SUBMISSION FROM THE STRATA COMMITTEE OF SP 57970 IN RESPONSE TO THE SHORT TERM HOLIDAY LETTING IN NSW OPTIONS PAPER

We write to you on behalf of strata SP 57970, regarding the Short-term Holiday Letting in NSW Options paper released in July 2017.

Our interests specifically relate to Strata Regulation (Section 5) and by-laws to:

1) manage visitor behaviour
2) receive compensation for adverse effects of STHL
3) restrict / prohibit STHL

Our experiences with STHL to date have been negative, however we feel with the appropriately supported legislation that this particular issue can be managed in such a way as to result in a positive outcome for all.

For context, our building contains 45 units, of which 30 are rented and currently we prevent STHL via our by-laws. We’ve had to rely on this by-law on 24 separate occasions since 2014 to shut down STHL within our building – 21 whole-of-apartment leasing and three private rooms. This has resulted in 21 evictions from our building and a great deal of time and effort involved in collecting and collating sufficient evidence to prove short-term letting has taken place against the bylaws, and unfortunately in all circumstances, without the knowledge or consent of the owners.

Our main concern and focus of our by-laws is to promote the safety and security of all occupants. Misuse of shared building amenities combined with a blatant disregard for our broader by-laws have unfortunately resulted in our passing of by-laws to prohibit STHL. This is due to some of the issues identified within the options paper – noise, waste and parking issues, party houses and hazards / evacuation concerns. We have also experienced additional impacts not specifically covered in the report, such as over-occupancy as well as distraction of our building manager from general upkeep and management of the building to handle and resolve issues specifically related to STHL.

As is common in buildings facing over-occupancy and high STHL instances, we face concerns regarding overuse and expedited degradation of shared facilities and utilities. The limited ability to impose increased levies and include liability penalties to protect ourselves from adverse impacts of STHL, have resulted in our introduction of Strata by-laws prohibiting it altogether. Our experience to date has not been with owners utilising STHL, but with leasees doing so without the knowledge or permission of the owners. We often find ourselves caught between non-owner residents, real estate representatives and the owners to identify the liability for any damages or broken by-laws resulting from STHL.

While the original intent of websites such as AirBnB was to give people the ability to earn supplementary income by utilising spare rooms in their home, our experiences have seen it result in over-crowding and slum-like scenarios. Walking down the streets of Pyrmont past apartments with ground floor units, one can see multiple apartments filled to the brim with bunk beds well beyond the legal occupancy limits. Pyrmont has a population of ~11,600 with ~60% of residents renting, with a median apartment weekly rental price of $825 and average weekly income of $1,250\(^1\); the increase in over-crowding is therefore not surprising.

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While STHL is not the sole cause of this overcrowding, it is a contributing factor, and unfortunately we have seen time and time again that the original intent of STHL has been superseded by greedy, slum-lord-like persons who are taking advantage of the unaffordability of housing within Sydney to make quick and easy, tax-free income.

If owners corporations were empowered by legislation to prohibit or restrict, impose increased levies and include liability clauses, then each individual Strata committee could make an informed decision as to whether they felt such activity should be allowed and what model by-laws to apply in order to provide themselves appropriate protection from adverse effects of STHL.

Our experience to date would lead to a unanimous vote to continue to prohibit STHL as we have no faith that an honesty-based system or set of guidelines would be adhered to, for the following reasons:

1) STHL operators have already shown a willingness to breach existing laws, both development consent and strata by-laws which explicitly prohibit such activity
2) Despite a clear by-law explicitly preventing the use of apartments within our building for STHL, all operators continued their activity without a request to the owners committee for permission to undertake such activity or disclosure of their activity to the leasing agents or owners
3) All instances of STHL were instigated by tenants / leases against the owners knowledge, and often explicitly against their leasing agreement declarations
4) When confronted with allegations of their behaviour, most blatantly lied and denied their activities, hence the need for collecting proof of the breach of by-laws

We have seen a concerning level of over-occupancy and over-crowding due to STHL - well beyond legal occupancy limits. In some instances up to 6 persons hosted in a one bedroom apartment and up to 13 persons in a 3 bedroom apartment. This creates obvious concerns regarding excessive wear and overuse of shared services and facilities (such as water, waste and the shared gymnasium) as well as safety concerns in the case of an emergency where the emergency evacuation planning originally designed for the building caters specifically for the maximum legal occupancy of the building.

