

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Aderhold/Davis

4 **ORDINANCE 23-61**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE TITLE 5 TO ADD CHAPTER 5.48
8 SHORT TERM RENTALS.
9

10 WHEREAS, The Council and the public are very concerned with the impacts of housing
11 availability on seasonal workers and year-round community members; and
12

13 WHEREAS, Short term rentals have been identified as one of many challenges facing
14 housing availability in the City; and
15

16 WHEREAS, The use of private residences has been a very common source of income for
17 property owners in the City which also supports our visitor-serving businesses; and
18

19 WHEREAS, Visitors staying in short term rental have many positive impacts, however,
20 they also consume City services in ways that are difficult to recoup financially when short term
21 rental owners fail to collect existing sales taxes; and
22

23 WHEREAS, The City has no existing regulations for short term rentals; and
24

25 WHEREAS, There is an interest to enact reasonable regulations related to short term
26 rentals to ensure that they are operated safely, not creating public nuisances, and are
27 remitting the appropriate taxes; and
28

29 WHEREAS, The Council intends for this to be an iterative process whereby the short
30 term rental regulations will be adjusted over time to best fit the needs of the community and
31 short term rental operators.
32

33 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
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35 Section 1. Homer City Code is amended to include Chapter 5.48, entitled “Short Term
36 Rentals”, to read as follows:
37

38 **Chapter 5.48 Short Term Rentals**

39
40 **Sections:**

41
42 **5.48.010 Definitions**

43 **5.48.020 Intent**

44 **5.48.030 Short Term Rental Permits**

45 **5.48.040 Permit Renewals**

46 **5.48.050 Nonconforming Uses**

47 **5.48.060 Public Safety, Noise, and Nuisances**

48 **5.48.070 Violations and Penalties**

49 **5.48.080 Appeal of Decision**

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51 **5.48.010 Definitions**

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53 **“Short-term rental” means a dwelling unit, or portion thereof, that is offered or provided**
54 **to a guest for compensation for a period of less than 30 consecutive days. Short-term**
55 **rentals may be in individual rooms in single-family homes, units in apartments,**
56 **condominiums, townhouses, and multifamily dwellings.**

57

58 **“Guest” means an individual, corporation, partnership or association paying monetary**
59 **or other consideration for the use of a short-term rental.**

60

61 **“Operator” means a person, firm, corporation, or other designated legal entity, who**
62 **offers for rent or otherwise makes available in the City dwelling units for monetary or**
63 **other consideration.**

64

65 **“Property” means real estate offered by an operator as a short term rental.**

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67 **5.48.020 Intent**

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69 **The intent of this chapter is to protect general health and safety of the public within the**
70 **City of Homer while ensuring short term rentals are operated in such a way that they pay**
71 **any applicable fees or taxes and do not create a public nuisance which decreases quality**
72 **of life for neighboring residences.**

73

74 **5.48.030 Short Term Rental Permits**

75

76 **a. Any owner wishing to make a dwelling unit available for use as a short term rental**
77 **must apply for and receive approval of a short term rental permit for each**
78 **intended unit.**

79

80 **b. An annual short term rental permit application shall be submitted on a specified**
81 **form or platform provided by the City before offering a dwelling unit for rent. The**
82 **application shall include a fee as set by the City Council in the City’s fee schedule.**

83

84 **c. No short term rental operator shall offer, advertise, or facilitate the short term**
85 **rental of property in the City unless the operator possesses a valid short term**

86 **rental permit. Any offer or advertisement for the short term rental of property in**
87 **the City that does not contain a valid short term rental permit number, or which**
88 **the City identifies as illegal, shall be immediately removed.**

89
90 **d. Required Information and Documentation: Applications shall provide:**

- 91
- 92 **1. Name, address, phone number, and email of the property owner, and, if**
93 **different from the owner, the short term rental operator.**
 - 94
 - 95 **2. A general description of the dwelling unit to be used as a short term rental**
96 **to include address, zone district, number of bedrooms, and available**
97 **parking spaces compliant with City code.**
 - 98
 - 99 **3. A 24-hour emergency contact residing within 50 miles of city limits.**
 - 100
 - 101 **4. State business license number.**
 - 102
 - 103 **5. Certification by the Kenai Peninsula Borough Finance Department in a tax**
104 **compliance certificate that the applicant is current in the payment of any**
105 **sales tax to the City and the Kenai Peninsula Borough.**
 - 106
 - 107 **6. Completed fire safety inspection form for the dwelling unit.**

108
109 **e. Permit Number: Short term rental permits will be issued a unique permit number**
110 **which must be displayed in all advertisements and public listings for the short**
111 **term rental.**

