

## STR- Question & response

**Q:** Can Scottsdale residents access the emergency contact list for STRental properties, or do you prefer residents first call the 480-312-RENT number if issues occur?

**A:** Both methods are acceptable.

**Q:** Are there any police dept best practice recommendations to address anti-STR neighbors who harass STR owners and frequently, unnecessarily call the police to report noise/parties or other violations when there are none? It is a drain on city resources and STR owner time and energy.

**A:** Contact 312-Rent to report your situation. You may want to explore mediation. [Scottsdaleaz.gov](http://Scottsdaleaz.gov) search: Mediation.

**Q:** Property Manager of 70 Scottsdale Properties- We register all of our owners' properties with the city with our 24-hour phone number. Is this the same place to register our phone number for the new ordinance for Scottsdale police?

**A:** Refer to the STR webpage. Search [Scottsdaleaz.gov](http://Scottsdaleaz.gov)- Short term rentals

**Q:** What is the plan for cleaning up illegally run STR's? I live in Casita Real and know for sure that there are more STRs than what is registered on the TPT website.

**A:** Visit the STR website for your question.

**Q:** Mario showed that STR properties pay 14% total tax ... for comparison, what total tax do hotels/motels pay?

**A:** Hotels and Motels are subject to the same tax types and tax rates as Short-Term Vacation Rentals.

**Q:** Is a license required if a property is only rented for 30 days or longer?

**A:** Yes. Info: [RentalRealprop.pdf \(scottsdaleaz.gov\)](#)

**Q:** I have called police over 10 times regarding a STR next door. Police always show up 4 hours after the party ends so there is never a penalty for them. What can I do?

**A:** Continue to work with P.D. Contact Commander O'Meara directly. [Jomeara@scottsdaleaz.gov](mailto:Jomeara@scottsdaleaz.gov)

**Q:** What constitutes SHORT-TERM for purposes of this topic?

**A:** Vacation rental or short-term rental means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, that is also a transient public lodging establishment or owner-occupied residential home offered for transient use (offered for rent for less than thirty days.) These types of rentals can be found in both single family and multi-family housing throughout Scottsdale.

Vacation rental and short-term rental do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

**Q:** Where do we report the advertisements without the TPT license number?

**A:** Please submit to Code Enforcement at [ScottsdaleAZ.gov/EZ](http://ScottsdaleAZ.gov/EZ) so that the city can work with the property owner or agent to ensure the contact information is collected per City Code requirements.

**Q:** Does the requirement that the TPT license number be included in all advertisement mean that EVERY listing that does NOT include that can be reported to the city? Who do we file that violation to?

**A:** Please submit to Code Enforcement at [ScottsdaleAZ.gov/EZ](http://ScottsdaleAZ.gov/EZ) so that the city can work with the property owner or agent to ensure the contact information is collected per City Code requirements.

**Q:** For TPT income reported where we are using deduction code 775 - as an example, if our Income is \$1000 and the online platform fee is \$100, and tax is \$100 (so the guest pays \$1200), do we report \$1000, \$1100, or \$1200 for the Income number?

**A:** Contact 312-rent

**Q:** Where can we see how these revenues are being applied back in the neighborhoods?

**A:** research, capital projects, and other eligible uses as determined by city ordinance and state law. The City of Scottsdale imposes a 1.75% Transaction Privilege "sales" tax. Privilege tax revenues are used to finance the cost of various City services including but not limited to police, fire, parks, libraries, and streets.

Half of the revenue derived from the five percent Transient Tax imposed on properties used as a vacation or short-term rental is used for destination marketing to promote tourism in Scottsdale, and the remaining half is divided among tourism-related event support.

**Q:** Would you consider someone who rents their unit 1x a year for a month a STR?

**A:** Refer to STR webpage.

**Q:** Is there a way we can request to be notified anytime police respond to an issue at our STR? Or does that happen automatically already?

**A:** This happens already.

**Q:** When a STVR is considered a STVR? If I only rent my house for 90 days of the year. Do I need to register it as a rental property with the county?