At the time of buying into the building, the owner’s did so with the understanding that they bought into a residential building that was not zoned for serviced apartments or student housing, and yet the increase of STHL has resulted in an overwhelming increase of this type of scenario.

We urge the decision-makers to also consider broader societal impacts to be considered when assessing the impacts and appropriate controls regarding STHL:

- STHL impacts on availability and affordability of housing, specifically in metropolitan areas such as the city of Sydney
- Potential loss of tax revenue – e.g. hosts with turnover >$75,000 are not required to register for GST
- General increase in congestion and overpopulation

Regarding availability and affordability: Areas such as New York² and Barcelona³ have banned STHL for full apartments to protect the availability of housing in inner city areas.

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² http://mashable.com/2017/04/03/airbnb-nyc-no-vacancy/#eot4nE48UPqh
If nothing is done to limit the abuse of STHL in NSW, specifically in close proximity to Sydney CBD, then the enticing profit potentials will result in continued and increased move away from normal residential leases to short term tenancies, resulting in greater strain on housing availability and affordability.

Regarding lost tax revenue: The ATO has resorted to data matching to identify those who are not declaring their income received through the ‘sharing economy’. It is possible that the people undertaking STHL within our building have not declared their STHL income to the ATO. Not only will we, the owners, be paying additional costs for the upkeep of our building and increased utility usage etc, but we could also see those who abuse our by-laws retain high profits without any contribution of those profits back into society for the ongoing improvement of infrastructure and services through the payment of taxes.

We strongly support legislation which empowers strata and owners corporations to assess the impacts of STHL to their buildings and implement by-laws which either restrict / prohibit, or protect them from adverse effects of STHL as they see fit.

Regards,

Strata Committee SP 57970

3 October 2017

1301

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I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper. I do not believe that the same rules should be applied to holiday homes that are being considered for apartments and room sharing in strata properties in the city. Short-Term-Rental is a key part of the visitor and tourist economy of regional cities and towns. If some of the proposed options are put in place, it could be too burdensome to rent out holiday homes. If this happens then jobs will be lost and the economy will be starved of much needed tourist income in regional New South Wales. I urge you to treat holiday homes differently to other short term rental and listen to the voices and concerns of homeowners.
Dear NSW Government,

I strongly believe in the right of people to share their houses and apartments across New South Wales in a responsible and respectful way, without extreme regulations like caps and costly registration processes. Please accept this as a formal submission to the Options Paper.

Why do I host with Airbnb?

The Airbnb host community depends on hosting as an economic lifeline to help us pay the mortgage and the bills. I also recommend my favourite cafes, restaurants and shops so small businesses get a boost from local tourism.

Whilst the Options Paper does not canvass opinions on a potential bed tax, I would like to register my personal support for a bed tax that applies to all accommodation providers in the Byron Shire Council. Such a tax would go a long way to ensuring a sustainable tourism economy in Byron Bay to pay for much needed infrastructure and services.

I wish to support the following options:
Section 4: Industry Self Regulation - including industry complaints management and education which encourages responsible hosting and self regulation. Any Code of Conduct would need to be reasonable and representative of the home sharing community.

Section 5: Strata Regulation - This includes options for by-laws to manage visitor behaviour and to receive a revenue share from home sharing. I would also support rules to deal with bad actors and isolated incidents of unruly behaviour. I would not support a regulatory environment which allowed Owners Corporations to ban outright short term rentals.

I wish to register my opposition to the following options:
Section 5: Strata Regulation - By-laws which could prohibit hosts from sharing their own homes would see strata residents treated as second class citizens. Current rules in NSW do not allow by-laws that ban hosts from sharing their own home, and this would be a step backwards for NSW.

Section 6: Planning Framework - A planning framework including caps and restrictions would have a negative impact on home sharing. The planning frameworks in both South Australia and Tasmania don’t include any caps on nights at all.

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

I encourage the NSW Government to follow the lead of South Australia and Tasmania, as well as other cities around the world, which have embraced home sharing and are reaping the rewards.

