

HOUSE BILL No. 4503 and SENATE BILL NO. 329

April 25, 2017, Introduced by Rep. Sheppard and referred to the Committee on Tourism and Outdoor Recreation.

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act,"

(MCL 125.3101 to 125.3702) by adding section 206b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 206B. (1) FOR THE PURPOSES OF ZONING, ALL OF THE FOLLOWING APPLY TO THE RENTAL OF A DWELLING, INCLUDING, BUT NOT LIMITED TO, SHORT-TERM RENTAL:

(A) IT IS A RESIDENTIAL USE OF PROPERTY AND A PERMITTED USE IN ALL RESIDENTIAL ZONES.

(B) IT IS NOT SUBJECT TO A SPECIAL USE OR CONDITIONAL USE PERMIT OR PROCEDURE DIFFERENT FROM THOSE REQUIRED FOR OTHER DWELLINGS IN THE SAME ZONE.

(C) IT IS NOT A COMMERCIAL USE OF PROPERTY.

(2) THIS SECTION DOES NOT PROHIBIT REGULATION APPLIED ON A CONSISTENT BASIS TO RENTAL AND OWNER-OCCUPIED RESIDENCES FOR NOISE, ADVERTISING, TRAFFIC, OR OTHER CONDITIONS.

(3) AS USED IN THIS SECTION, "SHORT-TERM RENTAL" MEANS THE RENTAL OF ANY SINGLE-FAMILY RESIDENCE OR 1-TO-4-FAMILY HOUSE OR DWELLING UNIT, OR ANY UNIT OR GROUP OF UNITS IN A CONDOMINIUM, FOR TERMS OF LESS THAN 28 DAYS AT A TIME.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Contact information:

Local legislators:

Representative Bradt Iden: BrandtIden@house.mi.gov

Senator Margaret O'Brien: SenMObrien@senate.michigan.gov

Committee Chairs:

House Committee on Tourism and Outdoor Recreation: HollyHughes@house.mi.gov

House Committee on Government Operations: LeeChatfield@house.mi.gov

Senate Committee on Local Government: SenDZorn@senate.michigan.gov

I would like to express my strong opposition to the two bills dealing with short-term rentals (HB 4503 and SB 329) that were introduced on April 25, 2017 and sent to committee. These were apparently worded by and supported by the Michigan Realtors Association. My objections are as follows:

1. I believe that the State's role in zoning should be to establish a basic framework within which each municipality or jurisdiction can develop specific guidelines for their particular situation. These bills are, to use a current phrase, extreme over-reach into areas that are very location-specific.

2. Areas that are zoned residential are based on the local situations that provide for neighborhoods of permanent residents. Historically, this zoning allowed for monthly/yearly rentals, which did not interfere with the general living environment in these zones. As a result, those people or families that bought or built in these zones did so with the understanding that things would not change without local oversight and discussion!

3. I have a very personal viewpoint regarding short-term rentals. Three years ago I built a new house overlooking Crooked Lake Texas Township in Kalamazoo County. The house next door had been built about 3 years earlier and was owned by a single woman. Since she was not here most of the summer, she began advertising on AirBnB or VRBO (Vacation Rentals by Owner) that her house was for rent on a daily basis. As a result, there are renters (4 to 10 or more people) for 2 or 3 or 4 days almost all weekends between mid-April and mid-October and occasionally other times of the year. An extreme example occurred during Homecoming weekend for WMU last October: there were 13 vehicles in the driveway (so likely 15-20+ people in the house) with loud music and hollering inside and outside ALL night (no sleep for the neighbors). These short-term rentals are a commercial use of the property that is in violation of the spirit and wording of our current zoning regulations. I did not build a nice home to be living next to a hotel!

4. I recognize that owners have rights to the use of their home and property. However, when they buy or build in an area zoned residential, they need to be aware of what that means and to respect the rights of the other owners, who expect permanent residents or long term rentals, NOT a hotel.

I request that these bills NOT be considered by their respective committees but, should they come to the floor for a vote, I ask that you vote for neighborhoods, not for any potential personal business interest. The Michigan legislature has more important issues to deal with than to poke its nose into local zoning. Michigan Realtors Association should put its efforts into selling properties rather than making a "strawman" argument that short-term rentals would be good for tourism (and coincidentally for their members' business?) and ignoring the fact that they negatively impact the quality and fabric of neighborhoods!