**A:** Yes.

**Q:** If a property has more than 3 bedrooms, why is the maximum number of adults still 6?

**A:** All dwelling units in the city of Scottsdale, including vacation rentals and short-term rentals shall have a maximum family size of 6 adults (and their related dependent children).

**Q:** How does a neighbor know if a homeowner has registered to rent?

**A:** Refer to STR website. [Scottsdaleaz.gov](http://Scottsdaleaz.gov) search short term rental.

**Q:** In case you don't answer this during the presentation, how are code violation notification letters provided? (Mail, email, etc.)

**A:** Mail.

**Q:** Can neighbors be involved to help during this Code Enforcement Process?

**A:** Please allow Code and Police to work through the situation. If you are needed, they will contact you.

**Q:** My property is rented for 30 days or more only and goes through Airbnb. It is registered through the MC Assessors office as a rental. My understanding is that I do not have to register for a license and do not have to file any taxes or reports. I receive a report annually from Airbnb showing the amount they have submitted on my behalf. Is this correct or do I have to file reports, etc. even though this is not a Short Term rental?

**A:** Properties rented 30 days or more fall under the residential tax classification. When doing business through AirBnB you must obtain a TPT license and file TPT returns. You can opt to file on an annual basis. Income derived from AirBnB can be deducted by using deduction code 776.

**Q:** Regarding excessive noise: there have been extremely loud parties in my area that occur earlier in the day (ex: 4 PM). This falls outside the excessive noise timeframe but occurs during working hours & I work from home. How are these incidents dealt with?

**A:** Contact PD at 480-312-5000

**Q:** Can you please expand on the restrictions or rules on occupancy? It was mentioned 6 for excess occupancy. Is this for all house sizes?

**A:** Yes.

**Q:** Question about contacting the emergency contact when there is a violation of the nuisance party ordinance: How do you envision the respective roles of the emergency contact and law enforcement while a violation is underway? I ask because in some jurisdictions (not Scottsdale) law enforcement often refuses to get involved at all when there is a violation and leaves it to the emergency contact to fix and enforce.

**A:** If a home is in violation of the Nuisance party ordinance, Scottsdale PD will respond and act accordingly.

**Q:** What is rentalscape and how is it being used by the city?

**A:** An application the city uses to track rentals within Scottsdale as well as send out notification letters of violation.

**Q:** Does the enforcement process differ if the home ownership is shown as a Family Trust or LLC?

**A:** No

**Q:** How does trespassing work on neighboring properties?

**A:** Contact non-emergency PD at 480-312-5000

**Q:** Does that statistic of calls for service mean that half of the calls in April were STR related?

**A:** Need more information as to what statistic they are referring to

**Q:** Where will the funding come from for the task force?

**A:** The funding for the new STR squad came from the City's general fund with City Council's approval for the additional officers and sergeant.

**Q:** Can the HOA require a copy of the rental agreement?

**A:** The City of Scottsdale has no jurisdiction over what HOAs can/can't do. This is a question for your attorney.

**Q:** How is the 6 adult occupancy limit legal if the state pre-empts jurisdictions from regulating short term rentals in such a manner?

**A:** All dwelling units in the city of Scottsdale, including vacation rentals and short-term rentals shall have a maximum family size of 6 adults (and their related dependent children).

**Q:** What happens when a neighbor makes repeated complaints but when officers respond, there is never an actual violation?

**A:** Work directly with Commander O'Meara

**Q:** Many of the short-term rentals in my area have multiple trash containers, both recycle and reg. Do they pay additional for each container?

**A:** The determination of number of cans and billing is determined by our Solid Waste and Utility Billing departments

**Q:** Should I call the city or short-term rental's local contact first if I have an issue with a short-term rental next door to me?

**A:** If there is an issue with a neighbor, go directly to that person and discuss it in a neighborly manner. If that does not help with the problem, contact the owner or agent name listed on the rental property registry, for the property in question.

**Q:** Is the city of Scottsdale working with the legislators to continue to get more flexibility in restricting short term renters? Is so, what are they asking for?

