

## Ben Fulmer

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**From:** Lou Farquhar <jloufarquhar@gmail.com> on behalf of Lou Farquhar  
**Sent:** Thursday, January 19, 2017 11:15 AM  
**To:** Richard Lee  
**Cc:** David Rodgers; Cecil Bothwell; councilgroup; ashevillecan@googlegroups.com  
**Subject:** Re: [CAN] Re: Please reconsider the facts on ADUs

Rich,

Thank you for reasoned response. I think the reason ADU owners are the "bogeyman" is because they're easy targets. Not very vocal because they're small in number and also worried about being ratted out by "neighbors", city enforcement lurking in alleys and expensive software trolling for illegal listings. Also it seems every discussion gets hi-jacked by throwing in whole house rentals which are the source of most of the complaints.

At the end of the day, using David as an example, it's always much easier to blame and shame ADU owners and not do the hard work of finding a solution to the lack of affordable housing. I'm hopeful that with the new enforcement data being collected and follow up on the new Homestay permitting, we will finally get some REAL facts on the impact to neighborhoods and some REAL numbers on "100's and thousands" of ADU's.

Lou Farquhar

On Wed, Jan 18, 2017 at 7:22 PM, Richard Lee <[ric.hardlee@live.com](mailto:ric.hardlee@live.com)> wrote:

There are lots of ways that housing stock is removed from circulation: when its bought for a vacation when its spot for a vacation home that stands empty most of the time. When it's downtown apartments whose residents are evicted to create a boutique hotel or "mixed use". When it's turned into businesses Northside or around Shiloh. When it's a divided house that's recombined back into a restored mansion. Or simply the spec building bubble that means developers putting a \$450k house on every tiny lot instead of building things the local employment pool can afford.

The city doesn't have policies about any of these. You can buy up houses and let them stand empty all you want. You can convert them to regular bed and breakfasts or, if you're downtown, into unlimited short-term rentals with the city's blessing. I note that, of all of these, building and renting an ADU is the most likely to be practiced by people of modest means, local people without much going for them except maybe some equity in their home, rather than a large developer or wealthy out-of-town investor in downtown properties.

Doesn't it seem strange that of all uses, this one that we can't even say is the biggest drag on the housing market has become the bogeyman? Every other use gets a pass -- or applause as a boon to the local tax base. As it happens I agree there should be a lot of limits on STRs, on who owns them and where. But I can't help notice that once again the practice of the lowest stakeholder is vilified for what the richest does at will. If we're going to curtail STRs, and we should, let's not drag the housing debate into it. Or let's drag every practice in equally.

Rich

----- Original message -----

From: David Rodgers <[rodgersdl@gmail.com](mailto:rodgersdl@gmail.com)>

Date: 1/18/17 7:04 PM (GMT-05:00)

To: Cecil Bothwell <[cecilbothwell@gmail.com](mailto:cecilbothwell@gmail.com)>

Cc: Lou Farquhar <[jloufarquhar@gmail.com](mailto:jloufarquhar@gmail.com)>, councilgroup <[AshevilleNCCouncil@ashevillenc.gov](mailto:AshevilleNCCouncil@ashevillenc.gov)>, [ashevillecan@googlegroups.com](mailto:ashevillecan@googlegroups.com)

Subject: [CAN] Re: Please reconsider the facts on ADUs

Cecil,

What is the lie? I just stated facts. Please explain what you think is a lie.

Really. Lets deal with the facts starting with this:

1. Converting homes to hotels equals less housing.

2. We need more not less housing.

This is pretty basic and what it boils down too. We have a choice to make we either need more housing or we don't.

David L. Rodgers

On Wed, Jan 18, 2017 at 6:23 PM, Cecil Bothwell <[cecilbothwell@gmail.com](mailto:cecilbothwell@gmail.com)> wrote:

David,

Your answer fails to address your lies about other people's financial situations.

You really need to sit down and shut up, IMHO.

-C

On Jan 18, 2017, at 12:52 PM, David Rodgers <[rodgersdl@gmail.com](mailto:rodgersdl@gmail.com)> wrote:

Lou,

The basic facts are this:

1. We don't have enough housing in Asheville. You and I agree on this.
2. Our city goals, policies, development incentives and now \$25 Million plus interest all clearly are behind getting more units of housing built in our city. You and I both agree on this too I presume.
3. Allowing whole homes to be used as hotels (let's be clear ADUs are homes) subtracts units of housing. This is a basic math problem that is just a fact we have to face.

