

ORDINANCE NO. 28 - 2021

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON
ACCEPTING APPLICATIONS FOR SHORT TERM RENTAL BUSINESSES
LICENSES THROUGH APRIL 30, 2022**

WHEREAS, Alamosa's Uniform Development Code ("UDC"), codified in Chapter 21 of the *Code of Ordinances of the City of Alamosa*, establishes a comprehensive means of regulating the use and development of property within the City of Alamosa, including short-term rentals; and

WHEREAS, Section 21-2-405 of the UDC simply requires a business license issued by the City of Alamosa to establish the use of a short-term rental; and

WHEREAS, Regulating short-term rental units is a complex balance of competing interests, such as tourist demand and revenue, individual property rights, the effect on attainable and workforce housing, and the impact of these short-term guests on permanent residents and local neighborhoods; and

WHEREAS, Council conducted a public hearing on Ordinance No. 25-2021, an ordinance amending Section 21-2-405 of the UDC to amend and strengthen short-term rental regulations at its meeting on December 1, 2021, and heard numerous comments concerning the proposed ordinance; and

WHEREAS, the City experienced a significant burst of applications for short term rental licenses between the October 2021 work session and the December 1, 2021, second reading of the ordinance (approximately 14 out of the current total of 35 short term rental licenses in the City came during this period), indicating a significant potential for persons attempting to become license holders prior to the introduction of regulations that may impact the availability of such licenses, and the potential for speculation in such licenses; and

WHEREAS, Council desires to further study the issues surrounding short term rental regulations and the best way to balance the competing interests noted above, and therefore tabled discussion of Ordinance No. 25-2021 and directed staff to bring a moratorium on the issuance of short term rental licenses for consideration at the December 15, 2021 regular council meeting; and

WHEREAS, Council meets on December 15, 2021, and then not again until January 5, 2022, making it impossible to put an ordinance establishing a moratorium in place meaningfully to address potential speculation in such licenses, as occurred during the current consideration period, except if such ordinance is passed on an emergency basis. Such speculation would run counter to the purpose of the balance being considered;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Alamosa, Colorado, as follows:

Section 1. Moratorium on new business licenses for short-term rental units. A moratorium is hereby established through April 30, 2022, unless sooner lifted by action of Council or made moot by the adoption of regulations governing standards for such businesses, on the issuance of business licenses for short term rentals. Business licenses issued for short-term rentals prior to the enactment of this moratorium may be renewed for the 2022 calendar year.

Section 2. Definitions: For purposes of this moratorium, short term rental business licenses are those applicable to rental of residential dwelling units for a term of less than 30 days. Owner-occupied short-term rentals or the short-term rental of accessory dwelling units associated with an owner-occupied property are classified by the UDC as a Bed and Breakfast Inn and not subject to this moratorium.

Section 3. Direction to Staff: Staff is directed to prepare information to present to Council at a work session to be held during this moratorium to consider issues related to regulation of short term rentals to further facilitate Council's understanding of the issue and the balance of competing interests involved in such regulation, in anticipation of possibly making adjustments to the regulations proposed in Ordinance No. 25-2021. Staff is further directed to suggest to Council a mechanism for the orderly taking of public comment at such work session.

Section 4. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 5. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 6. Publication and Effective Date. This ordinance is enacted by two-thirds vote of council members present as an emergency ordinance pursuant to the provisions of Art. III, Sec. 14 of the *Charter of the City of Alamosa*, and shall take effect immediately upon publication following passage. Publication after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 7. Declaration of Emergency and of Public Interest. For the reasons set forth in the above recitals relating to the potential for speculation in short term rental licenses, passage of this ordinance on an emergency basis is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

Section 8. NON-Codification. The City Clerk is directed to ensure that the provisions of this ordinance **ARE NOT** codified in the *Code of Ordinances of the City of Alamosa*.

INTRODUCED, READ, APPROVED, AND ADOPTED as an emergency ordinance
the 15th day of December, 2021, and ordered published by title and reference as provided by law

CITY OF ALAMOSA

By _____
Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk