

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY ADDING CHAPTER 5.77, RELATED  
TO SHORT-TERM RENTALS

The City Council of the City of Long Beach ordains as follows:

Section 1. The Long Beach Municipal Code is amended by adding  
Chapter 5.77 to read as follows:

CHAPTER 5.77  
SHORT-TERM RENTALS

5.77.010 Purpose.

The purpose of this Chapter is to establish regulations, standards,  
and a registration process governing the renting or leasing of privately  
owned visitor serving residential dwelling units on a short-term basis in  
order to maintain the long-term rental housing stock in the City; ensure the  
collection and payment of Transient Occupancy Taxes ("TOT"); safeguard  
the residents of the City of Long Beach by ensuring that short-term rental  
activities do not threaten the character of residential neighborhoods; and  
ensuring that such short-term rental activities do not become a nuisance, or  
threaten the public health, safety or welfare of neighboring properties.

5.77.020 Definitions.

A. "Booking transaction" means any reservation and/or payment  
service provided by a person or entity who facilitates a short-term rental

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802

1 transaction between a prospective guest and a short-term rental operator.

2 B. "City" means City of Long Beach.

3 C. "Director" shall mean the Director of Development Services or  
4 a person designated by the Director to act in her/his stead.

5 D "Guest" means any person or persons renting a short-term  
6 rental for transient occupancy.

7 E. "Host" means the natural person or persons, at least one of  
8 whom is an occupier of the property at the time of, and for the duration of,  
9 the short-term rental, who is/are the owner of record of the property or  
10 operates the property, and includes a personal or family trust consisting  
11 solely of natural persons and the trustees of such trust or a limited liability  
12 company and the members of such company.

13 F. "Hosted stay" means a short-term rental activity at a primary  
14 residence whereby the host occupies the short-term rental property and  
15 remains on-site and resides in a habitable dwelling unit or portion thereof  
16 throughout the guest's stay (except during daytime and/or work hours).

17 G. "Hosting platform" means a person or entity that participates in  
18 the short-term rental business by collecting or receiving a fee, directly or  
19 indirectly through an agent or intermediary, for conducting a booking  
20 transaction using any medium of facilitation.

21 H. "Local contact person" means the person designated by the  
22 operator to respond to and take remedial action regarding STR complaints.

23 I. "Platform agreement" means a signed agreement between a  
24 hosting platform and the City, which, among other things, provides that the  
25 hosting platform will collect and submit transient occupancy tax to the City  
26 on behalf of short-term rental operators.

27 J. "Primary residence" means a person's permanent residence or  
28 usual place of return for housing as documented by at least two (2) of the

1 following: motor vehicle registration; driver's license; voter registration; tax  
2 documents showing the residential unit as the person's residence; or a utility  
3 bill. A person may have only one (1) primary residence for the purpose of  
4 this Chapter and must reside there for a minimum of two hundred seventy-  
5 five (275) days during the calendar year. For properties with two (2) existing  
6 legally permitted dwelling units (e.g., a duplex), the term "primary residence"  
7 shall refer to the parcel of land and both units on that parcel.

8 K. "Primary residence STR" means a primary residence being  
9 operated as a short-term rental.

10 L. "Prohibited buildings list" means a list identifying the  
11 address(es) of all buildings whose owner(s), including any applicable  
12 homeowners' association or board of directors, have notified the City,  
13 pursuant to City procedures, that short-term rentals are not permitted to  
14 operate anywhere in such building, including deed restricted affordable  
15 housing units.

16 M. "Short-term rental ("STR")" means a hosted stay at a  
17 residential dwelling unit, or portion thereof, that is offered or provided to a  
18 paying guest(s) by a short-term rental operator for thirty (30) or fewer  
19 consecutive nights. The term "short-term rental" shall not include hotels,  
20 motels, inns, or bed and breakfast inns.

21 N. "Short-term rental advertisement" means any method of  
22 soliciting use of a dwelling unit for short-term rental purposes.

23 O. "Short-term rental operator" or "operator" means any person  
24 who is the owner or tenant of a dwelling unit, or portion thereof, who offers  
25 or provides that dwelling unit, or portion thereof, for hosted short-term rental  
26 use.

