

**CITY OF SANTA FE, NEW MEXICO
SHORT TERM RENTAL ORDINANCE**

**Adopted: January 30, 2008
Ordinance No. 2008-5, §2**

**Amended: April 30, 2008
Ordinance No. 2008, §§1, 2**

Section 14-6.2(A)(6) SFCC 1987:

(6) Dwelling Units

(a) Residentially Zoned Property. Dwelling units located on residentially zoned property shall not be rented for less than 30 days except as set forth in this section.

(i) Short term rental units are prohibited on residentially zoned property except as follows:

- A. An owner may rent the dwelling unit that the owner normally resides in for two rental periods within a calendar year. The general provisions set forth in paragraph (ii) below shall not apply. A permit shall not be required.
- B. Short term rental units operated in compliance with §14-6.3(C)(1) Accessory Dwelling Units and in compliance with §14-6.2(A)(6)(a) are permitted.
- C. Short term rental units owned by the property owner who resides on a contiguous lot and in compliance with §14-6.2(A)(6)(a) are permitted. The operation of the short term rental shall cease immediately upon sale of either or both properties or if the property owner no longer resides on the contiguous lot.
- D. Short term rental units in existence prior to January 30, 2008, (the date of adoption of this Ordinance) and in compliance with §14-6.2(A)(6)(a) may continue until January 1, 2013, provided that the following are met.
 - 1. The owner/operator shall submit an application for a permit with the Land Use Department by March 29, 2008.
 - 2. Prior to issuance of a permit, the owner/operator shall provide evidence acceptable to the City that the unit was regularly used for short term rental prior to January 30, 2008 and that the short term rental of the unit was reported for lodgers' tax or income tax.
 - 3. If the application for a permit is denied by the City, the operation shall cease within 30 days of such written notice by the City.
- E. Short term rental units located in a development containing resort facilities approved pursuant to a special exception prior to January 30, 2008, which are owned in common by the owners within the development, are permitted. As used in this paragraph, resort facility means any combination of swimming pools, spa facilities, golf courses, restaurants and/or tennis facilities. The general provisions set forth in paragraph (ii) below shall not apply except paragraph (ii)I. regarding applicable taxes.
- F. Whenever the number of short term rental units permitted according to §14-6.2(A)(6)(a)(i)D. falls below 350, additional new permits may be issued up to a maximum of 350 permits from a list of applicants established annually by lottery.

(ii) General Provisions – Unless otherwise stated, the following shall apply to short term rental units.

- A. No more than one rental is permitted within a seven consecutive day period.
- B. Short term rental units described in paragraph (i) D. above shall be limited to 17 rental periods per calendar year.
- C. Off street parking shall be provided on site as follows:
 - 1. One bedroom One parking space
 - 2. Two or more bedrooms Two parking spaces
- D. All applicable building and fire life safety codes shall be met. All toilets, faucets and shower heads shall meet the requirements described in §25-2.6 SFCC 1987.
- E. Occupants shall not park recreational vehicles on site or on the street.
- F. The total number of adults that may occupy the short term rental unit is twice the number of bedrooms. For the purpose of this paragraph an adult is a person 18 years or older.
- G. Noise or other disturbance outside the short term rental unit is prohibited after 10:00 pm. This includes, but is not limited to, decks, portals, porches, balconies or patios.
- H. All occupants shall be informed in writing of relevant City ordinances including, but not limited to, the city's nuisance and water conservation ordinances by the owner/operator of the short term rental unit.
- I. The owner/operator shall pay all applicable local, state and federal taxes. These include but are not limited to: lodgers' tax, gross receipts tax, and income taxes.
- J. The owner/operator shall make available to the City for its inspection all records relating to the operation of the short term rental unit in order to determine compliance with §14-6.2(A)(6)(a). The owner/operator shall report to the Land Use Department on a monthly basis in a format provided by the City.
- K. The owner shall maintain adequate property insurance coverage for the short term rental unit. Proof of insurance shall be required at time of permit issuance and such other times as may be requested by the City.

