

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2018-24

A RESOLUTION TO MODIFY THE EXISTING MORATORIUM ON THE
REGISTRATION OF SHORT-TERM RENTALS IN WARDS 1 AND 2

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on May 21, 2018 at 7:00 p.m. local time.

PRESENT: Campbell, Gruber, Reeser, Schlack, Sleeper, Wilkins, Smith

ABSENT: None

The following preamble and resolution was offered by Member Gruber and supported by Member Campbell.

WHEREAS, on May 7, 2018, the City Council adopted a resolution imposing 6-month moratorium on the acceptance of new short-term rental registrations in certain areas of the City, in order to allow further study and development of possible ordinance amendments; and

WHEREAS, the City Council sought to protect property owners' investments and expectations by providing that the moratorium does not apply to properties that: (1) have an active building permit for the construction of a dwelling, or (2) are part of an approved planned unit development; and

WHEREAS, some have asserted that further exceptions are needed in order to address other similar circumstances; and

WHEREAS, the City Council wishes to modify and clarify the scope of the moratorium based on the information and feedback received.

NOW, THEREFORE, the City Council resolves as follows:

- A. The moratorium imposed by Resolution 2018-20 is hereby modified to allow City staff to accept and process short-term rental registrations for properties in Wards 1 and 2 in any of the following circumstances:
1. The property is part of an approved planned unit development.
 2. The property was previously registered as a short-term rental pursuant to Chapter 10, Article 10 of the City Code, and was then conveyed to a new owner either before or after the effective date of the moratorium.
 3. As of May 7, there was a valid building permit for the property allowing construction of a new dwelling, and no certificate of occupancy had yet been issued.
 4. Evidence demonstrates that the applicant:
 - a. Took title to the property between January 1 and May 7 with the intent to use the

property as a short-term rental;

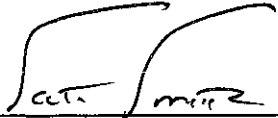
- b. Recently completed construction or renovations on the property with the intent to use it as a short-term rental, and was issued a certificate of occupancy between January 1 and May 7; or
 - c. As of May 7, had entered into and was under contract to purchase the property with the intent to use it for short-term rentals.
 - d. As of May 7, had a valid building permit for the renovation of an existing dwelling, where the renovations were intended to render the property suitable for short-term rentals.
- B. To establish a prior intent to use a property for short-term rentals, an applicant may submit evidence such as: (1) receipts or invoices for expenditures designed to make the property suitable for short-term rentals (structural repairs, appliance repairs or replacements, etc.); (2) evidence of other short-term rentals owned or operated by the applicant; (3) emails or other correspondence sent prior to the City Council meeting on May 7 indicating an intent use the property for short-term rental; or (4) other similar evidence. .
- C. Unless otherwise stated, all dates in this resolution refer to dates in 2018. Where a date range is given, actions occurring on the first or last day of the stated range are considered to have occurred within it.
- D. The City Council acknowledges that there may be other circumstances, similar to those listed in Section 4 above, in which the interests of fairness indicate that a particular property should be allowed to register as a new short-term rental during the moratorium period. Persons in those circumstances are encouraged to discuss them with City Manager Brian Dissette, who may present compelling cases to Council for consideration on a case-by-case basis.
- E. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

RECORD OF VOTE:

Yeas: Campbell, Gruber, Reeser, Schlack, Sleeper, Wilkins, Smith

Nays: None

RESOLUTION DECLARED ADOPTED.



Scott E. Smith, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the 21st day of May, 2018, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq*).



Travis Sullivan, City Clerk