

**TOWN OF DAVIS
RESOLUTION 02.09.2022**

EXTENDING THE TEMPORARY MORATORIUM ON NEW SHORT-TERM RENTAL BUSINESSES

WHEREAS, the Town of Davis currently allows short-term rentals within the Municipality; and

WHEREAS, the Town of Davis recognizes that short-term rentals provide economic benefit, but also potentially impacts the housing stock for year-round residents of the Town; and

WHEREAS, the Town of Davis Mayor & Council are working on an ordinance to create the legal framework for a comprehensive and balanced system of regulating short-term rentals within the Town in the interest of public health, safety and welfare; and

WHEREAS, this ordinance updating process will be inclusive of detailed regulations for the appropriate location, rules and regulations within the Municipality limits; and

WHEREAS, the Town of Davis has determined that there is a legitimate public interest in temporarily deferring new short-term rental businesses in order to avoid the potential impact of a loss of housing stock for year-round residents, which would be adverse to the general character of the community; and

WHEREAS, the Town of Davis also recognizes that indefinitely deferring new short-term rentals could result in hardship to some future potential applicants;

THEREFORE BE IT RESOLVED, during the course of the Town of Davis deliberations as to the appropriate regulations for all short term rentals, that no new short term rental businesses be allowed and that a moratorium is hereby declared, effective immediately, until June 30th, 2022, subject to the Town of Davis right to reduce the moratorium period if the Town of Davis Mayor and Council determines that less time is needed for its deliberations.

BE IT FURTHER RESOLVED, during the period of moratorium, there shall be no consideration or action taken by the Town of Davis, any elected official, any appointed official, or any employee on any request for any new short-term rental.

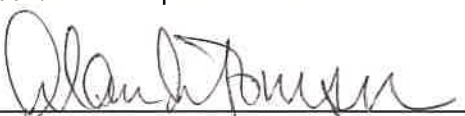
BE IT FURTHER RESOLVED, this moratorium shall not prohibit the use of property for short term rental if the property has during the 2020 or current calendar year to date (February 9th, 2022) been used for this purpose, and is able to provide evidence of this activity through EIN, WV State Tax Documentation, Town of Davis Municipality Business License and other legally acceptable governmental evidence; and

BE IT FURTHER RESOLVED, this moratorium shall not prohibit any short term rental business that has not by August 25th, 2021 engaged in active rental, but can demonstrate reservations confirmed on or before August 25th, 2021 and which reservations can be demonstrated through evidence such as EIN, WV State Tax Documentation, Town of Davis Municipality Business License and other legally acceptable evidence of deposit and confirmation; and


BE IT FURTHER RESOLVED, a property that is being used as a short-term rental and cannot provide such evidence as described above, if requested, shall be in violation of this moratorium and may be denied the opportunity for future registration as a short -term rental for one year; and

BE IT FURTHER RESOLVED, during the period of this moratorium, any entity or property owner alleging that the moratorium will result in a violation of applicable federal or state constitution or law shall be entitled to an expedited hearing before the Town of Davis. At the conclusion of this hearing, the Town of Davis shall make findings and conclusions with respect to whether or not the petitioner has demonstrated that this resolution on its face or as applied to the petitioner violates applicable federal or state constitution or law. If it is demonstrated and found that the moratorium violates applicable federal or state constitution or law, the Town of Davis shall grant relief from the moratorium to the extent necessary to cure the violation.

This **RESOLUTION FOR EXTENDING THE TEMPORARY MORATORIUM ON NEW SHORT-TERM RENTAL BUSINESSES** being passed with a quorum of the Town of Davis Council present and voting this 9th day of February, 2022.



Alan Tomson, Mayor
Town of Davis

ATTEST: 
Jennie Helmick, Recorder
Town of Davis