

Why is effective enforcement so critical to a balanced solution?

On March 15, 2017, City Attorney Mara Elliott issued a memo saying that San Diego's permissive zoning ordinance prohibits vacation rentals. However, she added something else that usually is overlooked: "This Office appreciates that the Municipal Code, as currently written, does not allow the reasonable compromise our communities seek; a compromise respectful of those who wish to enjoy the quiet enjoyment of their homes and those who wish to take advantage of the innovation economy."

That balanced compromise won't be found until an enforcement system is adopted that:

- Provides impacted residents confidence that their complaints will be dealt with quickly and effectively.
- Fairly and effectively informs vacation renters what San Diego laws they are required to comply with and respect.
- Provides a way for complaints to quickly reach vacation rental owners/operators so they can inform renters that a complaint has been made so the renters have a chance to react before any penalties are assigned.
- Provides transparent, same-day, online tracking about the progress of complaints.
- Only involves City enforcement officers responding to investigate a disturbance in person when a follow-up complaint is made – and only after vacation rentals owners/operators have been given reasonable time to contact their renters.
- Provides a fine system for owners/operators and renters who – City enforcement officers determine - are violating local laws.

Vacation rentals today are a high-tech business. A high-tech partner is needed by the City to provide effective enforcement that will benefit everyone. Companies are eager to work with San Diego to set up the permitting system needed, create a workable database, expand the vacation rental presence of the City's website, and even make calls to 24/7 vacation rental owners/operators when a complaint is phoned into a City Vacation Rental Hotline.

Details on how such a system might work are on the next page.

Rapid, computer-based enforcement is the key to a lasting VR solution

This will eliminate the toxic environment that is a barrier to an enduring vacation rental solution. It will replace the current ineffective enforcement system with a computer/phone-based system coordinated by an independent enforcement company. It will provide same-day, rapid relief to impacted neighbors. Here's how:

1

Eliminate sworn police officers and Code Compliance officers as first responders for noise and nuisance complaints. Much more cost-effective than the current system, it opens the door to a true solution.

2

Partner with an STR enforcement firm to gather 24/7 contact information from permits for vacation rentals, including owner/contact name & phone number. The selection of this partner is critical to providing rapid, transparent relief from VR complaints.

3

Work with partner, platforms to build an online-based enforcement system

- Place "Good Neighbor" policy on rental applications, with short quiz.
- Use technology to create more responsive and improved enforcement.
- Use support from the City's enforcement partner to track complaints online in real time (see below).

4

Conduct a public relations campaign to inform citizens to check the City's vacation rental web pages and call a dedicated vacation rental hotline number with complaints to use this system.

5

Use staff from the City's enforcement partner, as well as a limited number of trained PISO officers, to be the first responders for complaints about vacation rentals.

Provide training to enforcement partner, PISO officers in ordinances specifically related to the likely causes of complaints. These include:

- Noise ordinances in residential zones.
- Parking ordinances.
- Trash pickup regulations.

6

Phone calls will function as the first responders to VR complaints.

- Following a complaint to the vacation rental hotline number, the enforcement partner (or a PISO officer) will call the VR contact.
- These calls will explain that a complaint has been made, detail the nature of the complaint, and explain ordinances that may apply.
- VR contacts will be urged to end violations and be advised that, if follow-up action is required, fines may be levied against the VR host and renters.

7

Track the complaint in real time.

Following the call to the vacation rental contact, the compliance partner or PISO officer will enter the incident number, the time of the call, and one of two automated messages onto the City's vacation rental web pages:

- Contact advised of complaint
- Contact did not answer (a violation of ordinance)

8

Complainant may call the vacation rental hotline number back if the disturbance continues 45 minutes after the time the incident number and message (above) was posted on the City website.

- At that point, the incident will be escalated to require an on-site visit by a field PISO officer within 30 minutes on the highest priority available.
- Complainants also can use software to document evidence of violations.
- Investigating officers can determine if fines/penalties are warranted and write violations on the spot.
- The incident will be updated on the City's website.

9

Incident reports will be forwarded to Code Compliance/City Attorney for future action, which will be recorded on the City website.