

Jomsky, Mark

Subject: FW: The Draft Code

From: Liane Enkelis <liane@lianeenkelis.com>

Date: December 11, 2017 at 3:20:34 PM PST

To: Margaret McAustin <mmcaustin@sbcglobal.net>, Andy Wilson <awilson@rextex.com>, Tyron Hampton <thampton@cityofpasadena.net>, Margaret McAustin <mmcaustin@cityofpasadena.net>, jkennedy@cityofpasadena.net, mmasuda@cityofpasadena.net, vgordo@cityofpasadena.net, smadison@cityofpasadena.net, awilson@cityofpasadena.net, Terry Tornek <ttornek@cityofpasadena.net>

Subject: The Draft Code

Dear Council Members,

Please review the memo below sent earlier today to Guille Nunez in the Planning Department.

Thank you all for your continued attention to the issues surrounding home sharing.

Please note the issue concerning police response is of particular concern to me.

Page 10 - 11— Item I — Enforcement — Item 4:

That hosts may be required to reimburse the costs of law enforcement agencies —

This is truly troubling. We hosts are citizens and taxpayers in Pasadena and deserve equal police, fire, and emergency protection.

I understand that the office of the City Attorney included this section in reaction to the unfortunate stabbings that occurred in a “party house” Airbnb.

However, let’s reverse the scenario. Suppose the behavior of a guest of a host becomes threatening to the host (the guest is drunk or hostile for any number of reasons). Would the host then fear to call the police for help because of the possibility of added costs? Hosts do the best they can to vet their guests, but it is still a big risk to accept strangers into one’s home. We hosts deserve the security of knowing that the taxes we pay for police, fire, and emergency response make those services available to us without any added qualifiers. Certainly a restaurant owner would not be discriminated against if he/she needed to call the police to remove a disorderly patron. Home-sharing hosts deserve and pay taxes to have the same unlimited, unfettered services.

Sent from my iPhone

Begin forwarded message:

From: Liane Enkelis <Liane@LianeEnkelis.com>

Date: December 11, 2017 at 12:38:28 PM PST

To: "Nunez, Guille" <gnunez@cityofpasadena.net>, David Reyes
<davidreyes@cityofpasadena.net>
Cc: "Banner, Perry" <pban-contractor@cityofpasadena.net>
Subject: **Our Conversation Re: The Draft Code**

Hi Guille,

Thank you for going through my issues and questions regarding the draft of the new home-sharing/short-term rental regulation. I appreciate you being so generous with your time and listening to my concerns.

The concerns I expressed are based on my own reaction to the draft, but also I had some feedback from members of our group (the Pasadena HomeSharing Network). I appreciate your willingness to pass these concerns along to the appropriate parties in the office of the City Attorney, which is now handling this project.

I have listed these concerns in numeric order, but please note that the last one concerning enforcement is the item that I find the most troubling and inequitable.

Please also note that in some places the draft refers to TOT as Transit Occupancy Tax rather than Transient Occupancy Tax.

To summarize our conversation:

Page 2 — B. Definitions — Item 4:

There needs to be clarification that hosting platforms can also be free as well as for profit — such as email referrals by schools and institutions; messages on physical bulletin boards; notices in church, neighborhood, or social group newsletters.

Page 4 — 2. Eligibility Requirements:

Please note that it has been agreed that no personal information about hosts (such as addresses, phone numbers, emails) will be available on publicly searchable data bases of city licenses and permits.

Page 6 — 2. Eligibility Requirements — Item g:
Hosts indemnification of the city —

Please clarify that this applies only to incidents that are clearly due to neglect or fault of the host, not the city.

For example:

If a city tree should fall on a host's property, thus injuring the host or a guest or damaging property of the host or a guest, this is the responsibility of the city to make right — just as if the citizen were not a host.

However, if a host's guest should trip on the host's stairs because the stairs were in faulty condition, the city could not be held responsible by extension of issuing

a home-sharing permit to the host.

Page 7 — 3. Expiration and Renewal and Page 9 — Host Requirements — Item 2:

The host must submit one year of records at time of renewal —

Thank you for explaining that this is not unique to home-sharing permits and that other permits require this also, particularly those permits for which the cost of the permit is based on the income generated by the business— which will not be the case for home-sharing permits, but rather the proof is asked for showing that all TOT has been paid.

Page 9 — Host Requirements — Item 2:

Hosts shall keep records for three years and may be required to let the city review these —

Although this is something that had not been discussed at any hearings, I do not see this as a problem since the IRS requirements are similar.

Page 10 - 11— Item I — Enforcement — Item 4:

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However, let’s reverse the scenario. Suppose the behavior of a guest of a host becomes threatening to the host (the guest is drunk or hostile for any number of reasons). Would the host then fear to call the police for help because of the possibility of added costs? Hosts do the best they can to vet their guests, but it is still a big risk to accept strangers into one’s home. We hosts deserve the security of knowing that the taxes we pay for police, fire, and emergency response make those services available to us without any added qualifiers. Certainly a restaurant owner would not be discriminated against if he/she needed to call the police to remove a disorderly patron. Home-sharing hosts deserve and pay taxes to have the same unlimited, unfettered services.

Thank you again for passing along these concerns to all appropriate parties.

Thank you for also explaining that the city is working to make this permitting process an online process — even though it may require the use of an outside vendor due to the current limitations of the city’s own website — and that this extra cost will not be reflected in the permit costs. We appreciate this cooperation.

Getting to this point has been an amazing learning process for me. I personally want to thank the planning staff for their patience, listening and dialogue. This process has renewed my faith in government at a time when government in

Washington DC is not engendering my trust. I look forward to becoming involved in projects affecting my neighborhood (East Washington Village) and trying to do my small part towards improvement thanks to the positive experience I've had working with city staff and council through this home-sharing code creation.

Best Regards,

Lia

PS:

As I mentioned, I (and our group members) are sad to hear that Arthi has left our city to work for LA. Please extend our best wishes to her.

And congratulations to you on your new son.

President and Founder — Pasadena HomeSharing Network

pasadenahomesharingnetwork.com

Liane@LianeEnkelis.com

626-399-1816

<https://www.airbnb.com/users/show/389657>