**A:** Before the start of the current Arizona legislative session, the City Council adopted a legislative agenda which included as a key position the support of legislation that, "enhances the city's capabilities to successfully address the negative impacts of short-term rental properties, and which develops a more level playing field between residential rental platforms and the tourism industry

A letter was sent from the City Council to Scottsdale legislators and state legislative leadership to express concern about state preemption on short-term rental property regulation, and the community impact of this preemption, and the importance of this matter has been discussed directly with Scottsdale legislators.

Throughout the legislative session staff has continued to meet with the Arizona League of Cities & Towns, other jurisdictions, the tourism industry, the short-term rental industry, and legislators about potential changes to state law. Staff remains hopeful that SB 1168, which would enhance the city's abilities to successfully address the negative impacts of short-term rentals, will be passed.

We are asking for a return of local control related to short-term rentals in our community. This is a complex issue, with many different circumstances in communities across the state, which means that there are different regulatory needs from city to city.

**Q:** You referenced a city employee speaking with neighborhoods. How do I arrange this for my neighborhood regarding STR?

**A:** Contact the amazing folks in the Office of Citizen Service to make arrangements for a speaker. 312-3111

**Q:** What restrictions are there on types of businesses that can be operated in a residential neighborhood? (My neighbor is establishing what he calls a fitness club, but renting it out as a STR)

**A:** Vacation rentals and short-term rentals cannot include any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

**Q:** Scottsdale ordinance will allow me to rent rooms out in my home, my entire home, or an attached casita but not a detached casita. Why such an arbitrary ordinance? Isn't it the most desirable situation for me to be on site in my main house and rent out my casita? That discourages problem guests and too many people in the house.

**A:** Except in neighborhoods where Homeowner Associations restrict or regulate these types of rentals, vacation or short-term rentals are allowed by-right in all residential neighborhoods in Scottsdale, subject to the following:

All dwelling units and any accessory guest houses must be rented or offered for rent together and may not be rented or offered for rent independently of one another. [...]"

So, you can rent out a room in your home as a short- or long-term rental, and also an entire home can be used for short- or long-term rental. You cannot sub-divide your single-family home into separate dwelling units for short- or long-term rentals, whether attached or detached, whether owner-occupied or not. The effect of subdividing a single-family property into separate dwelling units, is that it then becomes a multi-family property.

**Q:** Are you saying that there can only be rentals for 6 overnight people?

**A:** All dwelling units in the city of Scottsdale, including vacation rentals and short-term rentals shall have a maximum family size of 6 adults (and their related dependent children).

**Q:** It sounded as though a party or unlawful gathering was required to enforce the excessive noise ordinance. Is that true?

**A:** Scottsdale PD will determine if there is excessive noise coming from the rental in question

**Q:** e have a yard sign in our yard that advocates for fixing the STR challenges in the neighborhood. It has been stolen several times. Is there a way to lodge a complaint about things like this? I'd rather not waste PD's time with this, but I think things like this be should be tracked.

**A:** If a theft has occurred, it should be reported to Scottsdale PD at 480-312-5000.

**Q:** What constitutes disturbing the peace or quiet enjoyment?

**A:** For deciding that noise is excessive, a reasonable person of normal sensibilities shall include Scottsdale police officers or other city employees authorized to enforce. A sound level meter may be used, but is not required, to assist in determining whether noise is excessive or not. It shall be a rebuttable presumption under this article that noise levels over (68) dB(A) or (70) dB(C) between 10:00 PM and 9:00 AM are considered excessive under this article, if they can be heard beyond the property line of the property where the nuisance party or unruly gathering is occurring.

**Q:** Regarding the police department assisting with having the occupants of a short-term rental leave due to a violation of a party or similar event, can they explain why they are following the landlord tenant act and not the ARS eviction statutes dealing with transient occupancy in a hotel/motel/recreational lodging. I believe the latter is more appropriate and would assist the owner with removing the guests more quickly.