I imagine this third point you probably will want to use the presentation your husband gave to council as a rebuttal. The Portland "model" does not account for the cannibalization of existing

housing in our market here in Asheville where the ratio of tourists to citizens is drastically much higher (this is why we threw this idea out on the task force).

Is the Farquhar / Tierney model of buying homes with ADUs that were long term rentals and turning them into hotels adding or subtracting units of housing? It is clear between your two households we as a city now have two less units of housing. Is this the example of what we want replicated hundreds of times losing hundreds of homes for use as hotels?

I get that you don't want to be a landlord with long term tenants and can respect that. It is your right to do what you want within the zoning. The real issue I see here is we really can't afford to have hundreds or thousands of folks follow the example and path you want to go down. Maybe thousands seems like a crazy number, but how many hotel rooms were added in the last five years? I can easily see entire neighborhoods turned into beach front / resort areas where the majority are transients. Whole houses are next using Cecil's logic we "have to legalize it" in order to regulate. So if this reasoning is true about ADUs it is true about whole homes and is where we are headed (personally I reject this flawed logic).

We have lots of garage apartments in our neighborhoods. These are real homes and some of the most affordable options. The zoning is there for a reason. We need housing to be used as housing, not hotels. As one who works with Habitat for Humanity I am sure you understand more than I just how important it is for families to have a place to call home.

Please, I hope you reconsider this a bit more and put your personal self-interests aside and live within the zoning we have. The rules are there for a reason - we need more homes not hotels in our residential zoned neighborhoods.

David L. Rodgers

On Thu, Jan 12, 2017 at 12:20 PM, Lou Farquhar <[jloufarquhar@gmail.com](mailto:jloufarquhar@gmail.com)> wrote:  
Bless yer heart, David.....

You don't know me but I am the wife who is on John's "property card" He chooses to ignore you but I can't...maybe it's a "woman thing" needing to have the last word. If so I own that. I suppose we should be flattered by your portrayal of "millionaire businessman" but in the final analysis, I think your letter says more about you----a bit squishy on facts and heavy on insinuation.

To flesh out your "revelations" ( not that anyone really cares) let me give you some facts. We moved to Asheville in 2006 from DC and bought our house in Fairview and the Timberlake condo followed in 2008 as a joint purchase with my sister and her husband. We decided to move closer to downtown in 2014 and listed the Fairview house for sale. As often happens, it did not sell so is now rented long term. My sister and her husband live in the Timberlake condo. And no, not **"several other properties in Buncombe County of over One Million Dollars"**. Would that that were true. And no, no LLC's to look for.....

Again along the lines of "who cares?", we purchased our 100 y/o Norwood Park house because we fell in love with it...not because we needed or wanted extra income from the rental apartment. The 450 SF furnished apartment ( or should I say "hotel"?) above the detached carriage house (25 feet from our house ) is our "guest room" used by visiting family, friends , friends of friends and the parents and children of neighbors. The bottom floor of the carriage

house was renovated as a writing space for John and a quilting studio for me. Long term tenants ( affordable or otherwise) would not allow the flexibility and privacy we want 25 feet from our house. Short term guests, yes: we control who, when and whether.

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The Asheville Blade recently published enforcement data on each of the 127 violations presented by City Enforcement at the December CC meeting. I looked at this data and it appears that *maybe* 12 are ADU's...less than 10%. Of these 12, all appear to have been either "anonymously" reported or found through new city compliance software. No mention was made of noise, parking, sketchy behavior or any of the other scare-mongering reasons given for banning their use. Going forward, more data from City Enforcement will help to inform the discussions: How many are ADU's with owners on site? How many are single family homes with no owner present? Are the verified noise, parking, nuisance reports really just from whole house rentals as it appears? Opponents of ANY short term rentals always lump ADU's and whole houses together under one Apocalyptic umbrella...let's prove it once and for all with real facts, especially now that you can add legal Homestays to the mix and see if those horrible predictions have come true.

I do agree with you on one thing you said: the need for affordable housing is obvious, and should be a priority for all of us. I for one am happy my tax increases will go to that end. I have worked on local Habitat building sites every Tuesday for the last 10 years, as well as on trips to Louisiana. I'm concluding my second term on the Habitat Board of Directors. I know first hand the scope of the problem and have seen the results when City, County, State, Feds, non-profits, for-profits, donors and yes, homeowners come together to work on it. Affordable housing works both ways and to Cecil's point, many ADU owners ARE single mothers, widows, divorcees; ADU income can make their own home affordable but you can also add young families and retirees looking to supplement pensions and Social Security.

Your letter to Cecil et al promoting this trope that it's greedy fat cats who are responsible for taking away affordable housing and thus should be required to provide it with our 450 SF ADUs is a cop out: it smacks of NIMBYism and a fatal lack of imagination.

Lou Farquhar

On Wed, Jan 11, 2017 at 9:49 AM, David Rodgers <[rodgersdl@gmail.com](mailto:rodgersdl@gmail.com)> wrote:  
Cecil,

I just saw your posting on the ASTRA Facebook page:

"It has come to my awareness that a seeming majority of persons who are offering short term rentals are single women who need the income. (And no surprise, since women are paid lower and hold more part time jobs, hence needing the income.) I'd be very interested to hear from you in complete confidence if that's the case. I am doing everything I can to make STR of ADUs legal in Asheville and I promise utter confidentiality if you contact me. Either FB message or e-mail.

[cecil@braveulysses.com](mailto:cecil@braveulysses.com)"

Please know that two of the ADU Task Force members are seemingly affluent males wanting to use their ADUs as STRs. Both bought their homes in 2014, John Farquhar in Norwood for \$445,000 and Jackson Tierney in Montford \$565,500. Both have their wives listed on the property cards so I guess you can present this as "women needing the income" to all at city council. I really don't think these two men and their wives are broke and needing the income from running a hotel to survive. It is interesting to note that when these two men purchased homes with ADUs in 2014 the listing of John's said it was a long term rental. Jackson's said it was income producing and my understanding is this was a long term rental too. I understand Jackson did a lot of work to bring his up to code, but the point here is that these were two men bought homes with ADUs that were sheltering citizens, not tourists. **The zoning in place when they bought their homes did not and does not allow STRs.**

#### **Why do you want to convert our housing to hotels?**

These are not impoverished individuals. **John Farquhar owns several other properties in Buncombe County of over One Million Dollars. Jackson Tierney owns or owned other investment properties too.** Many smart investors use LLCs so it is hard or impossible to know just how many properties an individual owns.

Maybe John Farquhar or Jackson Tierney can let you know if they are truly destitute and need the additional profit of operating a hotel vs. the income generated from long term rentals. The listing on John's when he bought it in 2014 said the rental rate for the ADU was \$1000 per month. Isn't this enough profit? I guess not.

These two men dishonored the work we did on the ADU Task Force by presenting their own plan, developed secretly. We as a group decided not to use the "Portland model". It is clear they presented this plan to you before the city council meeting where we were all blindsided by John presenting for 10 minutes on a plan we rejected. I hesitated to outline their investments, but it is clear you need to know the leading advocates of changing the zoning is not destitute women. It is two profit maximizing businessmen not satisfied with the profits of long term rentals.

AirBnB is a \$30 Billion company trying to profit converting our housing to hotels.

Cecil, why are you siding with these wealthy men and AirBnB when we obviously need more housing? We are all going to be paying for decades the \$25M plus interest for the housing bonds. It is clear the taxpayers want more, not less housing. The vote was clear on the bonds. ADUs are real housing. It doesn't make sense to convert hundreds of homes into hotels while financing the construction of apartments in the same price point. We might as well flush our tax dollars / bond money down the toilet.

I BCC all ADU Task Force members as I believe in not going behind the backs of others. We all worked too hard over nine meetings developing a path forward to let this get hijacked by wealthy business men not happy with the zoning rules they purchased their homes with now trying to get the rules changed.

I truly hope you reconsider your position on using our homes as Short Term Rentals. ADUs are homes, not hotels.

All the best,

David L. Rodgers

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You received this message because you are subscribed to the Google Groups "Asheville CAN" group. To unsubscribe from this group and stop receiving emails from it, send an email to [AshevilleCAN+unsubscribe@googlegroups.com](mailto:AshevilleCAN+unsubscribe@googlegroups.com).

To post to this group, send email to [AshevilleCAN@googlegroups.com](mailto:AshevilleCAN@googlegroups.com).

To view this discussion on the web visit

<https://groups.google.com/d/msgid/AshevilleCAN/CAAQRpBgvrn%3DCpgR7%3DFk4M5j1AOeS77RqKR1UVMfAFjb7k4H%3Dww%40mail.gmail.com>.

For more options, visit <https://groups.google.com/d/optout>.

## Ben Fulmer

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**From:** Lou Farquhar <jloufarquhar@gmail.com> on behalf of Lou Farquhar  
**Sent:** Thursday, January 19, 2017 11:10 AM  
**To:** Cecil Bothwell  
**Cc:** David Rodgers;councilgroup;ashevillecan@googlegroups.com  
**Subject:** Re: Please reconsider the facts on ADUs

Thanks for trying, Cecil. People are going to believe what they want to believe....