112
113 **f. Permit Renewal: Short term rental permits must be renewed annually and are**
114 **valid from January 1 to December 31.**

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116 **g. Transfer of Permits: Annual short term rental permits are transferrable between**
117 **owners with City Manager or designee approval, provided the use and operations**
118 **remain consistent. Permits are not transferrable between units or parcels.**

119
120 **5.48.040 Permit Renewals**

121
122 **a. Short term rental permits may be renewed starting November 1 each year using**
123 **the form or platform provided by city, and shall include a fee as set by Council in**
124 **City Fee Schedule.**

127 **b. Permits are eligible for renewal if the property and dwelling unit comply with all**
128 **applicable City regulations, taxes, fees are paid, and there are no outstanding**
129 **public safety or public nuisance violations.**

130
131 **c. Expired permits require a new application to resume short term rental use.**
132

133 **5.48.050 Nonconforming Uses**
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135 **a. Existing short term rentals with proof of operation and sales tax remittance to the**
136 **Kenai Peninsula Borough within the period between January 1, 2020 and**
137 **December 31 2023 will be exempted as non-conforming uses if they meet all other**
138 **short term rental standards, even if they are located in zones no longer principally**
139 **permitting such use.**

140
141 **b. Non-conforming short term rentals not used for 18 months or not permitted by**
142 **[DATE] will cease to be available on the property.**

143
144 **c. Approvals of non-conforming short term rental permits are transferrable to new**
145 **property owners upon request, provided updates are made to the information on**
146 **file with the City.**

147
148 **5.48.060 Public Safety, Noise, and Nuisances**
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150 **a. Capacity: Maximum occupancy for a vacation rental is two persons per bedroom**
151 **plus an additional two persons (e.g., a two-bedroom unit may have six occupants).**
152 **Children aged 12 and under are not counted toward the occupancy total.**

153
154 **b. Emergency Contact: The Emergency Contact provided on the permit application**
155 **will be shared with the Homer Police Department and all neighboring properties**
156 **within 300 feet of the parcel containing the permitted short term rental unit(s).**
157 **The permit holder must promptly notify the City of any changes to the designated**
158 **emergency contact information.**

159
160 **c. Fire Department Access: Properties with gated entries must have a Fire**
161 **Department approved device that allows emergency response access.**

162
163 **d. Noise: Short term rentals are subject to HCC 21.59.010 (b) regarding noise.**

164
165 **e. Nuisance: Any property with an unresolved nuisance complaint under HCC**
166 **Chapter 5.16 is ineligible for short term rental permit approval or renewal.**

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168 **f. Parking: Short term rentals must have sufficient off-street parking, validated by**
169 **the City planner or designee.**

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5.48.070 Violations and Penalties

- a. **Operating a short term rental without a permit, or in violation of this chapter, is unlawful.**

- b. **The City Manager, or designee, may revoke a permit for a short term rental upon finding one or more of the following:**
 - 1. **Negligence in responding to emergencies more than two times in a rolling 12-month period.**

 - 2. **More than two documented law enforcement violations related to the short term rental in a rolling 12-month period.**

 - 3. **Chronic non-compliance with the requirements this chapter’s requirements.**

 - 4. **Failure to pay required sales taxes to the Kenai Peninsula Borough.**

 - 5. **Failure to correct noted Building or Fire code violations.**

 - 6. **Documented, significant violations supported by citations, written warning, or other documentation from relevant authorities.**

- c. **The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court, and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.**

5.48.080 Appeal of Decision

Judicial review by the superior court of a final decision on a short term rental permit issued by the City may be had by filing a notice of appeal in accordance with the applicable rules of court governing appeals in civil matters. The notice of appeal shall be filed within 30 days of notice of the final decision on the permit. Appeals of short term rental permits are heard solely on the administrative record which shall be prepared by the City. A copy shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete of designated record or files a corporate surety bond equal to the estimated cost.

Section 2. Homer City Code 1.16.040, entitled “Disposition of scheduled offenses – Fine Schedule” is hereby amended as follows:

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Chapter 5.46 HCC	Special event – Permit required	\$1000
Chapter 5.48 HCC	Short term rental – Permit required	\$100 per day
HCC 8.08.020	Itinerant or transient merchant – License required	\$300.00

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215 Section 3. This Ordinance is of a permanent and general character and shall be
216 included in the City Code.

217

218 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2018.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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228 ATTEST:

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231 _____
MELISSA JACOBSEN, MMC, CITY CLERK

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233

234 YES:

235 NO:

236 ABSTAIN:

237 ABSENT:

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239 First Reading:

240 Public Hearing:

241 Second Reading:

242 Effective Date: