

WHITEFISH COMMUNITY HOUSING COMMITTEE AGENDA



Monday, May 22, 2023, at 4:00 p.m.
City Hall – City Council Conference Room

1. Call to order
2. Communications from the public
3. Approval of minutes from April 24, 2023, meeting (minutes to be provided at meeting)
4. Review of short-term rental regulations
5. Other items not on the agenda
6. Next committee meeting
 - a. Monday, June 26th at 4:00 p.m.
7. Adjourn

Committee Documents:

Click [here](#) to access the Whitefish Community Housing Roadmap

Click [here](#) to access the 2022 Whitefish Area Community Housing Needs Assessment

Click [here](#) to access the Workforce Housing Needs Assessment

Click [here](#) to access the 2017 Whitefish Strategic Housing Plan

11-3-35: SHORT-TERM RENTAL STANDARDS:

Certain zoning districts such as the WB-3, Resort Residential and Resort Business Districts permit paid short term residential rental accommodation within a legal residential unit. These standards do not apply to bed and breakfasts, hostels, hotels or motels. Short-term rentals are not compatible with other residential areas as there are potential traffic and noise impacts, as well as the diminished availability of long term rental and affordable housing units.

A. Performance Standards:

1. Short-term rentals. Short term rentals, as defined in section 11-9-2 of this title, are allowed in applicable zoning districts provided the following criteria are met. Property owners of each rented unit must:

- a. Hold a valid short term rental registration and business license with the City of Whitefish;
- b. Conform to the land use provisions of this title and other applicable regulations;
- c. Not exceed the allowable dwelling unit density of the underlying zoning district;
- d. Meet the standards for off street parking found in chapter 6 of this title;
- e. Be inspected by the Fire Marshal to ensure it meets current safety standards once the application is deemed complete and annually thereafter;
- f. Provide proof of application for a State of Montana public accommodation license for a tourist home. This license is administered by the Flathead City-County Health Department;
- g. Report and remit Resort Tax in conformance with the Resort Tax requirements of title 3, chapter 3, "Resort Tax", of this Code;
- h. Provide a name and phone number of a local contact person responsible for handling any problems that may arise with the property, if not a full-time resident;
- i. Post an emergency contact notice visible from outside the front door with the owner's name and phone number (or local contact if absentee per subsection A8 A-1-h of this section) and the property's City of Whitefish shortterm rental registration number;
- j. Keep the property and buildings maintained and continue to provide trash collection services with approved animal resistant containers if determined by the city to be available;
- k. Not display any outside signage advertising the short term rental;
- l. Provide verification the property is appropriately registered and meets requirements for State Bed Tax purposes; and
- m. The City's short term rental registration number, and hosting site property ID must be listed on any print, internet site, or other medium where the short term rental is marketed or booked.

B. Violations: A violation of any of the performance standards in subsection A of this section, as well as repeated citations of disturbing the peace related to the property may result in suspension and possible revocation of the business license and short term rental registration, as well as possible enforcement action as outlined in this subsection. Operating a short term rental outside of an allowed district or without meeting all the standards listed above is a violation of this Code and shall be deemed a misdemeanor and, upon conviction, punished as set forth in section 1-4-1 of this Code. Operating a short-term rental outside of an allowed district or without meeting all the standards listed above shall also be deemed a municipal infraction and subject to a three hundred dollars (\$300) fine for the first violation and a five hundred dollars (\$500) fine for each subsequent violation. Each day that a violation remains shall constitute a separate violation. For each separate incident, the city shall elect to treat the violation as a misdemeanor or a municipal infraction, but not both. If a violation is repeated, the city may treat the initial violation as a misdemeanor and the repeat violation as a municipal infraction or vice versa. Advertising the availability of a short term rental unit that is either not in compliance with these standards or is outside one of the zoning districts that permit short term rentals shall be evidence of a violation and may incur enforcement remedies against the property owner, property manager, and/or listing agent. Advertising creates the following presumptions:

1. That the property owner, property manager, and/or listing agent knew the standards and zoning; and
2. That the operator or manager knew the duty to collect, report, and remit Resort Taxes due under title 3, chapter 3 of this Code.

The city will also notify the Flathead County Health Department and State of Montana regarding any illegal rentals. This section does not prohibit the city from seeking any available remedy in law or equity to enforce the standards set forth herein. (Ord. 18-06, 2-20-2018; amd. Ord. 21-20, 1-3-2022; Ord. 22-05, 4-4-2022)