I'm out also.

LF

On Thu, Jan 19, 2017 at 9:47 AM, Cecil Bothwell <[cecilbothwell@gmail.com](mailto:cecilbothwell@gmail.com)> wrote:

I apologized to David for my choice of language.

I'm a little fed up with the endless badgering, and as Lou Farquhar pointed out in an e-mail and FB post, David did distribute false information about that family.

I think both sides of this discussion have made their positions eminently clear, so I'm not going to participate in a further e-mail exchange with any of the respondents in this thread concerning the issue.

I recognize that I can be unpleasant when I am ticked off.

-C

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I truly hope you reconsider your position on using our homes as Short Term Rentals. ADUs are homes, not hotels.

All the best,

David L. Rodgers

## Ben Fulmer

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**From:** Michael Lewis <mlewis6956@charter.net> on behalf of Michael Lewis  
**Sent:** Thursday, January 19, 2017 5:20 AM  
**To:** anne marie doherty;David Rodgers;councilgroup;CAN-Board@googlegroups.com  
**Subject:** Re: [CAN] Please reconsider the facts on ADUs

Well, the Homestay, which is evidently what you did, is no longer an issue. They're legal and always have been. Either from ignorance, or by intent, STR advocates keep mixing the two in their arguments to commercialize residential neighborhoods. It is beginning to appear that STR advocates use stories like yours to blur the issue and confuse the public about what is legal and what is not. Once the differences are obscured, legalizing STRs will gain public support. Then, SUPRISE! Once STRs are approved, there will be no going back whether the position of the folks against STRs (like me) is valid or not. Then the property rights argument will have substance. The STR issue is an unknown, but some people are willing to impose a risk on others.

Just don't mess with neighborhoods.

Mike Lewis

On 1/18/2017 9:44 PM, anne marie doherty wrote:

David,

I am a single mother, long term Asheville resident, who has given countless volunteer hours to improving quality of life for "all" Asheville residents. For example, I worked on the highway issue, organizing a community forum, created and managed a neighborhood website for free, was one of the primary volunteers on Solarize Asheville, tutored children at Isaac Dickson, Odyssey and JCC, precinct chair for years, did Building Bridges, was on Executive Committee of Sierra Club, attended many CAN meeting, even ran the meeting before...perhaps you don't agree with my politics, but I have more than demonstrated my desire for safe, livable, connected, healthy Asheville neighborhoods. When I saw an issue, I didn't just rant about it, I took action and worked for solutions.

I never intended to rent my ADU, it was my guest room, but that wasn't an option when the recession hit. It helped get me through without being forced to sell my home, and it was bloody "hard work" to do it right.

I am in the process of writing my story, help put a human face on the issue, but meanwhile I want to say how tired I am of the "rants" from a few residents, that point to a some bad actors and lump all of us together. I'm so tired of being treated like a criminal.

Am I frustrated with the way the City has handled STR regulation?, you bet I am! Does Airbnb have some serious flaws? yes. I started the STRAA website four years ago, because I realized this was going to be a huge issue for Asheville, and I genuinely wanted to get ahead of the curve and work to craft reasonable regulations, help bring genuine hosts out of hiding to work together. So much for that idea.

The spectrum of hosts is broad, but It is true that at the extremes there tend to be two types of STR hosts. Type 1, those that are "only" in in for the money, don't care much about the neighborhoods, own many properties, don't want to even know who their guests are...

Type 2, legitimate residents, long term property owners that are active in the community, single women or young folks, retired folks, all trying to make it financially, folks that really need the income, hosts that love introducing folks to Asheville, hosting parents of UNCA kids, workshop attendees, new arrivals, and all the other type of visitors to Asheville that can't afford an expensive hotel. When I was attending Lenoir Rhyne's sustainability program, we even did a project how Airbnb could be used to promote sustainability.

It's not going away, and at the moment those that "stayed" underground are being rewarded financially, while those of us that tried to do it right, and tried to work with the City are being punished. I lived the issue of affordable housing for years when raising my daughters alone, I do care about Asheville neighborhoods, and I'm not a criminal! I worked long and hard to own a home, and it's my only retirement plan. - Anne Marie

PS It is my experience that Type 2 hosts tend to live on or near the property and have ADU's.

