



This photo of South Lake Tahoe from Wikimedia Commons was taken in 2007, a little more than a year before vacation rental service Airbnb was founded.
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Legal limbo

Measure T update

Ballot Measure T in South Lake Tahoe

passed by a mere 58 votes in November after a total of 6,976 residents cast their votes. Now the measure, which would largely ban vacation home rentals like Airbnb, stands in limbo.

On Dec. 24, El Dorado County Judge Thomas A. Smith issued a temporary injunction on Measure T after a lawsuit was filed in December by a group calling itself the South Lake Tahoe Property Owners Group. The suit claims that the measure is unconstitutional.

Measure T is supposed to ban vacation home rentals in residential areas of South Lake Tahoe by 2022. The only exceptions would be for full-time residents, who would still have the right to rent out their homes for up to 30 days per year. The measure also includes language limiting the number of occupants who may stay in a rental at one time to 12. Judge Smith's injunction stopped the enforcement of the occupancy limits, which were set to go into effect on Jan. 1. His decision has stopped the city from enforcing those limits at least until Jan. 24, when the case against it is due back in court.

Prior to the lawsuit that triggered the temporary injunction, the City of South Lake Tahoe had said it would enforce occupancy limits using discretion until after the holiday season. Proponents of the measure have indicated concern that the city may not defend it rigorously against the current court challenge.

One of the reasons for their worry is that the city previously failed to defend a ballot measure, also called Measure T,

that was approved by voters in 2016. It would have restricted the City of South Lake Tahoe's decision-making powers concerning the U.S. 50/South Shore Community Revitalization Project. A lawsuit was filed against it and the project was ultimately deemed unconstitutional by a judge after the city sat on its hands.

When asked last month whether the city intends to defend against the claims made in the recent lawsuit, City Attorney Heather Stroud told the Tahoe Daily Tribune's Ryan Hoffman that she had not received legal direction from the South Lake Tahoe city council on how to respond to the suit.

On Jan. 7, the South Lake Tahoe Property Owners Group filed a request asking that Measure T be put on hold in its entirety for the remainder of the court proceedings. And on Jan. 8, the city council met behind closed doors to discuss the measure and current lawsuit against it. The council was expected thereafter to give Stroud direction on how to proceed with the lawsuit, but no final decision was made.

According to the Tribune's Hoffman, who filed a report shortly after the city council came out of its closed-door meeting Tuesday morning, the city is hopeful that it can please people on both sides with a compromise that would continue the restraining order on occupancy limits for vacation home rentals but still allow the rest of the measure to stand.

As to whether or not the city will defend the central component of Measure T banning almost all vacation home rentals in three years time, Stroud told Hoffman, "That decision hasn't been made yet." □

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