

Fighting Short Term Rentals (STR) in small claims court

It may seem obvious that government ordinances would be enforced by the agencies that created them. Another avenue the individual homeowner can take would be to directly sue the offending property owner in small claims court for damages due to violation of ordinances outlined under **Section 130 of the St. Tammany Land Use Development Code for Single Family Residential Dwellings** - namely running a non-permitted commercial unsupervised hotel in a residential area.

First try to resolve the violation with the owner by letting them know you mean business. The judge may require evidence of notification so be sure to send the STR owner a "Cease & Desist" letter by priority mail so you can track it. You can find the owner by looking up the address up on the St. Tammany Parish Assessor's website at www.stpao.org under "check your assessment". Often you can then get their phone number from www.voterrecords.com or if the property is under a corporation those principals can be looked up in the Secretary of State database at <https://coraweb.sos.la.gov/CommercialSearch/CommercialSearch.aspx> .

Judges rule on the evidence presented. For evidence get a police report if you can, be sure to take plenty of dated pictures, and a recording if noise is a factor. Be sure to also get a picture street-side showing the address and how close it is to adjacent homes. (android "open camera" will put dates on the pictures) You do not have to get an attorney for small claims court and it is relatively inexpensive at \$100 or so. Type up your presentation & print your pictures in advance so you can present a strong case in court. (you can email Walgreen's photo department for high quality pictures) Also bring a printout of the applicable portion of the ordinance and any advertisement you find for the short term rental.

Strong legal evidence for the judge is on YouTube at <https://youtu.be/rAOkgEeJsgE> ... skip in 2 hours and 59 minutes to hear the council's attorney clarify the law. Even if you were to lose your case you will have sent a strong message to the person violating the sanctity of your home. The worst thing you can do is to do nothing. Note, you can find info on small claims court at <https://www.citycourtofslidell.com>

A fair amount of claim might be the amount charged by the landlord for the rental plus legal expenses plus your suffering. For instance, lets say the owner rented the home for \$2500. Obviously the lost value of the customary use of your single family zoned home would be the same. Then there are the court fees, travel mileage, your time and / or lost wages to handle the matter. Lets say make it \$5000 per occurrence. If the judge disagrees he will simply make an adjustment. Note, the maximum amount of claim in small claims court is \$5000 per suit.

If the owner does not pay you will need to put a lien on their property. Liens accrue interest at the rate of 12% per year and stay with the property until paid. The lien must be satisfied before the property can be sold or mortgaged. Be sure to give them legal notice before placing the lien. You will likely be paid and the property will likely be put up for sale when they realize you're not going to put up with the crap. If every resident would sue each time a short term rental occurs this problem would go away. It may also be a good idea to notify Airbnb, Vrbo, etc. that they are advertising an illegal short term rental.

Note that a HOA or even a civic association can sue as representative on behalf of one of their members although in that case the association would likely be required to be represented by an attorney making the process more expensive and drawn out.

please submit corrections or additions to info@datakik.com
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