From the desk of Anne Marie Doherty

On Wed, Jan 11, 2017 at 6:49 AM, David Rodgers <[rodgersdl@gmail.com](mailto:rodgersdl@gmail.com)> wrote:

Cecil,

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"It has come to my awareness that a seeming majority of persons who are offering short term rentals are single women who need the income. (And no surprise, since women are paid lower and hold more part time jobs, hence needing the income.) I'd be very interested to hear from you in complete confidence if that's the case. I am doing everything I can to make STR of ADUs legal in Asheville and I promise utter confidentiality if you contact me. Either FB message or e-mail.

[cecil@braveulysses.com](mailto:cecil@braveulysses.com)"

Please know that two of the ADU Task Force members are seemingly affluent males wanting to use their ADUs as STRs. Both bought their homes in 2014, John Farquhar in Norwood for \$445,000 and Jackson Tierney in Montford \$565,500. Both have their wives listed on the property cards so I guess you can present this as "women needing the income" to all at city council. I really don't think these two men and their wives are broke and needing the income from running a hotel to survive. It is interesting to note that when these two men purchased homes with ADUs in 2014 the listing of John's said it was a long term rental. Jackson's said it was income producing and my understanding is this was a long term rental too. I understand Jackson did a lot of work to bring his up to code, but the point here is that these were two men bought homes with ADUs that were sheltering citizens, not tourists. **The zoning in place when they bought their homes did not and does not allow STRs.**

**Why do you want to convert our housing to hotels?**

These are not impoverished individuals. **John Farquhar owns several other properties in Buncombe County of over One Million Dollars. Jackson Tierney owns or owned other investment properties too.** Many smart investors use LLCs so it is hard or impossible to know just how many properties an individual owns.

Maybe John Farquhar or Jackson Tierney can let you know if they are truly destitute and need the additional profit of operating a hotel vs. the income generated from long term rentals. The listing on John's when he bought it in 2014 said the rental rate for the ADU was \$1000 per month. Isn't this enough profit? I guess not.

These two men dishonored the work we did on the ADU Task Force by presenting their own plan, developed secretly. We as a group decided not to use the "Portland model". It is clear they presented this plan to you before the city council meeting where we were all blindsided by John presenting for 10 minutes on a plan we rejected. I hesitated to outline their investments, but it is clear you need to know the leading advocates of changing the zoning is not destitute women. It is two profit maximizing businessmen not satisfied with the profits of long term rentals.

AirBnB is a \$30 Billion company trying to profit converting our housing to hotels.

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I BCC all ADU Task Force members as I believe in not going behind the backs of others. We all worked too hard over nine meetings developing a path forward to let this get hijacked by wealthy business men not happy with the zoning rules they purchased their homes with now trying to get the rules changed.

I truly hope you reconsider your position on using our homes as Short Term Rentals. ADUs are homes, not hotels.

All the best,

David L. Rodgers

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[mlewis6956@charter.net](mailto:mlewis6956@charter.net)



## Ben Fulmer

---

**From:** Valerie Hoh <valeriehoh@charter.net> on behalf of Valerie Hoh  
**Sent:** Wednesday, January 18, 2017 1:21 PM  
**To:** Michael Lewis  
**Cc:** Gordon Smith;Cecil Bothwell;councilgroup;David Rodgers;CAN-Board@googlegroups.com  
**Subject:** Re: [CAN Board] ADU-STR's

Hello,

I'm just jumping into this discussion late. In our Kenilworth neighborhood, we have section parties every year so neighbors get to meet each other. We do more than wave at each other. We have potlucks and parties at each others homes and we also fight or support City Council together as a neighborhood. Last year for a few months, when a neighbor whose husband just died had cancer herself, neighborhood friends took turns taking her to the doctors and bringing her food for every meal. Someone even went to clean her house. I'm happy to report she is now completely well!

I also don't want my whole neighborhood to become commercialized but I also sympathize with homeowners, some friends, whose only way to keep their property is to rent out a room. I don't think most people get a mortgage higher than they can pay. Sometimes it's just personal circumstances that change, like a death of a spouse and loss of one income, or loss of job.

I think the horse has already left the barn?

I'm more interested in finding ways to stop people from coming into a neighborhood and buying houses specifically for renting out as a commercial enterprise. I've heard of one couple who's done that in another neighborhood.

Is there a compromise where we have a set number of STR's in each neighborhood according to the neighborhood's size and is there some mechanism where they have to apply? Just an idea or maybe there's something like that in place already?

