

Chaffee County Getting Tough on Illegal Short Term Rental Businesses

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January 23, 2021



Chaffee County stewed for months about what to do to get short term rental businesses identified and then registered with the county. When the COVID-19 pandemic hit, the need became more urgent, especially to ensure that these short term rentals are operating within the Chaffee County Land Use Code (LUC), and meeting public health orders to operate during the pandemic.



This \$1.4 million home in Game Trail subdivision (30247 Eagles Ridge) is illegally operating as a short term rental; one of four properties that the Chaffee Board of County Commissioners have unanimously agreed to take action against for noncompliance.

While many corporate good citizens complied with the requirements to continue to operate their businesses through Airbnb and VRBO, many have not. As of this past week, the Chaffee Board of County Commissioners unanimously agreed to crack down on the short term rental business violators, issuing enforcement actions.

The four short term rentals operating at these addresses have failed to respond to repeated notices from Chaffee County to bring their properties into compliance:

8490 County Road 225, Salida
16725 County Road 289, Nathrop
14415 County Road 261C, Nathrop
30247 Eagles Ridge, Buena Vista

All four have failed to address their violation of the county LUC, and are operating without county short term rental licenses. All four have ignored letters from public health to meet the public health orders necessary to reopen.

“They didn’t respond to public health. We served them by certified mail to their tax record address and to the property. We’ve had no response from them, said Assistant County Attorney Daniel Tom. “These properties are still being listed and rented out on VRBO and Airbnb. We ask for authority to file judicial actions.”

Tom went on to describe two types of actions: “One is criminal, the other a civil remedy. We’re asking for authority to file an injunction and a cease and desist order. All four are in violation of the same code for short term rentals...all nonpayment and lack of public health approval to operate.”

Crackdown on Noncompliance

The fine for noncompliance and defiance of the county LUC, per the court, is a fine of not more than \$100/day. Each day is a violation. While the goal is to get people into compliance, not to collect huge fines, given that these business have been operating for months out of compliance, the financial implications are clear.

The fourth property, in Trail West is a \$1.4 million home, that actually did do an application; it was rejected for not meeting requirements. There is a Homeowners Association (HOA) in that subdivision and per county LUC, that HOA must approve the purpose of the application. The Trail West HOA has refused to approve short term renting in the subdivision. The county confirmed that the owner has continued to rent out the property.

Prior to resubmitting an application, the legal issue with their HOA (which is a civil issue between the owner and the HOA) must be resolved.

Rural Neighborhoods Being Inundated with Short term Rentals

The topic of short term rentals in Chaffee County is already controversial. The county thinks there are about 275 short term rentals in unincorporated Chaffee County and a total of around 800 among the county and the municipalities. But it's not absolutely sure.

What the county is sure of is that short term rentals are growing. It is regularly getting calls from people who are buying houses here, who want to short term rent the places. This proliferation is causing conflict all across the county.

While the city of Salida has enacted limits on the number of short term rentals in residential areas for instance, rural areas like Chalk Creek Canyon are seeing year-round homeowners becoming surrounded by short term rental properties. "We're losing our rural neighborhoods," said one concerned resident.

"There are concerns about the impacts of short term rentals on neighborhoods," said Commissioner Keith Baker. "Impacts on things like safety, noise, trash, light pollution and wildlife."

The county application to run a short term rental operation is \$500 per year. As the county began the process in fall 2019, that fee was grandfathered to include 2020.

Public sentiment seems to support the county dealing with those who are not in compliance with the county LUC.

"I'm an active Airbnb host here. I paid my fees and filled out the paperwork within the first week of the policy. I also contacted Andrea Carlstrom and got our certification to be open during the pandemic. The county has made it easy and comprehensive to get proper certification," said one short term rental owner. "These negligent VRBO/Airbnb owners need to be held accountable."

Another short term rental owner agreed, saying, "I agree. If they live in a \$1.4 million house they can afford it. They can afford the \$100/day fine as well."

"Fairness and consistency are always prime concerns in cases like this," added Baker, who added that there were no excuses for those who aren't in compliance.

Featured image: Site of 16725 County Road 289, Nathrop; operating as a non-compliant short term rental.