27 P. "Single room occupancy" is as defined in Section 21.15.2667.

28 Q. "Special group residence" is as defined in Section 21.15.2810

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and 21.52.271.

R. "Tenant" means a person who has a rental agreement for a dwelling unit in which the rental payments are paid on a monthly or other periodic basis in exchange for occupancy of the dwelling unit.

S. "Transient occupancy tax" ("TOT") means local transient occupancy tax as set forth in Chapter 3.64 of the Long Beach Municipal Code.

T. "Un-hosted stay" means a short-term rental activity whereby the host, as that term is defined herein, resides off-site during the guest's stay.

5.77.030 Registration required.

A. No person or entity shall advertise, rent, or operate a short-term rental in the City unless a short-term rental (STR) registration has been issued by the City pursuant to this Chapter. An operator of the STR shall register with the City and shall be responsible for all requirements of this Chapter. Application for a STR shall be in a form prescribed by the Director with all information determined by the Director to be necessary to evaluate the eligibility of the operator, consistent with this Chapter.

B. Eligibility requirements. The following requirements must be met at the time of submitting a STR registration application:

1. The dwelling unit shall not be an accessory dwelling unit (ADU), a junior accessory dwelling unit (JADU), a deed restricted affordable housing unit, in a special group residence, a single room occupancy, or included on the prohibited buildings list.

2. The STR operator shall not operate more than one (1) primary residence STR in the City.

3. The number of -primary residence STRs in multi-family

1 development projects shall not exceed the number of dwelling units  
2 identified in the Table below:

3 Number of dwelling units in residential development	4 Number of primary residence STRs allowed per development project
5 2 to 10	1
6 11 to 50	10%
7 51 to 100	12%
8 101 or more	15%

9 4. The STR operator shall identify, to the satisfaction of  
10 the City, a local contact person, who may be the person conducting the  
11 hosted stay, who shall be available twenty-four (24) hours per day, seven  
12 (7) days a week for: (1) responding within one (1) hour to complaints  
13 regarding the condition, operation, or conduct of the STR or its occupants ;  
14 and (2) taking any remedial action necessary to resolve such complaints.

15 5. A signed and notarized property owner consent form  
16 shall be provided if the STR operator is not the property owner.

17 6. The dwelling unit or property shall not be the subject of  
18 any active or pending code enforcement actions or violations pursuant to  
19 the City's Municipal Code.

20 7. No STR registration for the dwelling unit has been  
21 revoked within the last twelve (12) months.

22 8. If the dwelling unit is subject to the rules of a  
23 homeowners' or condominium association, allowance to engage in hosted  
24 short-term rental activity through this Chapter shall not be inferred to grant  
25 any permission that invalidates or supersedes any provisions in those  
26 documents.

27 9. The operator shall sign an indemnification and hold  
28 harmless agreement in a form approved by the City Attorney, agreeing to

1 indemnify, save, protect, hold harmless, and defend the City of Long Beach,  
2 the City Council of the City of Long Beach, individually and collectively, and  
3 the City of Long Beach representatives, officers, officials, employees,  
4 agents, and volunteers from any and all claims, demands, damages, fines,  
5 obligations, suits, judgments, penalties, causes of action, losses, liabilities,  
6 or costs at any time received, incurred, or accrued as a result of, or arising  
7 out of the operator's actions or inaction in the operation, occupancy, use,  
8 and/or maintenance of the short-term rental.

9 10. The unit shall be legally permitted as a dwelling unit.

10  
11 5.77.040 Expiration and renewal.

12 A. A STR registration is valid for one (1) year from the date of  
13 issuance. It may not be transferred or assigned and does not run with the  
14 land. A STR registration may be renewed annually if the operator: (1) pays  
15 the renewal fee; (2) provides information concerning any changes to the  
16 previous application for, or renewal of, the STR registration; (3) submits  
17 records described in Section 3.64.080 for the last year to demonstrate  
18 compliance with this Chapter.

