

**CITY OF SANTA FE, NEW MEXICO
SHORT TERM RENTAL ORDINANCE**

Compilation as of November 10, 2009

Section 14-6.2(A)(6) SFCC 1987:

(6) Dwelling Units

(a) Residentially Zoned Property. Dwelling units located on residentially zoned property shall not be rented for less than 30 days except as set forth in this section.

(i) Short term rental units are prohibited on residentially zoned property except as follows:

- A. An owner may rent the dwelling unit that the owner normally resides in for two rental periods within a calendar year. The general provisions set forth in paragraph (ii) below shall not apply. A permit shall not be required.
- B. Short term rental units operated in compliance with §14-6.3(C)(1) Accessory Dwelling Units and in compliance with §14-6.2(A)(6)(a) are permitted.
- C. Short term rental units owned by the property owner who resides on a contiguous lot and in compliance with §14-6.2(A)(6)(a) are permitted. The operation of the short term rental shall cease immediately upon sale of either or both properties or if the property owner no longer resides on the contiguous lot.
- D. Short term rental units located in a development containing resort facilities approved pursuant to a special exception prior to January 30, 2008, which are owned in common by the owners within the development, are permitted. As used in this paragraph, resort facility means any combination of swimming pools, spa facilities, golf courses, restaurants and/or tennis facilities. The general provisions set forth in paragraph (ii) below shall not apply except paragraph (ii)I. regarding applicable taxes.
- E. The Land Use Director shall issue up to 350 short term rental permits for residential units not otherwise qualifying for permits under Sections 14-6.2(A)(6)(a)(i)B, C, or D, above.
- F. Whenever the number of short term rental units permitted according to §14-6.2(A)(6)(a)(i)E, falls below 350, additional new permits may be issued by the Land Use Director. New permits shall be issued in the order that qualifying applications are received.
- G. Permit holders who have been issued a permit prior to October 14, 2009 (the adoption of this Ordinance) shall not be required to reapply for a permit; however, if the permit expires pursuant to Section 14-6.2(A)(6)(a)(iii)I. a new application may be submitted to the Land Use Director in accordance with Section 14-6.2(A)(6)(a)(i)F, above.

(ii) General Provisions

Unless otherwise stated, the following shall apply to short term rental units.

- A. No more than one rental is permitted within a seven consecutive day period.
- B. Short term rental units described in paragraph (i) E. above shall be limited to 17 rental periods per calendar year.
- C. Off street parking shall be provided on site as follows:
 1. One bedroom One parking space
 2. Two or more bedrooms Two parking spaces
- D. All applicable building and fire life safety codes shall be met. All toilets, faucets and shower heads shall meet the requirements described in §25-2.6 SFCC 1987.
- E. Occupants shall not park recreational vehicles on site or on the street.
- F. The total number of persons that may occupy the short term rental unit is twice the number of bedrooms.
- G. Noise or other disturbance outside the short term rental unit is prohibited after 10:00 pm. This includes, but is not limited to, decks, portals, porches, balconies or patios.
- H. All occupants shall be informed in writing of relevant City ordinances including, but not limited to, the city's nuisance and water conservation ordinances by the owner/operator of the short term rental unit.
- I. The owner/operator shall pay all applicable local, state and federal taxes. These include but are not limited to: lodgers' tax, gross receipts tax, and income taxes.
- J. The owner/operator shall make available to the City for its inspection all records relating to the operation of the short term rental unit in order to determine compliance with §14-6.2(A)(6)(a). The owner/operator shall report to the Land Use Department on a monthly basis in a format provided by the City.
- K. The owner shall maintain adequate property insurance coverage for the short term rental unit. Proof of insurance shall be required at time of permit issuance and such other times as may be requested by the City.

(iii) Permit

Unless otherwise stated, an application for a permit for a short term rental shall be submitted to the City as follows:

- A. The application shall include the name and phone number of the owner/operator who is available 24 hours a day, seven days per week to respond to complaints regarding the operation or occupancy of the short term rental unit as well as the name and phone number of City staff responsible for enforcing §14-6.2(A)(6)(a).
- B. The application shall include a notarized statement signed by the owner/operator that the short term rental shall be operated in compliance with §14-6.2(A)(6)(a) and all applicable City codes and that the operation of the short term rental is in compliance with any applicable private covenants.

