Exhibit #8

Deficiencies Regarding Application PZC #23-3
Proposed Amendments to the Ledyard STR Regulations

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1. Introduction

Zoning has several purposes, including the protection of public health, safety, convenience, and property values. Land use regulations are intended to establish and maintain the character of a community in accordance with local desires by separating land uses into residential and commercial uses. This means that the regulations should prevent the types of STR disturbances identified in the handout, where multiple police departments, including the Ledyard police, were called to help break up an STR party with over 100 guests. I am opposed to the proposed amendment because it will not prevent STR disturbances in residential neighborhoods.

2. Background

STRs are defined as rentals for 30 or fewer days. STRs are often rented to its guests for only two or three nights, usually over a weekend, as an alternative to renting a motel or a hotel. The problem is that STRs constitute a commercial use in residential districts, and like motel and hotel guests, STR guests will sometimes engage in misconduct that impacts the quality of life in adjacent and nearby homes.

Our existing STR regulations require an STR to have an owner live on the property to be its resident host. The intent was that guests who intend to engage in misconduct are unlikely to rent an STR if its owner lives on the property, and STR owners who live on their property are unlikely to rent to guests who will engage in such conduct. Our current STR regulations, which require the homeowner to be the resident host, are working as intended.

However, our current STR regulations are unconstitutional because they discriminate against out-of-state property owners. If the intent is to continue to allow STRs, the best and simplest solution to the constitutional issue is to replace the phrase, "***STR owner***" in the existing regulations, with the phrase, "***STR owner, or his or her STR operator.***" This means that either the STR owner, or his or her STR operator, is required to be the resident host. It is a simple change that is constitutional and retains the benefits of having someone with a vested interest in the property, the neighborhood, and the town to reside on the property. This change also has the benefit of not reducing the number of resident occupied homes, which is consistent with the POCD and the state's goals regarding housing.

The proposed amendment, however, takes a different approach that is unlikely to be successful. The proposed amendment allows STRs to be equipped with 24-hour exterior video surveillance that is capable of real-time monitoring and video and sound remote recording in lieu of requiring a resident host if he or she is reachable at all times and is able to be present on the property within thirty minutes of being notified of a problem.

2. Amendment Deficiencies

1. The first deficiency is that, in the real world, a non-resident host will often not be able to respond within 30 minutes to calls regarding guest misconduct, especially if he or she is sleeping, taking a shower, stuck in a traffic jam, is in a supermarket with a long checkout line, or needs gas.

2. The second deficiency is that the proposed amendment fails to require guests to be notified about the *24-hour continuous video and sound monitoring* until they check in. By that time, *it is too late* for guests who intend to engage in misconduct to find an alternative short-term rental that does not have cameras. As a result, guests who reserved an STR and who intend to engage in misconduct will have no choice but to check in, disable the video equipment, and take their chances with the neighbors.

3. The third deficiency is that there is a liability risk to an STR owner and the town if it adopts and enforces regulations that require video and sound recordings in residential districts, which could violate privacy laws and open the town to lawsuits. This opinion is supported by the answer to question #96 posed during the March 11 land use training. The question was, *"for multifamily or condominium developments that require special permits, is it lawful to have regulations, standards, or conditions of approval that its parking and common areas have security cameras, and the video and sound recordings be saved?"*

   The attorney who answered said, *"This is dangerous territory, as rights to privacy and other constitutional rights of residents come into play, especially as they are on private property. I can see no basis for a zoning authority to require retention of video or audio records that would be likely to pass constitutional muster."*

   This opinion is supported by the answer to Question #248, which was specific. The question was, *"Is it lawful for STR regulations to require an STR to have real-time video monitoring and recording of the exterior areas of the STR that are monitored by an absentee host?"* The attorney who answered said, "*He has not seen this as a requirement in any of the STR regulations he has encountered in Connecticut or in other states."* I recommend that we should not be the first.

4. The fourth deficiency is that it will be too easy for STR guests to disconnect the video recording system by disconnecting the power to its modem and its cameras and recorders.

5. The fifth problem is that it is unfair to the neighbors that they are the one's who are required to enforce the regulations by calling the non-resident host, the police, and the ZEO. A resident host STR owner, or a resident host STR operator, would likely be proactive and not have allowed his guests to create a problem in the first place.

6. The sixth deficiency has to do with an STR's impact on property values and taxes. Because of its rental income, a house used as an STR will typically be more valuable and sell for more than a house used as a residential home. However, the tax assessor often will not know if a house is or is not an STR, and as a result, the sale of an STR can establish a new comp that is applied to nearby similar homes, which will result in homes near an STR being unfairly overvalued and overtaxed.

3. What Would You Do?

1. Let us assume you just accepted a new job at EB and are searching for a home in a quiet, mostly rural, bedroom community for your family. Let's assume you found three homes that appear to satisfy your needs. One is in Noank, which prohibits STRs. One is a house next to a non-resident hosted STR with video and sound recording, and its absentee host is 30 minutes away. And the third is a house adjacent to a vacant five-bedroom home with a pool and hot tub that would make an ideal STR. Lets also assume you are knowledgeable about our STR regulations.

   Under the proposed STR amendment, which of the three homes would you choose? I would select the home in Noank for my family. If you would make the same decision, then you should either deny this application, or you should fix the application so you are able to select either of the two homes in Ledyard.

2. Perhaps you believe we should allow short-term rentals in residential districts for the same reasons we allow long-term rentals in residential districts. There are four reasons why this is not a valid argument.

   1. The first is that long-term rentals have long-term residents who are subject to the tenant landlord statutes, which require tenants to conduct themselves and other persons on the premises in a manner that does not disturb their neighbors or constitute a nuisance. Long-term residents are also protected by due process. There are no equivalent laws for STR guests.

   2. The second is that long-term residents are more likely to care about our town, our schools, our neighborhoods, our community, and to register their vehicles, pay Ledyard taxes, and to vote, than are STR guests.

   3. The third, which is related, is because STR guests are transient, they have no reason to care about our community, they are required to pay Connecticut's occupancy tax, they are subject to Connecticut's hotel laws, and as guests, they can be ejected without due process for any or no reason.

   4. The fourth reason is the answer to question #256 that was asked during the March 11 Land Use Training. The question was if a town has a legal obligation to permit STRs in residential districts. The answer was *that towns <u>are not required</u> to allow short-term rentals.*