

CITY OF SANTA FE, NEW MEXICO

**ADMINISTRATIVE PROCEDURES
FOR SHORT TERM RENTAL
ORDINANCE
(Section 14-6.2(A)(6) SFCC 1987)**

As of November 10, 2009

I. Introduction:

In 2008, the Governing Body of the City of Santa Fe adopted the Short Term Rental Ordinance for regulating short term rentals within the residential districts of the City of Santa Fe. These administrative procedures reflect the Ordinance as amended by the Governing Body since its original adoption. A compilation of Section 14-6.2(A)(6) as of November 10, 2009 is attached hereto as Exhibit “A”. The general requirements for short term rental units are attached hereto as Exhibit “B”.

II. Short Term Rentals – Definition; Types

Short term rental (“STR”) means a dwelling unit located on residentially zoned property that is rented for less than thirty days.

A. An owner may rent the dwelling unit in which the owner normally resides for two rental periods within a calendar year. A permit is not required for this type of use.

B. The following categories of short term rental units are permitted under the Short Term Rental Ordinance:

- (1) **Accessory Dwelling Unit – §14-6.2(A)(6)(a)(i)B. SFCC 1987**
A principal dwelling unit or an accessory dwelling unit in which the property owner occupies either the principal dwelling unit or accessory dwelling unit and rents the other unit. For accessory dwelling units, the property owner shall comply with Section 14-6.3(C)(1) SFCC 1987.
Permit Fee – \$175 per year
- (2) **Dwelling Unit on Contiguous Lot – §14-6.2(A)(6)(a)(i)C. SFCC 1987**
Short term rental unit owned by the property owner who resides on a contiguous lot. Contiguous means the lots must have one or more common boundaries.
Permit Fee – \$175 per year
- (3) **Resort Unit – §14-6.2(A)(6)(a)(i)D. SFCC 1987**
Short term rental units located in a development containing resort facilities owned in common by the owners within the development and approved pursuant to a special exception prior to January 30, 2008.
Permit Fee \$150 per year

(4) **Other Unit – §14-6.2(A)(6)(a)(i)E. SFCC 1987**

The Land Use Director shall issue up to 350 short term rental permits not otherwise qualifying as accessory, contiguous or resort short term rental units set forth above.

Permit Fee – \$350 per year

\$140 per year for each commonly owned additional unit on the same lot

III. Application Process

Each new application for a short term rental permit shall include the following submittals as well as the permit fee and a \$150 application fee:

A. For an Accessory Dwelling Unit in compliance with §14-6.2(A)(6)(a)(i)B.

- ☐ Proof of ownership (deed or latest property tax record) of short term rental
- ☐ Site plan to scale showing all buildings and parking (i.e. improvements survey)
- ☐ Floor plan to scale showing all bedrooms
- ☐ Proof of compliance with §14-6.3(C)(1) Accessory Dwelling Units
- ☐ Proof of property insurance that identifies the dwelling unit as a rental unit

B. For a Dwelling Unit on Contiguous Lot in compliance with §14-6.2(A)(6)(a)(i)C.

- ☐ Proof of ownership (deed or latest property tax record) of short term rental
- ☐ Site plan to scale showing all buildings and parking
- ☐ Floor plan to scale showing all bedrooms
- ☐ Proof of ownership (deed or latest property tax record) of contiguous property
- ☐ Proof of living on contiguous property (driver's license, utility bill)
- ☐ Proof of property insurance that identifies the dwelling unit as a rental unit

C. For a Resort Unit in compliance with §14-6.2(A)(6)(a)(i)D.

- ☐ Proof of special exception approval for development prior to 01/30/08

D. For Other Unit in compliance with §14-6.2(A)(6)(a)(i)E.

- ☐ Proof of ownership (deed or latest property tax record) of short term rental
- ☐ Site plan to scale showing all buildings and parking (i.e. improvements survey)
- ☐ Floor plan to scale showing all bedrooms
- ☐ Proof of property insurance that identifies the dwelling unit as a rental unit

The application is attached hereto as Exhibit "C".

IV. Inspections

Every short term rental shall be inspected prior to the issuance of a permit based on the following inspection requirements:

A. WATER INSPECTION REQUIREMENTS (New Applications Only)

- ☐ Low flow toilets – average consumption of not more than 1.6 gallons (6.1 liters) of water per flush
- ☐ Marked low flow shower heads – 2.5 gallons per minute (“gpm”) or less
- ☐ Working aerators on all bathroom and kitchen faucets – 2.5 gpm or less
- ☐ No visible leaks
- ☐ Pool and spa covers

B. FIRE INSPECTION REQUIREMENTS (Annual Inspection)

The Santa Fe Fire Department has prepared the following checklist to help expedite the fire inspection process for short term rentals as well as to inform the proprietors of short term rentals guests and the general public as to the fire code requirements that will be reviewed on an annual basis. All of the code sections referenced below have been extracted from the International Fire Code® (IFC) and the International Residential Code® (IRC) 2006 editions.

General Precautions Against Fire:

- ☐ Address must be clearly marked in accordance with IFC § 505.1
- ☐ If there is a fireplace or a woodstove, a non-combustible ash receptacle with lid must be provided outside the structure meeting the distance requirements as per IFC § 305.2
- ☐ Combustible materials shall not be stored near fuel fired heating equipment or in special rooms containing fuel fired equipment as per IFC § 315.2.3
- ☐ Portable fuel fired heaters shall not be permitted as per IFC § 603.4

Fire Suppression & Detection Equipment:

- ☐ Single Station Smoke Alarms must be provided as per IFC § 907.2.10.1.2
- ☐ At least one 2A 10BC Portable fire extinguisher shall be mounted in a visible and accessible location as per IFC § 906.1
- ☐ Fire extinguishers shall be serviced annually as per IFC § 906.2
- ☐ Any installed fire alarm or automatic fire sprinkler system must be inspected annually by an approved company as per IFC § 901.6

Means of Egress:

- ☐ Each sleeping room shall have, in addition to the exit door, one other means to provide an emergency escape which may be a second exit door that leads directly to

the outside of the structure or an openable window that is operational from within the area in which it serves without the use of any special tools or keys. If bars or grills are installed, a release mechanism shall be installed. (IRC §311.4, IFC § 1026.1 and IFC § 1026.4)

Electrical Safety:

- ☐ Multi-plug adapters such as cube adaptors, un-fused plug strips or any other devices not complying with the electrical code are prohibited. (IFC § 604.4)
- ☐ Extension cords shall not be utilized as permanent wiring as per IFC § 604.4
- ☐ When utilized, portable electric heaters shall comply with IFC § 605.10

C. ZONING INSPECTION REQUIREMENTS (New Applications Only)

The inspector will verify that the following information in the field matches that in the permit application and that the off-street parking meets code.

- ☐ Number of Bedrooms _____
- ☐ Maximum Occupancy _____ (Number of Bedrooms x 2)
- ☐ Adequate Off-Street Parking Provided. Number of spaces: _____ (One space required for one bedroom; Two spaces required for two or more bedrooms. Parking shall meet Section 14-8.6 SFCC 1987)

V. Permitting (New Applications)

A. Once the short term rental has been inspected and approved by the zoning inspector and fire inspector, STR staff shall notify the applicant that the permit is ready to be processed.

B. The applicant shall pick up a payment distribution sheet for the permit from the STR office. The permit fee shall be distributed as follows: the business registration fee (\$35.00); the fire inspection fee (\$50.00); and the remainder to the STR fee. The total paid shall equal the applicable permit fee.

C. The applicant shall take the payment distribution sheet to the Cashier's Office and pay for the permit. The Cashier's Office will print three receipts: one for the applicant; one for the business registration office; and one for the STR office. The applicant shall return all three receipts to the STR office where the permit will be processed.