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- C. Prior to issuance of any permit, a certificate of occupancy shall be required to ensure compliance with §14-6.2(A)(6)(a) and all applicable codes.
- D. The permit is not transferable to another person or property. *For further information see the Section V.J. of the Short Term Rental Administrative Procedures.*
- E. Within 10 days of the issuance of the permit, the owner/operator shall mail to all property owners within 200 feet of the property, on a form approved by the City, notice of the issuance of a permit for the short term rental and the name and phone number of the owner/operator who will be available 24 hours a day, seven days per week to respond to complaints regarding the operation or occupancy of the short term rental unit as well as the name and phone number of City staff responsible for enforcing §14-6.2(A)(6)(a). Within 10 days of the mailing, the owner/operator shall return to the Land Use Department a notarized statement that includes a list of the names of the property owners that the notice was mailed to.
- F. Each application shall be accompanied by a fee of \$150.00 to cover application processing and inspections.
- G. Annual Permit Fee

Annual Permit Fees*	
Short Term Rental Type	Fee per Unit
§14-6.2(A)(6)(a)(i)(A) – Primary Residence; two rental periods per year	\$0.00
§14-6.2(A)(6)(a)(i)(B) - Accessory Dwelling Units	\$175.00
§14-6.2(A)(6)(a)(i)(C) – Unit(s) on Contiguous lot	\$175.00
§14-6.2(A)(6)(a)(i) (D) – Resort units	\$150.00
§14-6.2(A)(6)(a)(i) (E) – Residential units	\$350.00**
*The annual permit fee shall not be prorated for a portion of the year.	
**If there is more than one short term rental unit on a lot, the permit fee is \$140.00 for each additional unit.	

The annual fee includes the city business registration fee and inspections related to issuance of the short term rental permit. Revenue from fees imposed according to this §14-6.2(A)(6)(a) shall be used only for the administration and enforcement of this Section.

- H. If any person believes he has made payment of any permit fee in excess of that for which he was liable, he may claim a refund by directing to the city treasurer a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the nature of the person's complaint and the affirmative relief requested. The city treasurer shall allow the claim in whole or in part or may deny it. If the claim is not allowed in whole, the person may appeal the decision to the governing body.
- I. Unless revoked as set forth in §14-6.2(A)(6)(a)(iv) below, a permit holder may renew the holder’s permit annually. If not renewed by March 15, the permit expires. An owner of an expired permit may submit a new application for a short term rental permit to the Land Use Director in accordance with Section 14-6.2(A)(6)(a)(i)F subject to availability of permits within the 350 limit.
- J. The permit number shall be included in all advertising of the short term rental.

(iv) Violations

- A. City staff shall document all alleged violations of §14-6.2(A)(6)(a) and shall pursue enforcement through the municipal court as set forth in §1-3 SFCC 1987 or in another appropriate court of law. Upon conviction of a third violation by the municipal court, the City shall revoke the permit and operation of the short term rental shall cease within 30 days.
- B. An owner who offers for rent as a short term rental a dwelling unit that is not permitted for use as a short term rental shall be in violation of §14-6.2(A)(6)(a) and subject to prosecution in municipal court.
- C. An agent who knowingly assists an owner in advertising or renting a dwelling unit as a short term rental unit that is not permitted under §14-6.2(A)(6)(a) shall be subject to prosecution in the municipal court and the agent’s business license shall be subject to revocation.

(v) Covenants

Private restrictive covenants, enforceable by those governed by the covenants, may prohibit short term rentals units.

(vi) Real Estate Brokers

Real estate brokers listing residential property in the city of Santa Fe shall provide prospective buyers a current copy of §14-6.2(A)(6)(a). {

(vii) Administrative Procedures

The Land Use Director shall establish administrative procedures as are necessary for the implementation, management and enforcement of §14-6.2(A)(6)(a).

Disclaimer: This Short Term Rental Ordinance may be amended by the Governing Body from time to time. For questions or to ensure that you have the most recent version of the Ordinance, please contact the City of Santa Fe Land Use Department at 955-6001.

CLIENT ACKNOWLEDGEMENT: _____ DATE: _____