



Compliance: Late Letters Sent

- The number of **June 2017** "No Reports" letters sent: Fifty two (52) to owner managed properties as of 8/14/17.
 - As of 2/7/18 – One (1) property remains to report – with legal counsel.
- The number of **July 2017** "No Reports" letters sent: Sixty one (61) to owner managed properties as of 9/15/17.
 - As of 2/7/18 - - One (1) property remains to report – with legal counsel.
- The number of **August 2017** "No Reports" letters sent: Sixty one (61) to owner managed properties as of 10/17/17.
 - As of 2/7/18 –Two (2) properties remain to report – Both have received a compliance letter from legal counsel.
- The number of **September 2017** "No Reports" letters sent: Sixty one (61) to owner managed properties as of 10/17/17.
 - As of 2/7/18 – Five (5) properties remain to report. All have received a compliance letter from legal counsel.
- The number of **October 2017** "No Reports" letters sent: Forty Five (45) to owner managed properties as of 12/19/17. (With agents there was over 150 properties to report at first run)
 - As of 2/7/18 –Eight (8) properties remain to report.
- The number of **November 2017** "No Reports" letters sent: Eighteen (18) to owner managed properties as of 1/17/18.
 - As of 2/7/18 – there are three (3) properties that remain to report.

- At this time last year (2017) there was one (1) property to report for May, zero for June, zero for July, zero for August, two (2) for September, three (3) for October and two (2) for November.

Unpaid tax/fees/penalties: The total outstanding due as 2/7/18 is: \$1,562.41 from three (3) permit holders.

First Notice	Second Notice	Third Notice	Attorney	Settlement/ Payment Plan	Collections
\$808.33	\$122.54		\$366.44		\$26.47
\$53.43	\$4.50		\$68.91		
	\$35.41		\$25.13		\$26.23
			\$25.02		
\$ 861.76	\$ 162.45	\$ -	\$ 485.50	\$ -	\$ 52.70
\$ 1,562.41	Total Outstanding				

- **Permits:** As of 2/7/18 - 15 permits have been issued since January reporting –53% were permitted as a result of compliance efforts.
 - 6 permits were issued during the same period of 2017
 - As of 2/7/18 there are 1085 permits.

- Town of Egg Harbor – year round
- Town of Egg Harbor – year round - compliance
- Town of Baileys Harbor – year round - compliance
- Village of Sister Bay – year round
- Town of Gibraltar – seasonal - compliance
- Town of Liberty Grove – year round - compliance
- Village of Egg Harbor- seasonal
- Town of Gibraltar – year round - compliance
- Town of Nasewaupee- seasonal - compliance
- City of Sturgeon Bay – year round
- Town of Liberty Grove – year round
- Town of Liberty Grove - year round
- Town of Gibraltar – year round
- Town of Washington – year round - compliance
- Town of Liberty Grove – seasonal - compliance

- **Unpermitted Properties:** As of 2/2/18 there are nineteen (19) unpermitted properties that are advertising online without a permit and I have on file six (6) property owners that have contacted the office for information as of 2/2/18. Last year at this time I was working on seventeen (17) unpermitted properties (February 2017).

- **VRBO/ Homeaway/ Vactionrentals.com :** As of 2/2/18 on VRBO there are 484 listings for Door County >503 listings last month and 505 in December. Homeaway has 484 listings >503 last month and 505 in December.

- **The following listings are unpermitted on VRBO/Homeaway:**

- Unpermitted Listing #1: #806333 (Compliance letter sent 1/17/18)
- Unpermitted Listing #2: #1255787 (Compliance letter sent 1/23/18)
- Unpermitted Listing #3: #22830481 (Compliance letter sent 1/23/18)
- Unpermitted Listing #4: #1241497 (Compliance letter sent 2/2/18)
- Unpermitted Listing #5: #1254592 (Compliance letter sent 2/2/18)

- **Airbnb:** Currently on Airbnb, the Door County search reflects 306 properties for Door County. However, when I audit the listings there are only 298 (283 actual Door County (276 last month) – 15 Outside of Door County that are included in the search). I counted 8 duplicate properties that were listed twice in the search which I believe account for the 306 listing count that Airbnb lists for Door County.