19 B. Failure to submit a renewal application to the City at least  
20 thirty (30) days prior to the expiration of the registration shall render the  
21 registration and permission to operate an STR null and void.

22  
23 5.77.050 Short-term rental regulations.

24 A. All marketing and advertising of a STR, including any listing on  
25 a hosting platform, shall clearly list the City-issued STR registration number.

26 B. Short-term rental is prohibited in any part of the property not  
27 approved and permitted for residential use including, but not limited to, a  
28 vehicle parked on the property, a storage shed, trailer, garage, boat or

1 similar watercraft, tree house, or any temporary structure, including, but not  
2 limited to, a tent.

3 C. Un-hosted stays in a STR are prohibited in the City of Long  
4 Beach.

5 D. Each STR shall have a notice posted within the unit in a  
6 location clearly marked and accessible to the guest (e.g., posted on the  
7 refrigerator, included within a binder with additional information on the unit,  
8 etc.), containing the following information:

9 1. The maximum number of occupants permitted in the  
10 unit;

11 2. Parking capacity, location of parking spaces, and  
12 parking rules, if any;

13 3. Trash and recycling pickup information;

14 4. The name of the local contact and a telephone number  
15 at which that person may be reached on a twenty-four (24) hour basis;

16 5. Emergency contact information for summoning police,  
17 fire, or emergency medical services; and

18 6. Evacuation plan for the unit showing emergency exit  
19 routes, exits, and fire extinguisher locations.

20 E. The maximum number of persons, including the host or hosts,  
21 who may occupy the STR at one (1) time shall be limited to two (2) persons  
22 per bedroom, plus two (2). This calculation shall be inclusive of children.

23 Lofts that meet California Building Code egress requirements are  
24 considered a bedroom for the purposes of this occupancy calculation. In no  
25 event may the maximum occupancy exceed ten (10) persons in any STR.

26 Large-scale events (i.e., exceeding maximum allowed occupancy) such as  
27 commercial parties, weddings, fundraisers, and conferences, are prohibited  
28 as part of the short-term rental use, unless a STR occasional event permit

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has been issued.

F. Use of all outdoor pools, spas and hot tubs shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

G. All activities shall comply with all provisions of the Municipal Code, including, but not limited to Chapter 9.31 (Loud Parties on Private Property) and Chapter 8.60 (Solid Waste, Recycling and Litter Prevention).

H. No sign shall be posted on the exterior of the STR premises to advertise the availability of the STR rental unit to the public.

I. No person shall offer, advertise, book, facilitate, or engage in short-term rental activity in a manner that does not comply with this Chapter.

J. Short-term rentals shall comply with all applicable laws and regulations of the City including those pertaining to health, safety, building, and fire protection.

K. The STR operator shall pay all applicable fees and charges set by the City Council by resolution as may be necessary to effectuate the purpose of this Chapter.

L. It is unlawful for any STR host, operator, occupant, renter, lessee, person present upon, or person having charge or possession of the STR premises, to make or continue to cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivities residing in the area, or which violates any provision of Chapter 8.80 ("Noise") of this Code.

M. The appearance of the STR premises shall not conflict with the residential character of the neighborhood. All applicable development, design, and landscaping standards, including, but not limited to, those contained in Title 21 of this Code, are expressly made applicable to any premises used for STR purposes.



1           5.77.060     Short-term rental operator requirements.

2           A.       The operator shall provide information on the maximum  
3 allowed number of occupants, parking capacity and location of parking  
4 spaces, noise regulations and quiet hours, and trash and recycling disposal  
5 requirements to prospective guests, prior to their occupancy of the unit.

6           B.       The operator shall provide and maintain working fire  
7 extinguishers, smoke detectors, and carbon monoxide detectors, in  
8 compliance with life, fire, and safety codes; and information related to  
9 emergency exit routes on the property, local contact, and emergency  
10 contact information.

11          C.       The operator shall maintain and provide proof of liability  
12 insurance appropriate to cover the short-term rental use in the aggregate of  
13 not less than one million dollars (\$1,000,000); or conduct each short-term  
14 rental transaction through a platform that provides equal or greater  
15 insurance coverage.

