

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2015-89**

3 **INTRODUCED BY:**

4
5 Councilor Joseph Maestas

6 Councilor Peter Ives

7
8
9
10 **RESOLUTION**

11 **DIRECTING STAFF TO ANALYZE THE CURRENT LAND DEVELOPMENT CODE,**
12 **CHAPTER 14-6.2, AND MAKE RECOMMENDATIONS WITH RESPECT TO SHORT**
13 **TERM RENTALS.**

14
15 **WHEREAS,** Santa Fe is a desired destination for various reasons such as outdoor pursuits,
16 culture, art, and music; and

17 **WHEREAS,** Santa Fe is regularly ranked at the top of many international and domestic
18 travels lists, providing substantial exposure and increased tourists to the City Different; and

19 **WHEREAS,** many people choose to stay in hotel rooms during their stay in Santa Fe, yet the
20 proliferation of other housing options has presented visitors with a plethora of alternatives when
21 choosing where to stay; and

22 **WHEREAS,** short term rental units have proven popular with visitors because of price,
23 amenities and location, among other considerations; and

24 **WHEREAS,** the city currently has 350 permitted short term rentals; and

25 **WHEREAS,** there appears to be many unpermitted short term rentals being offered within

1 the city of Santa Fe that are advertised on Craigslist, Airbnb and other, comparable websites; and

2 **WHEREAS**, unpermitted short term rentals do not contribute lodgers' or gross receipts tax to
3 the City, resulting in lost revenue; and

4 **WHEREAS**, the fiscal year 2014 Lodger's Tax Agreed-upon Procedures Report by
5 Barracrough & Associates, P.C. recommended: "The City of Santa Fe should reconcile the number of
6 licenses for short term renters with those paying taxes. The City of Santa Fe should reevaluate the
7 limit on short term licenses of 350 to ensure that this number is still appropriated today"; and

8 **WHEREAS**, even with the amendment of Section 14-6.2(A)(6), SFCC 1987 by Ordinance
9 2009-40, there appears to be a greater need for permitted short term rentals.

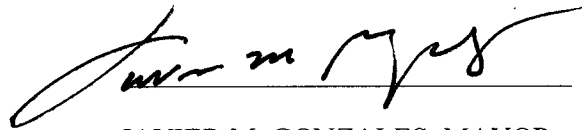
10 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
11 **CITY OF SANTA FE** that the Governing Body hereby directs staff to analyze the current Land
12 Development Code, review how other cities regulate short term rentals, and make recommendations
13 in the following areas:

- 14 1. The amount of short term rentals, including both permitted and unpermitted, believed to
15 be offered and used within Santa Fe.
- 16 2. The revenue lost to the City by means of gross receipts tax and lodgers' tax.
- 17 3. The violations of the current ordinance, the City's response to the violations, and how the
18 City can encourage greater compliance.
- 19 4. The staff required to provide necessary enforcement.
- 20 5. The penalty structure for operating without a business license and short term rental
21 permit.
- 22 6. Changes to the code that would produce increased efficiency in operation and regulation,
23 and greater compliance with adopted regulations.

24 **BE IT FURTHER RESOLVED** that staff is to determine if the City may develop a
25 definition of "room" for purposes of regulating short term rentals within municipal boundaries.

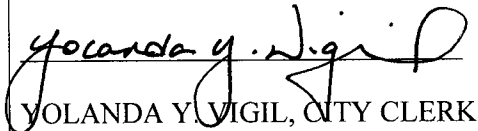
1 **BE IT FURTHER RESOLVED** that staff report their findings to the Governing Body sixty
2 (60) days following the approval of this resolution.

3 PASSED, APPROVED and ADOPTED this 30th day of September, 2015.

4
5 

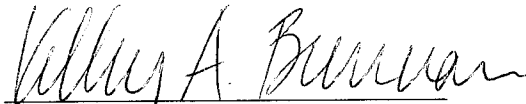
6 JAVIER M. GONZALES, MAYOR

7 ATTEST:

8
9 

10 YOLANDA Y. VIGIL, CITY CLERK

11 APPROVED AS TO FORM:

12
13 

14 KELLEY A. BRENNAN, CITY ATTORNEY