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Serving government administration, revenue, business licensing, regulatory, city clerk and code enforcement officials since 1983

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NBRRO wishes a happy, healthy and prosperous New Year 2016 to all of our members, their families and friends.

This past year, 2015, has been full of challenges for all levels of local government, from the municipal to the state level. We have witnessed the rapid growth of UBER/Lyft, Airbnb, the legalization of marijuana, unfortunate policing incidents both caused by and against the police, continuing difficulties in enforcing city codes in problematic rental and private property, devastating climatic damage and, as always, difficult decisions regarding the allocation of limited city, county and state resources.

NBRRO does not advocate specific actions or positions regarding these and other issues; rather NBRRO presents the issues and, in so far as possible, the various approaches utilized by local governments across these United States.

In this issue, we present a few pertinent articles regarding these issues. Please visit www.nbrro.org for more articles, updated weekly. *The editor*

The 2016 NBRRO National Conference will be held in Denver, Colorado, July 13—15.

We have selected the Downtown Sheraton hotel as our venue and look forward to seeing you there.

PLEASE RENEW YOUR 2016 NBRRO MEMBERSHIP

Our website, www.nbrro.org, has the 2016 membership application, and now includes weekly national news updates, member contributions and links. NBRRO members are asked to provide their contributions, links and recommendations to jerry@nbrro.org.

DENVER COLORADO

Denver is located in the South Platte River Valley on the western edge of the High Plains just east of the Front Range of the Rocky Mountains. The Denver downtown district is located approximately 12 mi (19 km) east of the foothills of the Rocky Mountains. Denver is nicknamed the *Mile-High City* because its official elevation is exactly one mile (5,280 ft or 1,610 m) above sea level,



[The Sheraton Hotel](#)

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BECOMING A MEMBER

NBRRO membership enables you access to information regarding business licensing, revenue raising, regulating and code enforcement at the local level of government.

Individual Membership is \$60 per year and entitles you to a discounted annual conference registration and NBRRO newsletters. Entity level membership offers additional benefits. NBBLO also sponsors several national certifications.

For more information go to www.nbrro.org. There are links for membership, certification, and the annual conference.

Santa Monica Cracks Down On Airbnb, Bans 'Vacation Rentals' Under A Month

SAM SANDERS NPR May 13, 2015

Santa Monica, Calif., is cracking down on Airbnb and the rest of the short-term rental industry. Tuesday night, the Santa Monica City Council adopted its home-sharing ordinance, which bans the rental of an entire unit for less than 30 days and requires those who take part in allowable home-sharing to obtain a business license from the city and pay a 14% hotel tax. The law takes effect June 15. The city says proceeds from the hotel tax will help pay for enforcement officers and an analyst to find illegal rentals online.

The ordinance makes a clear distinction between what Santa Monica officials term "home-sharing" and "vacation rentals." Home-sharing requires the primary resident of the space to live "on-site during the visitor's stay." Vacation rentals, as defined by Santa Monica are any rentals 30 days or less in which the guest "enjoys the exclusive private use of the unit." The new ordinance deems vacation rentals illegal if the property is only approved for permanent residence.

Around 100 protesters organized by Airbnb gathered outside Santa Monica City Hall Tuesday afternoon before the vote, according to the L A Times. Arlene Rosenblatt, a Santa Monica homeowner who lists her apartment on Airbnb told the paper, "It's such a blessing for us to have this money... We need to have these regulations changed."

But in an interview with NPR, Santa Monica Mayor Kevin McKeown said vacation rentals aren't good for his city. "When a landlord or other property owner takes a unit off the housing

market and uses it for vacation rental, there is no permanent resident on the site, we've lost that part of the fabric of our community," McKeown said. "And the people who are coming to stay are not directly supervised, so they, being on vacation may, in total innocence, may be coming and going at two or three in the morning. They may be not aware of the noise they're making for the neighbors. The neighbors aren't sure who the people are. You end up with somebody you don't know who has the keys to the building, to the parking garage. You don't who they're going to bring in with them. And you don't have that connection."

