

April 3, 2023

Kansas City Neighborhood Planning and Development Committee

Re: 230267
230268

Dear Members of the Committee:

We, members of the board of directors of the Westwood Park Homes Association, recommend further refinement of proposed ordinances 230267 and 230268. While we appreciate the City's desire to correct deficiencies in the current ordinance addressing short-term rentals quickly given the urgency of the situation, the two proposed ordinances do little to tighten requirements or improve compliance.

Proposed ordinance 230267 is supposed to shift oversight and management of short-term rentals (STR) from City Planning and Development to Neighborhood Services. However, as written, 88-321-04 still indicates that the city planning and development director prepares and maintains a list of eligible STRs; keeps records and monitors complaints; and determines that a permit can be suspended or revoked. No reference is given to requirements found in 56-800 (proposed ordinance 230268) which indicates the director of Neighborhood Services is responsible for 56-803 annual registration, 56-804 deregistration, or 56-808 records of registrants. These sections seem to have conflicts and inconsistencies in their requirements. None of them clearly require coordination and compliance by intermediary sites or define what that looks like. This shortcoming was pointed out in the City Auditor's December 2022. The proposed ordinances do not correct this.

More importantly, 230267 and 230268 still allow non-resident STRs in residentially zoned districts. Extensive research on the effect of STRs on neighborhoods in cities across the country has been conducted by a team working with Kansas City's Neighborhood Advisory Council. Their research has found that allowing non-resident STRs in residential neighborhoods increases speculative purchases of homes by out-of-town interests and reduces neighborhood safety and cohesion. This research has been confirmed by trends we see in our own city. At a time when Kansas City is struggling to provide affordable housing, affordable housing is being taken out of the housing market to be used as hotel space for weekend partiers.

Allowing non-resident STRs in residential neighborhoods is in direct conflict with 88-305-04, Home Occupations, which is designed to "ensure that home occupations in R zoning districts will not be a detriment to the character and livability of the surrounding residential neighborhood." It continues, "the regulations are intended to ensure that home occupations remain **SUBORDINATE** to the residential use." While owner-occupied STRs are much more likely to comply with this intent, a property that is being run as a hotel is **not subordinate** to residential use, it is an entirely different use.

Other requirements of a home occupation found in 88-305-04 include:

- The use must be secondary to the use of the dwelling. An STR is no longer a dwelling, it is a hotel.
- The use must not change the residential character of the building or the adversely affect the character of the neighborhood. There are hundreds of instances where activities in STRs have

adversely affected the surrounding neighborhood by excess noise, trash, and sometimes illegal activities.

- All employees must reside in the dwelling unit. One of the major problems with STRs is that a responsible person does not live onsite.
- No more than two clients shall be present at any time. STRs allow for up to eight people to stay on site.
- No home occupation may produce or emit noise, vibration, smoke, dust, or other particulate matter odorous matter, heat, humidity, glare, or any other effect that unreasonably interferes with any person's enjoyment of their residence. As previously stated, there are hundreds of instances where activities in STRs have adversely affected the surrounding neighborhood by excess noise, trash, and sometimes illegal activities.

The Kansas City Neighborhood Advisory Council presented a variety of recommendations in their January 27, 2023 letter to the Mayor, City Manager, and City Council. In addition to researching how other cities are addressing their own STR crises, the group gathered input from neighborhood leaders, community members, law enforcement, and short-term rental operators. It is unfortunate the proposed ordinances seem to take very little of their recommendations into account. The city has been operating with a weak and unenforceable policy on STRs for too long. Now is the time to take the recommendations of the neighborhoods (and the City Auditor) into consideration to develop meaningful ordinances that will help maintain Kansas City's variety of livable neighborhoods.

Thank you for your consideration.

Sincerely,
Members of the Westwood Park Homes Association Board

Margaret Smith
Steve Weneck
Julie Tozier

Ann Nixon
Elizabeth Corder