CITY OF SANTA FE, NEW MEXICO SHORT TERM RENTAL ORDINANCE

(iii) Permit – Unless otherwise stated, a permit shall be obtained from the City as follows:

- A. The permit shall include the name and phone number of the owner/operator who is available 24 hours a day, seven days per week to respond to complaints regarding the operation or occupancy of the short term rental unit as well as the name and phone number of City staff responsible for enforcing §14-6.2(A)(6)(a).
- B. The permit shall include a notarized statement signed by the owner/operator that the short term rental shall be operated in compliance with §14-6.2(A)(6)(a) and all applicable City codes.
- C. Prior to issuance of any permit, a certificate of occupancy shall be required to ensure compliance with §14-6.2(A)(6)(a) and all applicable codes.
- D. The permit is not transferable to another person or property.
- E. Upon issuance of the permit, all property owners within 200 feet of the property shall be provided with the name and phone number of the owner/operator who is available 24 hours a day, seven days per week to respond to complaints regarding the operation or occupancy of the short term rental unit as well as the name and phone number of City staff responsible for enforcing §14-6.2(A)(6)(a).
- F. A non-refundable fee of \$500 per unit per year shall be paid for short term rental units described in paragraphs (i) B. and C. above. A non-refundable fee of \$1,000 per unit per year shall be paid for short term rental units described in paragraph (i) D. above. The fee for commonly-owned multiple units on a single parcel or adjacent parcels shall be \$1,000 for the first unit and \$250 for each additional unit. The fee includes the city business registration fee and inspections related to issuance of the short term rental permit. Revenue from fees imposed according to this §14-6.2(A)(6)(a) shall be used only for the administration and enforcement of this Section.
- G. Unless revoked as set forth in §14-6.2(A)(6)(a)(iv) below, a permit is valid for two years and may be renewed if the operation has complied with the provisions set forth in §14-6.2(A)(6)(a).

(iv) Violations

- A. City staff shall document all alleged violations of §14-6.2(A)(6)(a) and shall pursue enforcement through the municipal court as set forth in §1-3 SFCC 1987 or in another appropriate court of law. Upon conviction of a third violation by the municipal court, the City shall revoke the permit and operation of the short term rental shall cease within 30 days. The first violation of § 14-6.2(C)(12)(a)(ii) committed by occupant(s) of the short term rental unit shall not be counted toward revocation of the permit; however, the second and subsequent violations of § 14-6.2(C)(12)(a)(ii) committed by the occupant(s) shall be counted toward revocation.
- B. An owner who offers for rent as a short term rental a dwelling unit that is not permitted for use as a short term rental shall be in violation of §14-6.2(A)(6)(a) and subject to prosecution in municipal court.
- C. An agent who knowingly assists an owner in advertising or renting a dwelling unit as a short term rental unit in violation of §14-6.2(A)(6)(a) shall be subject to prosecution in the municipal court and the agent's business license shall be subject to revocation.

(v) Covenants. Private restrictive covenants, enforceable by those governed by the covenants, may prohibit short term rentals units.

(vi) Real Estate Brokers. Real estate brokers listing residential property in the city of Santa Fe shall provide prospective buyers a current copy of §14-6.2(A)(6)(a).

(vii) Administrative Procedures. The Land Use Director shall establish administrative procedures as are necessary for the implementation, management and enforcement of §14-6.2(A)(6)(a).

(viii) Review and Report; Amendments. Staff shall make a report to the Governing Body regarding the implementation, management, enforcement and fiscal impact of §14-6.2(A)(6)(a) prior to July 31, 2009 (18 months from the adoption of this Ordinance). Upon evaluation of the information, the Governing Body shall consider amendments to the city code regarding short term rental units including, but not limited to, alternative zoning provisions such as neighborhood conservation districts and special overlay districts regulating short term rentals in residential districts.

(ix) The effective date of this §14-6.2(A)(6)(a)(i) and (ii) shall be May 30, 2008 unless otherwise specified above.

Disclaimer: This Short Term Rental Ordinance may be amended by the Governing Body from time to time. For questions or to ensure that you have the most recent version of the Ordinance, please contact the City of Santa Fe Land Use Department at 955-6001.