McKeown said some 1,700 units in Santa Monica — which has a population of just over 90,000 people — were being used for short term rentals, and only a few hundred of those were home-shares, where the permanent tenant remained in the space during a short term rental. McKeown said the new measure will "restore the residential fabric of our neighborhoods," and return 1,000 housing units to the housing market.

In a statement to NPR, Airbnb said, "This proposal fails to provide clear, fair rules for home sharing. We will continue to highlight the importance of fair rules with leaders in Santa Monica and throughout Southern California."

A company spokesperson also told NPR that reports of short-term renters disrespecting neighborhoods are rare. "We give hosts the tools they need to only welcome respectful travelers."

How an Airbnb Guest Is Staying in an Apartment for Months 'Rent Free'

ABC NEWS MEGHAN KENEALLY Jul 22, 2014

An Airbnb host has found out the hard way that the legal protections for tenants in some states means that guests could end up staying in their homes rent free for up to three months.

A guest who made a reservation to stay in Cory Tschogl's Palm Springs home for more than a month is now refusing to leave and reportedly told her that he has a legal right to the domicile.



Tschogl told Business Insider that she tried to get the male guest to leave after the first month of his scheduled 44-day stay, but now he claims to have consulted an attorney who told him that even though he did not pay past the first month, he is legally occupying the home.

A real estate attorney told ABC News that the guest may make out with a few rent-free months out of the deal. In this particular case, the man is legally considered a tenant and Tschogl his landlord because they had an agreement that extended past one month.

“The landlord-tenant law in California is very specific in terms of the process that a landlord has to take for an eviction,” attorney Robert Spitz told ABC News.

There are two notification processes for eviction in California, Spitz explained: A three-day notice of eviction and a 30-day notice, and though Spitz is not personally involved in this case, the timing suggests that Tschogl will have to give a 30-day notice as part of a formal legal filing.

Too good to leave: Tschogl originally agreed to have the tenant stay in her Palm Springs home for 44 days, but now he won't leave.

“At the end of the day they're liable for the amount of money that they owe but the landlord is still frustrated because the landlord is unable to get possession of the property back during that period. The unlawful detainment process can take up to two months,” Spitz said. “If the guy's a deadbeat, what does he care? He paid one month and he gets three months.”

Landlord-tenant law varies by state, but

New York City real estate attorney Lorraine Nadel told ABC News that it would be a similar situation if a guest overstayed their welcome in Manhattan.

“In New York State, if they're less than 30 days, the police will usually evict them. Once they're there for more than 30 days, they would have to go to court,” Nadel said. “The landlord would win, there's no way the tenant would be able stay forever, but maybe a couple months and they could have to pay a use-and-occupancy [fee] rather than rent.”

Dickey waters: When someone stays in a residence for more than a month, they are technically considered a tenant and not a guest.

For their part, Airbnb said that they have been working with Tschogl after she reported the signs of trouble at the beginning of Maksym's stay, which began on May 25 and was supposed to end on July 8 but shows no signs of ending. “Officials from our team have contacted this host and she has been paid the full cost of the reservation and we're working with her to provide additional legal support as we move forward,” Airbnb spokesman Nick Papas told ABC News.

“We're also reviewing our procedures and making changes to our platform to give hosts more information about long-term reservations.”

Spitz said that cases like this one happen more frequently than expected, citing a recent incident where a nanny refused to leave her employer's home in California last month. That said, he said there are steps landlords can take to protect themselves.

Report: Uber, Lyft As Safe As Taxis

A Cato Institute study shows key differences between rideshare services and taxis, but passenger safety isn't one of them.

By **Tara Longardner** Feb. 11, 2015

Amid driver misconduct allegations against ride-sharing companies such as Uber, a new think tank report shows there is no evidence that passengers are in more danger in ride-share cars than they are in taxis.

Ridesharing companies like Uber and Lyft have been under scrutiny by local lawmakers, Congress and taxi drivers for safety and regulation concerns. Uber, in particular, has been in the spotlight after drivers were accused of rape, harassment and attacks on passengers.

The libertarian Cato Institute's January policy analysis claims that the companies have adequate driver background checks.

