

Subject: STRs and Compromise?
July 20, 2022

My call for stakeholders to propose compromises concerning STRs underscores the community stalemate on this combative issue. I asked stakeholders to publicly put forth any proposed compromise. I wanted the community to see if there was any common ground.

Some interpreted that call to mean I was going to sit down with opposing groups and negotiate a compromise. With the town facing a current lawsuit over the issue and potential legal actions ahead, for me or any board member to negotiate a compromise settlement is not an option. Our legal representatives might be able to enter negotiations, but only if the board directs them to do so. No such directives have been given, and I don't see that circumstance on the horizon, especially since the planning board will soon be reviewing two draft proposals for amending the town ordinances pertaining to short term rentals.

With that said, let me throw out a hypothetical compromise and then point out its pitfalls.

The compromise would allow STRs in R1 and R2 on limited a basis. Let's say in R1 any home owner could do short term rentals for 30 or 40 days out of the year, In R2 short terms rentals could be done for 76 or 80 days per year. These limitations would prevent both residential zones from being nothing more than year-round "Ghost Hotel" districts and curtail the commercialization and corporatization of these neighborhoods. Sounds good, or does it?

Now my critique. Those folks who do not want STRs in their R1 neighborhoods would say short term rentals would be allowed ten or fifteen weekends during the high peak of the Highlands season. In R2 even more times, 30 weekends or more could be done. They would point out that the tendency under this compromise formula would be to rent on weekends to folks coming to attend weddings and other party events, which are exactly activities that cause their concerns.

Folks who are for STRs would contend that the town is imposing limitations on their property rights, and that they should be allowed to short term rent their property as they see fit. As one top, outspoken realtor has put it, any restriction on the use of residential property is a violation by the town on property rights, and it is also Communistic! I might add this position seems to question the validity of zoning in the most basic terms. As Commissioner Hehn suggested at the July 14th Special Highlands Board meeting, homeowners on average can make \$40,000 a year doing STR. Why would they be willing to compromise only to see their income levels fall to what can be made doing long term rentals at best?

As I have stated before, we have two opposing sides with not much in between. I routinely receive communications telling me the town should fully allow STRs, or that we should not allow them at all. The compromise described above would probably generate legal actions simultaneously from both sides.

On a side note, some folks say the only fair solution is to grandfather those who have been doing STRs. Others counter that grandfathering creates two property levels within one zoning district and that is not fair either.

The Highlands Planning Board will address these issues as they make their recommendations in the coming weeks. The Highlands Town Board will carefully consider those recommendations and implement amended STR ordinances. Regardless of a final decision, I suspect people in black robes will have their say also. The courts may or may not be where a compromise takes place.