

## Sophia Cassam

---

**From:** Brad Brown <bradleywaynebrown@gmail.com>  
**Sent:** Friday, May 6, 2022 2:31 PM  
**To:** Vacation Rental Comments  
**Subject:** ---> opposition to VR caps

You don't often get email from bradleywaynebrown@gmail.com. [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings, Honorable Councilpersons,

Numerical caps on vacation rentals within a jurisdiction is an option for governmental entities. Hundreds of cities and counties throughout the United States have been or are in the process of regulating vacation rental numbers. A percentage of those regulations are tied up in court with no clear determination as to the legality or even the constitutionality of these laws.

No one can say with authority if vacation rental caps are legal.

San Juan County will be joining the august company of those who are venturing into this contested field.

Implementing unproven experimental regulations, *especially* without complete and thorough procedures attached and lacking a comprehensive facility/ability to enforce, means the county is flying blind into a potential legal and political quagmire.

Perhaps the more conservative, equitable and principled path is to enforce and fully fund current directions specified by the council in its 2018 decision. This would allow for the current regs to have time to work. It would also provide for the gathering of causational data that vacation rentals effect as adjacent to and antecedent to housing affordability in the islands. It is at this point – where accurate, authentic, actionable data is present – that the council can determine prudent further steps. A wait on implementation of VR caps for precise local evidence would also allow for time to distinguish the results of adjudication of court cases related to vacation rentals nationwide.

An decision of the degree and scope in our instance is burdened with potential obstacles: lawsuits, uneven execution, the manifesting of evidence contradicting original “gut feelings” which instigated the push for VR caps. These barriers could offend the purposes of the council.

Beyond that, what will happen if, more likely when, the proposals fail – either in implementation and need to be “tweaked,” or when a judicial ruling requires changing or ending such a county regulation.

If this proposed regulation has to be revisited within the next few years, what would be the concomitant discord then?

We have seen community fractionalization around the issue of vacation rentals. How much more so if you, deciders, must alter these regulations either because of court rulings or because of your own subsequent determination of the facts on the ground?

A responsible decision is to follow your own strictures of 2018 regarding vacation rentals and to wait for the winding of court cases through the U.S. judicial system for the final word on how best to proceed.

Sincerely, Brad Brown, Orcas