Researchers from Cato and other organizations Tuesday debated whether ride-sharing should be regulated. Some lawmakers are working to include companies like Uber and Lyft under the taxi regulation umbrella, but the Cato analysis claim they're too different from traditional taxis and warrant their own regulation system.

In 2013, a Washington woman accused her Uber driver of rape, although prosecutors did not charge him. Additionally, a San Francisco Uber driver was arrested for bashing his passenger in the head with a hammer in September.

Most recently, a 26-year-old woman was allegedly assaulted and raped by an Uber driver in New Delhi, India, in December. He pleaded not guilty. Since the attack, Uber CEO Travis Kalanick has promised to evaluate the company's background check system. On Wednesday, Uber added a panic button to the app in India, which allows passengers to connect with local law enforcement immediately.

Taxi drivers complain that driver background checks for private ridesharing companies are less exhaustive than for taxi drivers. While local governments perform taxi driver background checks and fingerprinting, ridesharing companies have their own verification systems that do not require fingerprints.

"People with criminal histories have been approved as drivers for these companies," said Royale Simms, business agent for the Washington, D.C., Taxi Drivers Association. "You can't do that as a taxi in the city."

Both Uber and Lyft require background checks for a number of offenses – such as DUI, violent crimes and sexual assaults—going back seven years. According to Cato research, though that time span may be short, the requirements are often stricter than some of America's biggest

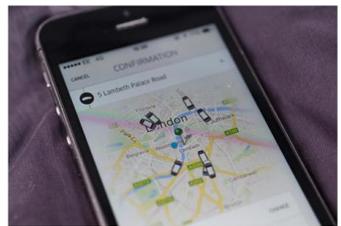
cities' taxi requirements.

Rideshare services have other precautions, like driver-passenger mutual scoring and passenger self-identification.

While much attention has been focused on passenger safety, James Szekely, director of the International Taxi Driver's Safety Council, noted the dangers taxi drivers face, equating driving a taxi to "picking up hitchhikers."

According to Bureau of Labor Statistics data, homicides accounted for between 56 percent and 80 percent of work-related deaths in the taxi industry between 2003 and 2012. Drivers are also subject to a high risk of nonfatal violent assaults, especially because they often carry cash.

Rideshare drivers have access to information about their passengers, including credit card data and contact information. Matthew Feeney, who wrote the Cato ridesharing policy analysis, said this makes the exchange safer than taxi rides for both the driver and passenger.



Rideshare companies like Uber allow users to request pickup on the smartphone app

If you observe any errors in this publication, please let us know; E-mail to: Moderator@nbrro.org

With medical marijuana laws murky, US prosecutors pursue California cases

Tribune Washington Bureau

Evan Halper

Jan 4, 2016 MSN

WASHINGTON — When Congress in effect lifted the federal ban on medical marijuana just over a year ago, Californians drove the change.

A year later, marijuana legalization advocates are conflicted over how big a victory the congressional vote, which was repeated last month, has turned out to be.

"The number of raids has dropped substantially, though not completely," across the country, said Mike Liszewski, government affairs director for Americans for Safe Access, a medical-marijuana advocacy group. A federal court ruling this past fall, if it is upheld, would limit federal agents from targeting all but operations that are clearly flouting state law, he said.

But in California, in particular, federal prosecutors continue to pursue cases, in large part because of flaws in the existing state medical marijuana law, which all sides agree is long overdue for changes. Gov. Jerry Brown has signed three measures to clarify the state law, but they won't take effect until 2018.

So for now, the state that was the birthplace for legal medical marijuana in the U.S. remains at the center of legal disputes as federal prosecutors navigate a murky landscape in which the line between healers and drug dealers is not always clear.

The two House members who championed the new approach say prosecutors are not following the intent of Congress. Farr and Rep. Dana Rohrabacher (R-Calif.) teamed up in 2014 to write the measure that said anyone legally selling medical marijuana under a state law cannot be prosecuted.

Congress has put the department in a pickle, however. Federal law still classifies marijuana in the most dangerous category of narcotics, alongside heroin and LSD, substances that the law declares lacking any accepted medical use. Congress has declined to change that even as it has approved the Rohrabacher-Farr amendment, as the provision is known.

