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Council Meeting: 08/13/2024  
Agenda Item No: 10

**From:** [David Avirom](#)  
**To:** [Joe Vinatieri](#); [Cathy Warner](#); [Mary Ann Pacheco](#); [Fernando Dutra](#); [Octavio Cesar Martinez](#); [WebMail - CCD](#)  
**Subject:** Short Term Rentals  
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August 1, 2024

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RE: Possible changes to the City's short term rental policy

Dear Mayor and Council Members:

Under the guise of adopting restrictions, the council's proposal would have the opposite effect. Unless the council and staff are intentionally engineering the broadest possible STR regulation, more attention needs to be paid to the language and the legal concepts being used, . Aside from disregarding the notion and implications of a "primary residence", the term "grandfather in" is being abused. The [accepted definition](#) of "grandfathering" is:

a section of a law, regulation, or other legal document that limits how changes will be applied to **legal** relations and activities existing prior to the change. (Emphasis mine)

It is impossible to "grandfather in" a practice that was not legal in the first place. Rather than enforcing existing restrictions, the council seeks to legalize them retroactively. According to staff, RIGHT NOW there are about 100 violators of this part of the City code. Instead of enforcing the code, the council wants to reward these scofflaws by giving them more privileges than people who obeyed the law (by refraining from STRs) via exemptions from a new ordinance. Rather, the violators should be denied any permit for a reasonable number of years.

The proposed "per resident" language would allow any and all people residing in Whittier to have a STR. That is why including wording such as "owner occupied single family primary residence" is important. Remember that tenants are also Whittier residents, so every resident of every apartment in Whittier could have a STR, including the one they live in. That would

CC: CM; ACM; CA; Council; Original to CC; Public Binder; Department

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open a Pandora's box for housing providers in Whittier.

If other than owner occupied single family primary residences can be STRs, and people are allowed to own multiples (whether or not "grandfathered") without restrictions on geographical concentration, the people who are currently violating the code will be rewarded and neighborhoods burdened by STRs, currently and in the future, will have no recourse.

There is a housing crisis in the state. Why is Whittier marching towards a policy that will lead to the removal of long-term housing in favor of less stable short-term rentals that have negative community impacts?

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