Short Term Rental Advisory Committee Minutes
Thursday, March 23rd from 4:00pm-5:30pm

STRAC Members in attendance: Atiyeh, Ganser, Gilfoil, Mayl, Sestrich, Winzenburg,

City of Denver Staff: Nathan Batchelder and Whitney Hixon from Excise and Licenses; Bob Dent from Treasury; Abe Barge from Zoning

I. Public Comment
   • No public comments

II. STR Licensing and General Figures Update
   • 1,263 listings licensed out of 2,754 total unique listings in the Denver Metro area
     o We are now at a 46% compliance rate which is a 10% increase since last month’s STR Advisory Committee meeting
   • Of the 1,058 Notice of Violations mailed out in February:
     o 68% (721) listings were removed
     o 23% (242) got licensed
     o 2% (18) were errors on EXL’s or Host Compliance’s behalf
     o 5% (52) were returned as undeliverable via USPS; we will red tag these properties by posting the violation on the door to hopefully get into contact with these owners
   • Moving forward, we will be reconciling our records with the Treasury Department to ensure all those who obtained their Lodger’s Tax ID also obtain their STR Business License, getting approval from the City Attorney’s Office on an administrative citation process and appeals process, and continuing data reconciliation with other departments and vendors

III. Administrative Citation Process Overview
   • Administrative citations are a very useful and common practice in the City of Denver used in multiple departments to enforce open container laws, dogs off-leash, trash, etc.
   • Currently brainstorming separate hearing process dedicated to STR violations that will be recorded and conducted in a docket-style format so multiple hearings can occur in one day without affecting the marijuana and liquor hearings calendar.
   • So far we have developed forms for appeal requests and scheduling orders and trained 3 Hearings Officers to preside over hearings
   • We are working with IT to set-up a payment system online for fines and filing appeals
   • Violations for licensed STRs can include more complex hearings related to show cause hearings or license violations.
   • Upcoming plans include revising the verbiage of the administrative citations and discussing cease and desist orders if an STR operator is awaiting a final decision of their violation appeal.
IV. Lodger’s Tax Update
- The Treasury Department is making progress with drafting an amendment to the Tax Code to allow for 3rd party tax collections so AirBnb can collect taxes on behalf of hosts
- The amendment will still need to go to City Council once a final draft has been developed
- Currently, most STRs are set-up to remit Lodger’s Tax quarterly, but it is still early on and Treasury will review and adjust filing frequencies on a case by case basis
- The Lodger’s Tax provides funding for the maintenance and care of facilities and goes to the General Fund
- Discussion of small business resources available for all business owners in the City and County of Denver, including STR operators.

V. Report from Primary Residence Sub-Committee
- Erin focused on collecting data to warrant if a Primary Residence requirement is necessary by looking into cities with similar policies such as Portland, El Paso, and Minneapolis
  - What does the primary residence requirement try to achieve, why, and is it effective?
- Cindy researched possible tools that could aide in the enforcement of the Primary Residence requirement
  - The Denver Elections Division provides publicly available data which reconciles Postal Service addresses every 2 weeks; this could be useful in researching where an operator actually receives their mail. They also mine CO tax records to create historical voting data revealing where a voter is registered.
- Mary Lou researched tax definitions and enforcement of Primary Residency to compile data from other cities.
- Because the burden of proof is on the City to provide documentation that an operator does not reside where they are licensed the Primary Residence Sub-Committee will continue their research efforts to find other methods of enforcement

VI. Other Items/Adjourn
- N/A