sure, casual rentals are tough for City Hall to keep track of, and to tax -- and therein lies another issue: Our city's hotels and motels collect, and pass on to the city and state, gross-receipts and lodging taxes -- totalling nearly 14 percent. Can City Hall be sure the individual homeowners and vacation-rental businesses are paying those taxes as they should be?

Surely city officialdom, for whom tax collecting comes second nature, can figure out a way to identify, and pounce on, people profiting in short-term rentals. An ordinance legalizing such rentals could contain language requiring registration from homeowners who want to dabble in such business.

That gets back to Councilor Wurzburger's concern: enforcement. The ban on short-term rentals isn't being fairly or effectively enforced, she says -- and she's probably right. Would a new, permissive ordinance be any better enforced? We think it would be -- by default, perhaps: When something's illegal, whoever does it tends to operate in the dark. When something is legalized, regulation follows -- and the long arms of the law and the bureaucracy gain a grasp.

It's too late for the City Council to pass an effective law for the Santa Fe summer so fast approaching. But it's high time, we think, for our elected officials to consider legalizing short-term home rentals.

Surely the practice is allowed in tourist towns like ours -- in the United States or maybe overseas. How can such a practice be allowed with minimum inconvenience to neighbors? Might we learn from other communities' experiences?

Our politicians make a fuss, from time to time, about the need for small in-home businesses. Whether short-term rentals rise to that level, or whether they're just a way for a family to recoup some of the cost of vacationing elsewhere, they merit more sympathetic consideration than they've gotten from the City Council so far.

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