- As of February 2, 2018 the breakdown of listings by municipality for Airbnb is as follows:

MUNI		# of Airbnb Properties		
2	Baileys Harbor	25		
6	Clay Banks	2		
8	Town of Egg Harbor	36		
9	Village of Egg Harbor	25		
11	Ephraim	18		
12	Gibraltar	23		
14	Town of Forestville	0		
15	Town of Jacksonport	7		
27	Nasewaupee	8		
32	Liberty Grove	46		
33	Sevastopol	15		
34	Sister Bay	10		
35	City of Sturgeon Bay	37		
36	Town of Sturgeon Bay	10		
39	Gardner	7		
42	Union	2		
46	Washington Island	12	283	TOTAL IN DC
	NOT IN DOOR COUNTY	15		
			298	listings total when you search Door County

- **The following listings are unpermitted on Airbnb as of 2/2/18:**

- Unpermitted Listing #1: #14180661 – compliance letter sent 1/2/18 & 1/24/18
- Unpermitted Listing #2: #22534319 – compliance letter sent 1/3/18 & 1/19/18

- Unpermitted Listing #3: #22268447 – compliance letter sent 1/12/18 & 1/30/18
 - Unpermitted Listing #4: #2293900 – compliance letter sent 2/1/18
 - Unpermitted Listing #5: #23005364 – compliance letter sent 2/1/18
 - Unpermitted Listing #6: #22983092 – compliance letter sent 1/30/18
 - Unpermitted Listing #7: #22983752 – compliance letter sent 1/30/18
 - Unpermitted Listing #8: #22750642 – Compliance letter sent 2/7/18
- **Facebook** – there is currently one listing unpermitted on Facebook.
 - **Craigslist** – there are currently three (3) listings unpermitted on Craigslist.
 - **TRIPADVISOR/FLIPKEY:** Currently on TripAdvisor there are 42 rentals, same as last month. Flip key has two more listings for Door County, but one is Algoma and one is Menominee. All are permitted.

Other news:

Work on Corrective Language – Letter to Representative Kitchens:

- A draft letter has been written to Representative Kitchens regarding corrective language for WI Statute 66.0615 that was amended by ACT 59. The language and letter have been reviewed by Attorney Van de Castle. Van de Castle has one more item he is debating on (please see email below). The draft letter is included at the end of the report. I would like feedback to provide Attorney Van de Castle in regard the “any person” clarification in section 66.0615(2).

Kitchens Letter Inbox x

 **William J. Vande Castle** Feb 1 (4 days ago) ☆
to me

Kim,

Attached are my comments and proposed changes to the letter to Rep. Kitchens. My proposed modifications are in bold italics print.

With respect to the proposed Corrective Statutory Language you will see that I have attempted to incorporate the propose corrective revisions directly into the current statutory provisions under Sec. 66.0615 Stats., in the subsections that I believe to be the most appropriate.

There is one additional possible corrective consideration that I am still debating. It relates to the compliance and enforcement provisions in Sec. 66.0615(2), Stats. You will note that in the Subsections of Sec. 66.0615(2), Stats., there are repeated references to “...any person subject to sub. (1m) who fails to comply...”. The question is does that reference to “...person...” apply to the Lodging Marketplace entities? There is no definition of “...person...” specifically stated in Sec. 66.0615(1), Stats., the definitions section of Sec. 66.0615, Stats. In my opinion, I believe the term “...person...” does in fact apply to and also mean Lodging Marketplace entities. However, it takes a bit of legislative gymnastics to get to that conclusion.

In relevant part, Section 66.0615(1m)(a), Stats., provides, as you know, “...The governing body of a municipality may enact an ordinance, and a district, under par. (e), may adopt a resolution, imposing a tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators, **lodging marketplaces**, owners of short-term rentals, and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations...” This section specifically imposes a tax on the basis of furnishing of transient lodging by or through “lodging marketplaces.” Consequently, the argument is that a lodging marketplace entity is a “...person...” subject to the provisions of Section 66.0615(1m), Stats., as stated in the subsections of Sec. 66.0615(2), Stats. As a result, the compliance and enforcement provisions of Sec. 66.0615(2), Stats., should be equally enforceable against a lodging marketplace entity.