- D. The permit and the applicant's business registration shall be printed.
- E. The permit shall be signed and notarized.
- F. STR staff shall make a copy of the notarized permit and business registration for the file.
- G. STR staff shall release the permit and business registration.
- H. Once an applicant has been notified that their application has been approved, and the applicant has not picked up the permit within 10 working days, STR staff shall notify the applicant by letter, that the applicant has 10 working days from the date of the letter to complete the permit process. If the applicant does not pick up the permit, the application shall be deemed vacated.
- I. In the event the owner desires to change operators or makes any other changes to their permit during the term of the permit, the owner shall provide written notification to the STR staff immediately of the change and obtain an amended permit with the new operator's name. See Section VI(C), below, for additional requirements.
- J. An STR permit is not transferable to another person or property. However, if an owner of an existing permit sells his or her STR property, then the new owner may apply for a permit within 30 days of closing. The new owner shall provide a copy of the purchase agreement to the City when applying for the permit. If an inspection has not been performed within six months of the application date, then new inspections shall be required in order to obtain the permit.

VI. Notification to Property Owners within 200 Feet of the STR Unit

- A. Within 10 days of the issuance of the permit, the owner/operator shall mail to all property owners within 200 feet of the approved STR unit a notice (sample notice is attached as Exhibit "D"). *The listing of property owners is available from the City's GIS staff.*

B. Within 10 days of mailing the notice, the owner operator shall return a notarized statement to the Land Use Department (sample statement attached as Exhibit “E”).

C. If the owner changes the operator of the STR, the owner or new operator shall:

(1) obtain from the City’s GIS staff a listing of all property owners within 200 feet of the approved STR unit; and

(2) notify all property owners within 200 feet of the approved STR unit, in writing, that the operator of the STR has been changed; and

(3) provide proof of mailing to the STR staff.

VII. Permit Renewal

A. The permit is issued on an annual basis, per calendar year; and

B. The applicant is responsible for renewing the permit, on a renewal application form, attached hereto as Exhibit “F”; and shall pay the annual permit fee by March 15th of each year. If the permit is not renewed by March 15 of each year the permit expires and a new application is required.

VIII. Notification to Real Estate Brokers

Land Use staff shall notify real estate brokers who list residential property within the municipal boundaries of the city of Santa Fe that they are required by law to provide prospective buyers a current copy of §14-6.2(A)(6)(a), the STR ordinance. A copy of the letter to the real estate brokers is attached hereto as Exhibit “G”.

Date

Matthew O’Reilly, Director
Land Use Department

Compilation of Short Term Rental Ordinance 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.
- 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.

Exhibit B

General Requirements for Short Term Rental Units

	Accessory Dwelling Unit	Dwelling Unit on a Contiguous Lot	Resort Unit	Other Units
No more than one rental within a seven day period	X	X		X
Limited to 17 rentals per year				X
Off street parking on site: one bedroom – one parking space; two bedrooms – two parking spaces	X	X		X
Meet all applicable building and fire life safety codes	X	X		X
Toilets, faucets and shower heads meet water conservation are in accordance with 25-2.6 SFCC 1987	X	X		X
No recreational vehicles on site or on the street	X	X		X
Total number of persons that may occupy unit is twice the number of bedrooms	X	X		X
Noise outside unit is prohibited after 10:00 PM	X	X		X
Owner/Operator shall notify occupants in writing of relevant city ordinances, including nuisance and water conservation ordinances	X	X		X
Owner/operator shall pay all applicable local, state and federal taxes	X	X	X	X
Owner/operator shall make available to the City for inspection all records related to operation of the short term rental unit	X	X		X
Owner/operator shall report to the Land Use Department on a monthly basis, on a form provided by the city	X	X		X
Provide proof of adequate property insurance at time permit is issued and maintain such insurance	X	X		X

