

Final approval on Seneca short-term rental ordinance could come next week

BY NORM CANNADA
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SENECA — A proposed ordinance allowing and regulating short-term rentals in Seneca could get a final vote next week.

City administrator Scott Moulder said Tuesday he will likely present three drafts of the proposed ordinance for city council to pick from at its meeting on Sept. 10.

"We've had one version that we've had a first reading on, and right now, that is the official version," Moulder said Tuesday. "In order for them to make any changes to it, they would have to make an amendment to amend and replace that one with one of the other ones."

One draft is the current version of the ordinance approved on first reading in June. It would limit the number of people staying in a short-term rental to two people per bedroom up to a maximum of 12. It would also require one paved parking space onsite — not on the street — per bedroom and local management at all times.

A second draft is similar to the first one, but "cleans up" some of the language in the first draft, according to Moulder. The third version, suggested by Moulder at council's Aug. 13 meeting, would limit short-term rentals to homes that are the primary residence of the homeowner.

"It will prevent secondary homes and out-of-state property owners," Moulder told the council on Aug. 13. "It will prevent these people who actually don't live here from being able to buy up properties and rent them for investment and business purposes and operate a business inside a residential community."

Under state law, a homeowner can rent a home for up to 72 days a year and be considered a primary residence, qualifying for a 4 percent tax assessment. Secondary homes have 6 percent tax assessment.

Moulder said he would likely recommend council amend the draft limiting short-term rentals to primary residences, but added he had not received the final draft of that ordinance from city attorney Bo Bowman Tuesday afternoon.

Two other versions were presented to council in 2018. One was approved on first reading in April 2018, but wasn't recommended by the city planning commission. Council first tabled second reading a month later and voted it down in August 2018 at Moulder's request. A second version received commission approval later that year, but didn't come up for a vote before council.

During a called council meeting last week, four people argued that those who own second homes in the city should also be allowed to use them as short-term rentals.

Bruce and Lana Justice, who live in West Union but also own property they want to use as a short-term rental in Seneca, said they opposed the most recent draft limiting short-term rentals to primary residences.

"If this passes that you're only allowing that 4-percent to rent their house, that's going to eliminate our house," Lana said. "So, we'll probably end up putting it on the market or reluctantly

turning it into a long-term rental."

Bruce Justice said short-term rental properties can be good for the city.

"It could be the vice president of a company," he said. "The short-term rental properties that they stay in, they are all very nice because you cannot have a place that's in bad condition. These are people I would think you would want to visit your town and stay a couple of days. There are

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positives in a short-term rental, and I think more positives than there associated with a long-term rental, as far as the appearance of your community and the type of people that you're bringing into your community."

Reah Smith of the Western Upstate Association of Realtors said the city could face legal action if owners of second homes are not included in the ordinance.

"Property rights are fundamental rights," Smith said. "Within an individual's property rights exist the right to rent or lease those properties. This proposed ordinance strips homeowners of a right that has consistently been confirmed by courts throughout the country. The passage of an ordinance like this would possibly lead to litigation, which would result in high legal fees incurred by the city council to defend the ordinance. As Realtor members, we advocate for private property rights and we are obligated to speak up on behalf of non-resident owners."

Realtor Butch Knightner asked council last week to work through "due diligence" before a final vote.

"Look at it from all the different aspects before you do something that could have huge financial implications," he said.

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