Valerie

On Jan 17, 2017, at 8:09 AM, Michael Lewis wrote:

Well, one of our next door neighbors has a key to our house. A few years ago, the teen who lived in (what was to become an STR) two doors down had a flat tire on his truck, and his parents weren't home. He was struggling to get the lug nuts off. I gave him \$20 to go down to

ACE and buy a lug wrench. I never expected to see my \$20 again, but a few weeks later he paid me back. The entire neighborhood banded together to take meals to the family across the street whose wife/mother was dying of cancer. Some of my neighbors I know well; others less well; some I don't want to know.

We've had a spotty relationship with the tenants in the apartments to our west. I really didn't like the guy who fired the pistol in front of my house at 5:30 on a Sunday morning. Woke me up and made the dogs bark! A few weeks later, he was arrested for beating his girl friend and the cops seized several weapons. But others I have lent tools, they've given us eggs, and brought us cookies. Although the building is in bad repair, on average, the tenants have improved in the last few years. It's been years since I've had to call the cops to get a car blocking my driveway towed.

"Love your neighbor...."

Mike

On 1/17/2017 7:23 AM, Gordon Smith wrote:

<Mail Attachment.png>

Some people don't really participate in their neighborhood, don't get to know the people around them, so I guess they wouldn't notice an STR.

Gordon

On Mon, Jan 16, 2017 at 8:52 PM, Neil Barrett <[nemacbar@att.net](mailto:nemacbar@att.net)> wrote:

I wish more would speak out/up about Short Term Rentals. I'm sure most, if not all residential communities feel similarly to those of us who have spoken out. I submit, Cecil, that the majority, if not all of the folks who own their homes in residential communities within the city of Asheville are against STRs in their neighborhoods. Those who are down trodden should not enter into this discussion as the city must come up with another solution to their housing problems. The easy out to allow those in need for housing should not fall on the shoulders of residential communities for the realistic reason of the owners' property values. If a homeowner needs extra income by way of allowing STRs to help pay their mortgage, then that homeowner should put their place on the market and move into an area where their home ownership is affordable for them. Once STRs are allowed into residential communities, there is no doubt that property owners' investment will be reduced. Word gets out in the realtors' community. Unfortunately, that is academic.

Neil M. Barrett  
South Oaks  
South Asheville

**From:** Lisa Thomson

**Sent:** Monday, January 16, 2017 7:30 PM

**To:** Neil Barrett

**Cc:** Cecil Bothwell ; Michael Lewis ; councilgroup ; CAN-Board@googlegroups.com ; David Rodgers

**Subject:** Re: [CAN Board] ADU-STR's

Mike's email was spot on. Haw Creek has done surveys over the past couple of years and they overwhelming DO NOT want STR's in our neighborhood. First, I would like to know how these homeowners were even able to get a mortgage if the only way they can keep their homes is for the City to allow STR's in residential areas. Second, allowing this change will bring commercial business into residential areas. We, the property owners, have rights also and those rights should not be

infringed upon by the few who are demanding a change to the current ordinance to allow STR's outside the business district. Haw Creek has spoken, and loudly - NO to STR's in residential neighborhood.

We are a city, state and nation of laws, which our leaders and citizens cannot decide which laws ones to obey and which laws to ignore.

Lisa Thomson

On Mon, Jan 16, 2017 at 1:49 PM, Neil Barrett <nemacbar@att.net> wrote:

I think Mike Lewis's message, below, is succinct and right on target. We the people who have chosen to live in residential areas have every right to expect that it will remain just that, residential without creeping commercialism including short term rentals! For city government to override the definition of *residential* is downright undemocratic at the very least!!

Neil M. Barrett

**From:** Michael Lewis

**Sent:** Sunday, January 15, 2017 8:43 PM

**To:** cecil@braveulysses.com

**Cc:** councilgroup ; CAN-Board@googlegroups.com ; David Rodgers

**Subject:** [CAN Board] ADU-STR's

Last week, I received a copy of your posting on the ASTRA website. I know you support legalization of STRs. But the rationale you set out in your post was weak and makes it appear that you are grasping at any argument to support your case.

The hard and indisputable fact is, allowing STR's of any sort in residential neighborhoods is to allow commercial intrusion into residential neighborhoods. STR advocates glibly sidestep that fact by making all sorts of economic welfare arguments while they ignore the interests of existing residential property owners. It's one more assault on the beleaguered and vanishing middle class which seems bereft of real advocates in today's political and economic environments.

One argument for STR's contends that, without STR's, folks won't be able to remain in their homes. One has to wonder how those folks (if they exist at all) exercised such bad judgment and purchased more property than they could afford, and why their mortgage bankers sold them the mortgage. Maybe we're

just sliding back into a pre-Great Recession mortgage market. However, it isn't right to expect existing residential property owners to make sacrifices to bail out folks who have made patently bad (and perhaps unethical) choices. If folks got in over their heads when buying a house, how can anyone expect them to successfully manage a business; i.e., an STR?