**A:** The State of Arizona Legislature did not classify STR as hotel/motel lodging. STRs must be treated the same long-term rentals in terms of evictions thus the Landlord Tenant Act and its protections for home's occupants apply. Legally changes at the state level would need to occur for the proposed change in the question.

**Q:** Is emergency contact information available publicly or to neighbors?

**A:** STR Website – View Registered property information

**Q:** Clarifying question based on what I am hearing: Do we need to register our properties with Rental Scape in addition to the normal registration with the city that has our emergency contact?

**A:** No. Rental scape

**Q:** Is the City collecting the 5% bed tax?

**A:** Yes. All vacation and short-term rentals in Scottsdale are required to pay both Transaction Privilege Sales Tax and a Transient Tax (commonly referred to as a bed tax) – both of which are collected by the State of Arizona. To engage in, or continue a property rental business, a Transaction Privilege (Sales) Tax license with the State of Arizona Department of Revenue is required. It is the property owner's responsibility to make an application and obtain a license with the Arizona Department of Revenue. For more information on this requirement, Keyword "Taxes" on ScottsdaleAZ.gov or call 480-312-2400.

**Q:** For residents affected by STR disturbances, could Cmdr O'Meara please advise on how best to report this when calling the Hotline or non-emergency number? We've heard that it is a good idea to record video evidence or take photos....especially since there may be nights when SPD is super busy and not able to respond quickly to witness disturbances.

**A:** Video evidence is always beneficial in helping to illustrate violations and to support any civil or criminal violations. When calling in a nuisance party or STR complaint on the hotline or non-emergency number, requesting to be contacted is always beneficial as well as it allows the officer to get information from the RP directly.

**Q:** Can the tax license be under the owners LLC?

**A:** Contact the Hotline at 480-312-RENT, press 5

The license must be under the real property owner. If the owner is an LLC, it is required to have the license under that name.

**Q:** What is the impact on a single-family residence's property tax if it is used as a STR while the owner lives on the property also?

**A:** There is no impact. The Maricopa County Assessor's website states: "Pursuant to A.R.S. § 33-1902 any property that is used solely as leased or rented for residential purposes must register certain information related to the property and its ownership with the assessor in the county which the property is located." A property registered with the Maricopa County Assessor as a rental property is not eligible to receive the State Aid Credit which may create an increase in the tax bill.

**Q:** What about rental arbitrage where tenant subleases as a STR, so owner has their own TPT for LTR and tenant needs one for STR? How do you handle that with multiple locations as far as one TPT license number for tenant per property or one per location?

**A:** The only taxable activity would be the short-term rental. The real property owner would be exempt from the tax on this property.

**Q:** How does an owner verify that AirBNB has submitted the taxes they collected to the City of Scottsdale?

**A:** The taxpayer should secure exemption certificate AZ Form 5018 from the OLM (AirBnB). In addition, the taxpayer must file TPT returns to report their income even if the tax has been remitted by the OLM on their behalf. Deduction code 775 can be used to deduct those amounts for which taxes have been paid.

Please call 480-312-2400.

**Q:** If a party starts at 1pm in the afternoon, do we have to wait until 9 or 10pm to contact the police.

**A:** No. Scottsdale PD will determine if the noise is in violation of the Excessive noise policy

**Q:** I know of some STRs in my neighborhood that are not registered and no emergency info. I contacted code enforcement and I had to come up with the VRBO, ABNB information for the property. WHY should I have to do this?

**A:** Refer to the STR website.

**Q:** How come STRs don't have to install barrier fencing around their pools and Jacuzzi's for safety reasons?

**A:** Scottsdale's current swimming pool barrier requirements apply to all single-family residential swimming pools, spas and hot tubs constructed after July 20, 1995.

Since the requirements are not retroactive, pools constructed prior to July 15, 1992, need only comply with the 54" perimeter yard fencing and gate requirement in effect at the time. Pools constructed from

July 15, 1992, until July 20, 1995, must meet the current requirements, except perimeter fence height, which was 54" (4'-6") at the time.