16          D.       Transient Occupancy Taxes shall be collected on all Short-  
17 Term Rentals. If a Hosting Platform does not collect payment for the rental,  
18 operators are solely responsible for the collection of all applicable TOT and  
19 remittance of the collected tax to the City in accordance with Chapter 3.64  
20 (Transient Occupancy Tax). If a Hosting Platform does collect payment for  
21 the rentals, then it and the operator shall both have legal responsibility for  
22 the collection and remittance of the TOT.

23          E.       The operator and property owner shall be jointly responsible  
24 for any nuisance violations arising at a property during short-term rental  
25 activities.

26          F.       The operator shall authorize any hosting platform on which his  
27 or her STR(s) is listed to provide to the City the operator listing and other  
28 information to demonstrate compliance with all provisions of this Chapter.

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G. The operator must consent to receive all City notices and fines regarding STR registration by U.S. mail.

5.77.070 Hosting platform responsibilities.

A. Hosting platforms shall not process or complete any booking transaction for any STR, unless the STR has a valid current STR registration number issued by the City to the operator. Hosting platforms are required to list the STR registration number and expiration date.

B. Within forty-five (45) days of the effective date of this Ordinance, hosting platforms with listings located in the City shall provide to the City contact information for an employee or representative of the hosting platform that will be responsible for responding to requests for information from the City, including requests related to possible violations of this Chapter.

C. Subject to applicable laws, a hosting platform with listings located in the City shall provide to the City on a monthly basis, in a format specified by the City, the STR registration number of each listing, the name of the person responsible for each listing, the address of each such listing, and, for each booking that occurs within the reporting period, the number of days booked, and the total price paid for each rental.

D. In the event a hosting platform has entered into a platform agreement, and an operator has assigned the responsibilities for the collection and remittance of transient occupancy tax to the hosting platform, then the hosting platform and the operator shall have the same duties and liabilities, including but not limited to the collection and remittance of transient occupancy tax to the City in compliance with this Chapter and Chapter 3.64 (Transient Occupancy Tax) of this Code.

E. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not

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apply if determined by the City to be in violation of, or preempted by, any such law(s).

F. Hosting platforms shall remove any listings for STRs, including those on the City's prohibited buildings list, from the platform upon notification by the City. The City Manager shall develop, by administrative regulation, processes and procedures for the removal of any listing.

G. Hosting platforms shall inform all operators who use the platform of the operator's responsibility to collect and remit all applicable local, state, and federal taxes, unless the platform has a platform agreement.

H. It is unlawful to be a hosting platform operating in the City unless the responsibilities in this Section are fully complied with.

5.77.080 Enforcement.

A. It is unlawful to violate the provisions of this Chapter. Violations include, but are not limited to:

1. Failure of the local contact to take action to respond to a complaint within one (1) hour after the complaint is received or a contact is attempted, and the local contact cannot be reached;
2. Failure to notify the City when the local contact information changes;
3. Violation of the STR maximum occupancy, noise, or other requirements as set forth in this Chapter;
4. Providing false or misleading information on a STR registration application or other documentation required by this Chapter;
5. Any attempt to rent an unregistered STR by advertising the property for short-term rental purposes;
6. Completing a booking transaction in the City without a valid City-issued registration number;