Finally, you claim many of the folks lobbying for ADU-STR's are women in dire economic straits. That assertion crassly co-opts the serious equal rights and income disparity issues which our society has yet to resolve. Your contention subverts those issues by using them to support the false argument for ADU-STR's. Again, you have to wonder if these poor women just overbought. Homestays are legal and the perfect and legal solution for people in an economic bind, especially if they wish to participate in the "sharing economy."

Mike

--

Michael N Lewis  
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[mlewis6956@charter.net](mailto:mlewis6956@charter.net)

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## Ben Fulmer

---

**From:** David Rodgers <rodgersdl@gmail.com> on behalf of David Rodgers  
**Sent:** Monday, January 16, 2017 9:54 AM  
**To:** Michael Lewis  
**Cc:** Cecil Bothwell;councilgroup;CAN-Board@googlegroups.com  
**Subject:** Re: ADU-STR's

Thank you for making these points Mike!

Using Councilman Bothwell's reasoning whole home STRs need to be legalized too. He says we must legalize "black markets" to regulate them. So, it is clear this is the next step he will advocate for, otherwise his argument about black markets falls apart. As he says "we can't control it if we don't legalize it". I reject this and think most folks who think through this do too. His plan to require hotel operators to post their license number in their advertisements can start now with the current Homestay rules. Anyone without a license is illegal. Pretty simple.

We can and are enforcing the existing rules. This is not a waste of money when you do the math and see how much it costs us as tax payers to create units of housing. Every unit not used as a STR is one more potential unit of housing for a citizen to call home. We need to enforce the rules in place today or we will end up losing hundreds of homes converted to sheltering tourists. This is clearly what Bothwell is advocating for - the conversion of homes to hotels. Two ADU task force members Tierney and Farquhar have certainly made their case to Bothwell as he presented their case in a prepared statement in December to council. These two men bought homes in 2014 that had ADUs used as long term rentals and now they want to change our policies to run hotels.

We have a choice to make - do we need more or less housing? Are Tierney and Farquhar the poster boys of what we want folks to do with our housing stock? They are not impoverished individuals scrapping by. They bought homes of \$445,000 and \$565,500. They want to put their own self interest and profits above the greater needs of the community. It's their right to do what they want within the limits of the zoning and I understand not wanting to have a long term tenant in the backyard. It is their right not to be landlords. I reject the "I am entitled to do whatever I want" attitude displayed in these men's arguments about running a hotel in their backyards. We have policies in place for many reasons. One is to help preserve what housing we have for use sheltering citizens. We really can't afford to allow hundreds or thousands of homes to be converted to hotels.

With all of our policies geared to creating more, not less housing and the \$25 million dollar bond serving as a referendum of public support it is clear we need more, not less housing. Really, who wants to pay more taxes? Clearly the overwhelming majority of Asheville citizens are willing to put their money into this. Creating public policies that undermines this by converting housing to hotels is poor public policy. Especially housing that is in the same price points as what we will build with the bond money.

**If you think converting homes to hotels is good public policy please, please, please do not issue the bonds. It is just a waste of our tax dollars to build more units of housing and let an equal or greater number of homes be converted to hotels.**

David L. Rodgers

On Sun, Jan 15, 2017 at 8:43 PM, Michael Lewis <[mlewis6956@charter.net](mailto:mlewis6956@charter.net)> wrote:

Last week, I received a copy of your posting on the ASTRA website. I know you support legalization of STRs. But the rationale you set out in your post was weak and makes it appear that you are grasping at any argument to support your case.

The hard and indisputable fact is, allowing STR's of any sort in residential neighborhoods is to allow commercial intrusion into residential neighborhoods. STR advocates glibly sidestep that fact by making all sorts of economic welfare arguments while they ignore the interests of existing residential property owners. It's one more assault on the beleaguered and vanishing middle class which seems bereft of real advocates in today's political and economic environments.

One argument for STR's contends that, without STR's, folks won't be able to remain in their homes. One has to wonder how those folks (if they exist at all) exercised such bad judgment and purchased more property than they could afford, and why their mortgage bankers sold them the mortgage. Maybe we're just sliding back into a pre-Great Recession mortgage market. However, it isn't right to expect existing residential property owners to make sacrifices to bail out folks who have made patently bad (and perhaps unethical) choices. If folks got in over their heads when buying a house, how can anyone expect them to successfully manage a business; i.e., an STR?