Klaudia Debes

1303
I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper. I do not believe that the same rules should be applied to holiday homes that are being considered for apartments and room sharing in strata properties in the city. Short-Term-Rental is a key part of the visitor and tourist economy of regional cities and towns. If some of the proposed options are put in place, it could be too burdensome to rent out holiday homes. If this happens then jobs will be lost and the economy will be starved of much needed tourist income in regional New South Wales. I urge you to treat holiday homes differently to other short term rental and listen to the voices and concerns of homeowners. We have been holiday letting our primary address on and off for the last year, I make sure I screen my tenants and have a strict guideline to what behavior is acceptable in my home.

My neighbours have my direct mobile number to contact me if any situation occurs (so far no calls) I also holiday rented our previous property in the same street for 3 years also no complaints.

We look at this income to help offset a pension and would be in a situation where we would have to sell our family home if unable to holiday rent our property.

I believe there should be some sort of regulation in regards to safety in the holiday home.

Our renters spend a lot of money in the area when they stay including restaurants, day spa, vehicle hire, bike hire and cafes.

Not to mention how we provide jobs for the local area in terms of cleaners, gardeners, pool maintenance and laundering.

We hope you will consider our submission.

Regards Kellie Moore
Dear NSW Government,

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To maximise participation in the sharing economy, any regulations should be clear and easy to understand and comply with, and also cost effective for hosts.

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Tammy Shemesh

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Slav Baboshyn

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It's travel

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Devora Howard

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meagan maguire

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Kind Regards

Luke Mesiti

1314
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Russell Quinn

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Ian Backhouse

1331
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Catherine Stewart

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Carl Kaczmarek

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Rebecca Reid

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Kerrianne Lowis

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Jay Sabbah

1345
Dear NSW Government,

As a guest who has travelled to NSW using the Airbnb platform in the past 12 months, I strongly believe in the right of people to share their houses and apartments. I absolutely embrace my responsibilities as a guest to treat hosts’ homes in a responsible and respectful way, and I know that Airbnb’s review system keeps hosts and guests accountable for their travelling behaviours.

Extreme regulations, and red tape like caps and costly registration processes could severely affect my ability to travel using Airbnb and restrict my choices as a traveller. Please accept this as a formal submission to the Options Paper.

Why do I travel to NSW using Airbnb?

Local hosts make valuable recommendations of their favourite cafes, restaurants and shops so that small businesses get a boost from local tourism, with a ripple effect of supporting jobs in these communities.

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William Jordan

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LUANNE HILL

1348
I write to make a submission to the New South Wales Governments Short Term Holiday Letting Options Paper. I do not believe that the same rules should be applied to holiday homes that are being considered for apartments and room sharing in strata properties in the city. Short-Term-Rental is a key part of the visitor and tourist economy of regional cities and towns. If some of the proposed options are put in place, it could be too burdensome to rent out holiday homes. If this happens then jobs will be lost and the economy will be starved of much needed tourist income in regional New South Wales.

I own a 3 bedroom house in Red Rock on the North Coast of NSW. The estuary at Red Rock was discovered approx. 100 years ago by fishermen from Grafton. They built little shacks which eventually became a village. Today Red Rock is a small village, it has a Bowling Club with a public bar and a restaurant attached, a Caravan Park with a small convenience store where one can also get fish and chips, burgers etc. There is no motel, hotel or commercial holiday apartments and visitors for years have relied on private houses being let for STHL. Statistics from 2011 show the village had 310 permanent residents. 54% of the houses were permanently occupied and 44% are holiday houses. 14 of the holiday houses are listed on Stayz, a few are rented out through real estate agents and a lot are empty most of the time. Red Rock is a very popular holiday destination. The only available accommodation apart from the caravan park is private houses. My house is rented out for 2 thirds of the year. The people visiting support the Bowling Club and the shop at the caravan park, local people get jobs cleaning where otherwise no jobs would be available. Over regulation of STHL would turn Red Rock into a ghost town.

I urge you to treat holiday homes in regional New south Wales differently to other short term rental and listen to the voices and concerns of homeowners.

Kind regards,

Eva Staehelin

1349
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Jackie Attard

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petra geara

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martin mason

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Brandon Etto

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Karen Peters
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Kate Wetmore

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Guy Gilbert

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James Clay

1395
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