- 1                                 7.     Completing a booking transaction where the STR  
2 registration has been revoked or suspended by the City;
- 3                                 8.     Violations of state, county, or City health, building, or  
4 fire regulations;
- 5                                 9.     Conduct or activities that constitute a public nuisance or  
6 which otherwise constitute a hazard to public peace, health, or safety;
- 7                                 10.  Authorizing, permitting, facilitating or otherwise allowing  
8 any un-hosted short-term rental occupancy or activity in any dwelling unit in  
9 the City.
- 10                                B.     Unless otherwise described in this Section, enforcement of  
11 this Chapter shall be subject to the processes and procedures in Chapter  
12 1.32 of the Municipal Code.
- 13                                C.     Notwithstanding anything to the contrary in Chapter 1.32, the  
14 fine shall be one thousand dollars (\$1,000) for each violation. Each  
15 separate day in which a violation exists may be considered a separate  
16 violation. However, a thirty (30) day warning period shall be provided prior  
17 to issuing fines for advertising a STR without a valid registration number.
- 18                                D.     If three (3) fines have been issued against a STR operator  
19 within a twelve (12) month period, the STR registration may be revoked or  
20 suspended or additional conditions may be imposed by the Director by  
21 providing written notice to the operator setting forth the basis of the intended  
22 action and giving the operator an opportunity, within fourteen (14) calendar  
23 days, to present responding information to the Director. After the fourteen  
24 (14) day period, the Director shall determine whether to revoke the  
25 registration, suspend the registration, or impose additional conditions upon  
26 the registration and thereafter give written notice of the decision to the  
27 operator. If a STR registration is revoked, the STR may not be re-registered  
28 with the City for a period of twelve (12) months from the date of revocation,

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regardless of who is the STR operator.

E. The City hereby finds and declares that repeated violations of this Chapter constitute a public nuisance which may be enjoined under all applicable laws including Code of Civil Procedure Section 731.

F. Any person, hosting platform, or STR operator convicted of violating any provision of this Chapter in a criminal case or found to be in violation of this Chapter in a civil or administrative action brought by the City shall be ordered to reimburse the City its full investigative and enforcement costs, pay back all unpaid TOT if applicable, and remit all illegally obtained rental related revenue to the City.

G. If any violation of this Chapter is found to exist, the City may issue an administrative citation to any operator pursuant to Chapter 9.65 of this Code.

H. The City may take any other action permitted by law or equity to ensure compliance with this Chapter, including, but not limited to, general code enforcement procedures set forth in Titles 5, 9, 18 and 21 of this Code.

I. The City may issue and serve administrative subpoenas as necessary to obtain specific information regarding STR listings located in the City, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price paid for each stay, to determine whether the STR listings comply with this Chapter. Any subpoena issued pursuant to this Section shall not require the production of information sooner than thirty (30) days from the date of service. A person, hosting platform, or STR operator that has been served with an administrative subpoena may seek judicial review during that thirty (30) day period.

J. Any person, hosting platform, or STR operator aggrieved by a decision of the Director with respect to the provisions of this Chapter may

1 appeal the decision to the Board of Examiners Appeals and Condemnation  
2 ("BEAC"). The decision of the BEAC shall be final, subject to judicial review  
3 pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6.

4 K. The remedies provided in this Section are cumulative and not  
5 exclusive, and nothing in this Section shall preclude the use or application of  
6 any other remedies, penalties, or procedures established by law.

7  
8 5.77.090 Fees.

9 The City Council may establish and set by resolution all fees and  
10 charges as may be necessary to effectuate the purpose of this Chapter.

11  
12 5.77.100 Administration.

13 A. The City Manager, or designee, shall have the authority to  
14 establish administrative rules and regulations consistent with the provisions  
15 of this Chapter for interpreting, clarifying, carrying out, furthering, and  
16 enforcing the requirements and the provisions of this Chapter.

17 B. If any provision of this Chapter conflicts with any provision of  
18 Title 21 (Zoning), the terms of this Chapter shall control.

19  
20 5.77.110 Operator registration period.

21 STR operators shall apply for registration pursuant to this Chapter  
22 within one hundred eighty (180) days after the effective date of this Chapter.

23  
24 5.77.120 Severability clause.

25 If any provision or clause of this Chapter or the application thereof to  
26 any person or circumstances is held to be unconstitutional or to be  
27 otherwise invalid by any court of competent jurisdiction, such invalidity shall  
28 not affect other section provisions or clauses or applications, and to this end

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the provisions, sections and clauses of this ordinance are declared to be severable.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the one hundred twenty-first (121st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2020, by the following vote:

Ayes:	Councilmembers:	_____
		_____
		_____
		_____
Noes:	Councilmembers:	_____
		_____
		_____
Absent:	Councilmembers:	_____
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Recusal(s):	Councilmembers:	_____
		_____

City Clerk

Approved: \_\_\_\_\_  
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802