My ongoing mental debate is whether it is necessary or advisable to clarify this issue, and avoid the foregoing gymnastics, by specifically stating somewhere that the compliance and enforcement provisions of Sec. 66.0615(2), Stats., also apply to lodging marketplace entities. So far it hasn't been an issue and I do not think it is that big of an intellectual exercise to connect the dots if a lodging marketplace did attempt to argue that it was not subject to the Sec. 66.0615(2), Stats., compliance and enforcement provisions. Consequently, I am leaning toward letting this issue go for the present. If you have any thoughts on this let me know.

If there are any questions regarding my edits and proposed modifications to the Kitchen's letter, please let me know.

William J. Vande Castle

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ALEC Model Legislation Regarding Short Term Rentals:

- Letter to Representative Kitchens regarding “ALEC” model legislation regarding Short Term Rentals – The American Legislative Exchange Council is a clearing house for conservative legislation. They have created model short term rental legislation that has been passed in Arizona, Oregon and Vermont to name a few. Florida and Tennessee are fighting to keep local controls. There is large support for the model legislation by the hotel trade associations who continue their assault on short term rentals at the local, state and federal levels. Moreover, once you read the model legislation you will see that components have already been slipped in via ACT 59 which leaves us to wonder what will be in the next legislation that is slipped into the next budget cycle without debate or proper vetting. The draft of the letter to Representative Kitchens is at the back of the report as well as the ALEC information.

Respectfully Submitted,

Kim Roberts
Administrator

Removed Properties 1/10/17 to 2/7/18

Municipality	Permit #	Removed	Lodging Name	Lodging Address	Owner	Reason for Removal
Gibraltar	12-53-0755-10	1/11/18	Brook Point Condo #2	9383 Brook Point Ct	Moker LLC	Property sold – new permit for new owner 12-53-1791-00
Village of Egg Harbor	09-56-1004-05	1/11/18	Kane Cottage	7935 White Cliff Road	Kane, Mike & Janet	Property sold. New owners not renting.
Jacksonport	15-55-0408-00	1/17/18	Le Clair Cottages	6346 STH 57	LeClair Cottages LLC	Property for sale. No longer renting.
Gibraltar	12-55-0499-00	1/17/18	Ship to Shore Cottage	12 Maple St	Ann McCullagh	No longer renting.
Village of Sister Bay	34-56-0071-02	1/19/18	Bay Shore Birch and Bay Shore Cedar	10833 & 10835 N Bay Shore Drive	Neil Quirk	Agent:"Property sold." Made inactive. New owner permit #1836
Town of Egg Harbor	08-56-1269-00	1/24/18	Nostalgic Log Home	6356 Bay Shore	Mohammad Moheballi	Property Sold.
Village of Egg Harbor	09-53-0429-05	1/24/18	Whitecliff #9 Genaze	7845 White Cliff Rd #9	Robert Genaze	Property for sale.
Town of Gibraltar	12-53-1097-00	1/30/18	Northhaven #17001	3734 N Northhaven #17001	Rick Novotny	Property Sold.
Village of Ephraim	11-56-1092-06	1/30/18	The Spare	10256 S Orchard	Philip & Alison Tatlow	Property Sold.
Town of Sevastopol	33-56-1296-06	1/30/18	Lovering Clark Lake Cottage	5257 S Lake Rd	Paula & Marc De Groot	Property for sale.
Town of Liberty Grove	32-56-1594-06	1/30/18	Gills Bend	1008 Cottage Lane	Mary Elln & Steve Sullivan	Property sold.
Town of Baileys Harbor	02-56-1481-06	1/30/18	North Bay Coastal Retreat	9370 CTH Q	Thomas Shepard	Property Sold.
Town of Sevastopol	33-55-0469-00	2/6/18	Roughn It	4361 Glidden	Ann Metzler	Property Sold.