

November 12, 2018

The Honorable Phil Mendelson
Chairman, Committee of the Whole
District of Columbia City Council
1350 Pennsylvania Avenue NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson and Members of District of Columbia City Council:

The organizations listed below wish to once again respectfully demonstrate strong concern with B22-0092 - Short-Term Rental Regulation and Affordable Housing Protection Act. Last month we collectively sent a letter to the District of Columbia City Council and Mayor Bowser, sharing our associations' missions of technological innovation and our concerns with the proposed ordinance and its inevitable impact on the city and its residents. We once again write to reiterate that the passage of B22-0092 would be an alarming threat to the city's historically exceptional treatment of innovation.

Due to the recently revised Fiscal Impact Statement on this bill, which estimates that passing the proposed ordinance would result in a cost of \$104.1 million to the city over four years, the Council requested changes to the city's existing zoning code in order to reduce that number. With that in mind, the D.C. Office of Planning has now been asked by the city's independent zoning commission to study those zoning regulation requests and recommend what it believes are the appropriate changes.

In the wake of the city zoning commission's request, we strongly urge the D.C. City Council refrain from voting on the proposed short-term rental ordinance until that process has run its course. From a standpoint on procedural and fiduciary responsibility, the only prudent course of action would be for the Council to wait until the Office of Planning has completed their study and put forth its recommendations. Passing B22-0092 under existing zoning regulations would force the Department of Zoning to shut down nearly all existing short-term rentals in the District, negatively impacting the city's residents and carrying a significant financial burden. Neither is in the best interest of the city.

Aspects of B22-0092 are already being challenged as an unconstitutional violation of citizen privacy. B22-0092 follows New York's legally flawed approach to short-term rentals –requiring disclosure of citizen's personal information to the city. The New York approach is being challenged as a violation of the 1st and 4th Amendments and a violation of the federal Stored Communications Privacy Act. Rather than moving forward prematurely with the legally uncertain B22-0092, the Council should wait until the New York suit is resolved (*Airbnb et al v. City of New York*, 1:18-cv-07712-PAE, 1:18-cv-07742-PAE (S.D.N.Y. 2018)).

On these grounds, we urge you to refrain from passing B22-0092, the Short-Term Rental Regulation and Affordable Housing Protection Act, until the Office of Planning can complete its charge. We, along with our member companies, look forward to working with you to ensure that Washington, D.C. continues to be a leading destination for visitors, entrepreneurs and innovative technologies.

Sincerely,

Consumer Technology Association
Internet Association
NetChoice
The Travel Technology Association

