Subject: Request for Operators of STRs

The town received a request last month that we post a list or map of STRs on our website. With the new software that our staff has, the town has been able to determine which residences have operated short-term rentals prior to the September 15, 2022, ordinance that prohibits new STRs in R1 and R2. Under that ordinance, residences that have been STRs before September 15th can continue to do so unless the town board passes an amortization provision in the future. With the court-ordered stay concerning the Huff v Highlands lawsuit that is in effect for the next six months, no ordinance changes will be made.

Our staff will continue to enforce the provisions of the September 15 ordinance. Like many towns in the country enforcing STR ordinances, the town uses a software system to track and regulate STRs. Our intention has always been to use the Granicus system to determine how many STRs are operating in the town. If staff gets a report of a new STR commencing in R1 or R2, the property owner is automatically notified that they are in violation of the ordinance. For those operators who were operating prior to September 15th, Granicus verifies that the town has no issue with their continued operation.

In short, our staff has used Granicus as an enforcement and verification tool, not as a public notice system. Town staff maintains administrative records of utility accounts that are viewed as private information and are to be shared with the public. In that spirit, they held similar views about the information garnered through this new software system.

Nevertheless, a public request was made that this information be shared with the public, as any public record held by a governmental entity is done in North Carolina. The Town staff asked the attorneys representing the town in STR matters to give their opinion concerning publicizing this data. Their legal opinion is that the information concerning the identification of residences being used as STRs is a public record and has to be shared with the public.

Our staff will be careful not to provide private information related to the owners of the residence, etc. The town board will review options on how to disclose this information. Therefore, the town will publish that information in some form to be determined.

I hope the folks using this data will act responsibility and in a measured manner. Like so many communities, the STR issue has been very divisive and contentious. We do not need this information to be a launch pad for personal confrontation and conflict. I have always held the belief and hope that our community is made up of people of good will. Regardless of where one falls on this issue, we need civil discourse as we continue to address this issue.

Let me also make one point concerning open records statutes in North Carolina. In the past, I have always invited people to share their views with me about community issues. I have labored under the impression that an individual citizen has the right to communicate with their elected representative with the confidence that their views would not be shared with the public. My view has been analogous to the concept that a private citizen can vote for a candidate and never have to reveal whom they voted for. I have come to realize that this is not necessarily the case. The open records provisions can require an elected official to disclose communications from individual citizens, for example, emails, letters, and even telephone records.

I will continue to communicate with the public and individuals. Nevertheless, be advised that any communication a citizen may have with an elected official might be required to be shared with the public under the open records statutes. I understand the rationale for these statutes, but they can potentially have a chilling effect when it comes to the exchange of opinions and ideas, at least from my perspective.