



## **Wilmington (NC) REALTORS® Stand Up for Home Owners to Defeat Proposed Vacation Rental Ordinance – April 2015**

Sun, sand, and surf just 18 miles south of Wilmington, Kure Beach is one of North Carolina's treasured seaside communities. It is also one of many that consist largely of investment properties whose owners rent to vacationers for most of the year, and enjoy their beach houses for periodic holidays of their own. So, when the town recently attempted to overhaul the zoning ordinance governing vacation rentals, a red flag went up for the Wilmington Regional Association of REALTORS® (WRAR), which is dedicated to protecting the rights of property owners.

Shane Johnson, Senior Government & Community Affairs Director of the 1,850-member organization, 128 of whom are active in Kure Beach and neighboring communities, explains that the proposed Vacation Rental Ordinance seemed to have been prompted by year-round residents unhappy with the transient nature of a rental community. He notes that incidents of improper trash disposal, public urination, and parking on lawns are matters that should be taken seriously. But as existing ordinances already cover these issues, stronger enforcement was all that was needed to address the problems.

Instead, the town proposed a new five-page ordinance that appeared to have been cut-and-pasted from a jurisdiction somewhere in California. "It made no sense," says Johnson. "At first glance, we could tell that it was in conflict with state law; and if enacted it would seriously hinder tourism. It simply was unnecessary as all voiced concerns could be handled with proper enforcement of existing ordinances."

For a professional assessment of the proposal, WRAR turned to the REALTOR® Party, which offers a Land Use Initiative (LUI) review by the law firm of Robinson & Cole. Johnson was familiar with the service, which he'd used twice before for matters concerning special use permits and accessory dwelling units. "The LUI is one of the most powerful tools REALTOR® organizations have in our advocacy toolbox," he points out. "If local organizations used it once, they'd be amazed with the results. It's really very easy: there's a two-page application form to complete, and after a quick call back, two weeks later you'll receive the analysis. We've had great success with it, every time."

In fact, the review turned up no fewer than 10 points of concern with the proposed rental provisions, including a couple of constitutional issues.

In the meantime, WRAR issued a call for mobilization to area members, prompting 15 REALTORS® to show up at the town's March 4th Planning & Zoning Commission meeting where the proposal was to be discussed. It was a packed room, reports Johnson, who delivered the 12-page LUI memo to the mayor, members of the Commission, and the town attorney. He also provided his members with speaking points and scripts, and following an introduction by WRAR's Local Political Coordinator, eight of them stood, introduced themselves, and presented their testimony.

"They were great!" says Johnson. "As neighbors and familiar faces in the local community, our members came across with real authenticity. It was a little like hitting a gnat with a ten-pound hammer," he admits, "but we got our point across and established



our position as an authoritative resource on property issues. It was never our intention to embarrass the City Council, but they were clearly somewhat chagrined." The Planning & Zoning Commission tabled the proposal; WRAR will continue to monitor the situation; and property owners in Kure Beach have been spared the onerous provisions of an illegal Vacation Rental Ordinance.

*To learn more about how the REALTORS® of Wilmington, North Carolina are protecting property rights and strengthening local ordinances, contact Shane Johnson of the Wilmington Regional Association of REALTORS®, at [shane@wrar.com](mailto:shane@wrar.com) or 910-762-1695.*



*Above: Kure Island is one of North Carolina's treasured seaside communities.*

*Left: REALTORS help pack the room where the Wilmington City Council ultimately tabled the motion for the Vacation Rental Ordinance.*