The city of Oakland is invoking that amendment in demanding federal prosecutors drop their bid to seize marijuana and other assets from Harborside Health Center, the nation's largest dispensary, which has generated a tax windfall for the cash-strapped city. Across San Francisco Bay, in Marin County, local officials praised a decision by a federal judge, who ruled in October that the continued prosecution of a dispensary was an affront to the new law — only to learn last month that prosecutors plan to continue the fight through an appeal.

Complicating matters are the several states that permit the sale of marijuana for recreational use. The Obama administration has

chosen to allow that experiment to continue unabated. So operations in California, like Harborside, that target patients seeking the drug to treat illnesses can still be prosecuted while shops in Denver that cater to college students operate freely.

Over the summer, Farr and Rohrabacher accused the Justice Department of illegally misappropriating federal money to continue those prosecutions, calling on for its inspector general to investigate. The department has yet to respond.

Even in the case of Harborside, which state and local officials often hold up as a gold standard for the medical-marijuana business, California's loose rules about who is permitted to buy medical marijuana have left the operations a natural target for prosecutors, Caulkins said.

"Harborside is gigantic, and the Justice Department thinks it is not providing marijuana just for kids with epilepsy or people with cancer or people with HIV," Caulkins said.

In states that have more recently adopted medical marijuana provisions, legitimate medical-marijuana businesses are not targeted because they serve a much narrower group of clients, he said.

But the Justice Department's continued pursuit of Harborside angers officials in Oakland. The business pays the city about \$1.4 million annually in taxes.



For more information, please visit our website, www.nbrro.org

or

contact our Conference Manager at cnfmgr@nbrro.org

Major Issues in Policing

By [Mark Wollacott](#) eHow Contributor

Gang Violence — According to a 2008 survey by the National Gang Center, America had an estimated 28,000 gangs and 780,000 gang members. In the same year, 30 percent of jurisdictions in America reported gang-related problems. Gangs tend to spring up in areas with high levels of crime and social deprivation. Police departments across the country find themselves dealing with not only the consequences of gangs on the local community, but on themselves too. Preventing gang member recruitment is a major issue for law enforcement officers.

Drugs — Meth Resources reports that 46 percent of Americans have tried an illegal drug in their lifetime. Thirteen million people have tried methamphetamines. While methamphetamine usage in America is falling, as of 2011, it remains a major issue for American law enforcement officers. Meth and drug issues in general fall into the following categories for police: production, trafficking, prevention and rehabilitation.

Human Trafficking — Human trafficking is most often related to prostitution and slave labor -- included are men, women and children; U.S. nationals; and foreigners. The issue of human trafficking with regard to policing involves training officers and citizens to spot the signs of trafficked people. It includes issues related to immigration, abuse, organized crime and counseling. The Department of Homeland Security has a wealth of resources for law enforcement officers about human trafficking and how to combat it.

Homicide — While 2011 FBI reports suggest homicide rates are falling in America, the issue remains potent. The "New Yorker" reports that homicide rates in America are far above those of other Western democracies. Many cases of murder are linked to substance abuse, domestic violence, gun crime, gang culture and mental illness. Because homicide is so often linked to complicated issues, it is difficult for law enforcement officers to deal with. Each homicide often presents a unique cocktail of circumstances, making prevention difficult.

Identity Theft — Identity theft covers various means of self-identification, from passports to Social Security numbers. It can also be linked to credit card fraud as fraudsters are essentially pretending to be someone else. Social Security fraud is used to claim benefits people are not entitled to. Passport fraud can be used for illegal immigration or emigration, if someone is seeking to leave the country. Policing identity theft revolves around promoting awareness among the general population, while working with companies and national agencies to strengthen their products against identity theft.

Mental Illness — Mental illness is one of the least-understood areas of policing. Police have a duty to address the issue of mental health and criminal responsibility. The prevention of crime by the mentally ill covers awareness issues, community care and understanding the individuals involved. It also means working with care workers to find solutions to the problem that benefit both the individual and the wider community.

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