Finally, you claim many of the folks lobbying for ADU-STR's are women in dire economic straits. That assertion crassly co-opts the serious equal rights and income disparity issues which our society has yet to resolve. Your contention subverts those issues by using them to support the false argument for ADU-STR's. Again, you have to wonder if these poor women just overbought. Homestays are legal and the perfect and legal solution for people in an economic bind, especially if they wish to participate in the "sharing economy."

Mike

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[mlewis6956@charter.net](mailto:mlewis6956@charter.net)



## Ben Fulmer

---

**From:** Michael Lewis <mlewis6956@charter.net> on behalf of Michael Lewis  
**Sent:** Sunday, January 15, 2017 8:44 PM  
**To:** cecil@braveulysses.com  
**Cc:** councilgroup;CAN-Board@googlegroups.com;David Rodgers  
**Subject:** ADU-STR's

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## Ben Fulmer

---

**From:** David Rodgers <rodgersdl@gmail.com> on behalf of David Rodgers  
**Sent:** Wednesday, January 11, 2017 9:49 AM  
**To:** councilgroup  
**Cc:** ashevillecan@googlegroups.com  
**Subject:** Please reconsider the facts on ADUs

Cecil,

I just saw your posting on the ASTRA Facebook page:

"It has come to my awareness that a seeming majority of persons who are offering short term rentals are single women who need the income. (And no surprise, since women are paid lower and hold more part time jobs, hence needing the income.) I'd be very interested to hear from you in complete confidence if that's the case. I am doing everything I can to make STR of ADUs legal in Asheville and I promise utter confidentiality if you contact me. Either FB message or e-mail.

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I BCC all ADU Task Force members as I believe in not going behind the backs of others. We all worked too hard over nine meetings developing a path forward to let this get hijacked by wealthy business men not happy with the zoning rules they purchased their homes with now trying to get the rules changed.

I truly hope you reconsider your position on using our homes as Short Term Rentals. ADUs are homes, not hotels.

All the best,

David L. Rodgers

## Ben Fulmer

---

**From:** Michael Lewis <mlewis6956@charter.net> on behalf of Michael Lewis  
**Sent:** Wednesday, May 11, 2016 9:02 PM  
**To:** Esther Manheimer; Brian Haynes; Keith Young; cecil@braveulysses.com  
**Subject:** Your vote

I hope that you will vote next Tuesday **against** allowing ADU's use as short-term rentals.

My personal and immediate fear is that a vote to allow ADUs to be used as STR's will degrade residential neighborhoods. The other side, the lobbyists and ASTRA, seem to say and/or believe that allowing ADUs to be used as STRs will allow more folks to tap into tourist revenue. Perhaps, but probably not for long. There is nothing really "sharing" about the "sharing economy." It's just another name for another aspect free-enterprise transactions. Nobody is giving anything away. However, if this wording amendment is passed, it won't be long before corporations and other business entities start buying up these properties, and we see whatever benefit may have accrued to locals be funneled once again out of the community. At that point, whatever income accrued to locals will have disappeared and we will have also given up any possible use of these properties for affordable housing. There is probably no long-term benefit to this proposal.

As early as November, 2014, there was an article in the NYT Magazine which questioned the "sharing economy." It spoke of one landlord who owned 250 STRs throughout the metropolitan area. In the last week or so, I heard a news report that properties in less desirable NY neighborhoods were being bought up and rehabilitated for use as STRs. The income from those properties are not going to the folks who need it the most. We can offer up all kinds of differences between Asheville and NY, but the economic and social consequences are the similar if not the same. Long-term we stand to see affordable housing soaked up by big investors and see the commercialization of neighborhoods.

Once this ordinance passes, you won't be able to reverse it. People are already citing "property rights" as a rationale for you to pass the change to the UDO. If and when people do build ADUs as vacation rentals, there will be an even greater property rights issue if the concept does not work out and our neighborhoods are indeed turned into "hotel rows." Besides, for over 25 years I've been going before one body or another pleading for one neighborhood cause or another and I've heard the property rights issue invoked time and again by advocates of whatever cause was up for passage. I've always thought, "What about my property rights?" What about the effect whatever project is being proposed or ordinance advocated will have on *my* property rights?

We have to find ways to build affordable housing and make sure it is occupied by the folks who need it and that it stays affordable. There is no way to insure those conditions under the proposed ordinance. Please vote "No" on Tuesday.

--  
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[mlewis6956@charter.net](mailto:mlewis6956@charter.net)