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ORD-55

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December 8, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare an Ordinance amending Title 5, Regulation of Businesses, Trades and Professions of the Long Beach Municipal Code, by amending and restating Chapter 5.77, related to short-term rentals, read the first time and laid over to the next regular meeting of the City Council for final reading; and

Adopt a Resolution directing the Director of Development Services to submit the Ordinance amendments to the California Coastal Commission for review and a finding of conformance with the City's Certified Local Coastal Program. (Citywide)

DISCUSSION

At its meeting on November 17, 2020, the City Council considered whether to request an amendment to Chapter 5.77, "Short-Term Rentals", of the Long Beach Municipal Code (LBMC) to primarily lift the prohibition on, and regulate, un-hosted short-term rentals (STRs) within the City. The revised draft Ordinance is attached for the City Council's consideration, approval, and adoption.

Consistent with the City Council's direction, Staff used the prior draft Ordinance presented to the Council on May 19, 2020 (which included regulations on un-hosted STRs), and made the following revisions:

- An STR Operator shall not operate more than one (1) primary residence STR and more than one (1) non-primary residence STR within the City;
- The total number of non-primary residence STR registrations shall not exceed 800 dwelling units, and this number shall be reviewed by the City Council on an annual basis; and
- No more than four (4) occasional event permits may be issued per STR during its annual term of registration.

Due to staff's experience and feedback received during the initial implementation process of Chapter 5.77 of the LBMC thus far, staff has additionally made the following revisions for the Council's consideration:

- Clarifying the definition of "primary residence" to specifically include multi-unit buildings on a single parcel and a building in a residential development project;
- Adding a definition of "residential development project";
- Clarifying the definition of "Host" to include an authorized tenant;
- Clarifying that the City will use a "notice and takedown" approach for Hosting Platforms with respect to unauthorized STRs, meaning Platforms will be prohibited from processing, completing, or authorizing any booking transaction for an STR when notified by the City that a valid current STR registration number has not been issued;
- As previously requested, the Petition process to restrict un-hosted STRs will be conducted by census block group; and
- It is a specific violation of Chapter 5.77 (and therefore subject to all appropriate civil or criminal penalties) to exceed the maximum number of occasional events permitted per registration year.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Negative Declaration (ND 07-19) was certified by the City Council for this "project" on June 16, 2020. A Resolution directing the Director of Development Services to submit a request to the California Coastal Commission for a finding of conformance in the City's Coastal Zone has been prepared and is also submitted for the Council's consideration and adoption.

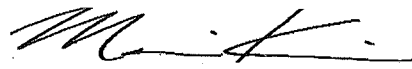
SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By



MONICA J. KILAITA
Deputy City Attorney

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 (1) of
8 whom is an occupier of the property, who is/are the owner of record of the
9 property or operates the property, including a personal or family trust
10 consisting solely of natural persons and the trustees of such trust or a
11 limited liability company and the members of such company, or who is/are
12 an authorized tenant of the property.

13 F. "Hosted stay" means a short-term rental activity whereby the
14 host remains on-site and resides in a habitable dwelling unit or portion
15 thereof throughout the guest's stay (except during daytime and/or work
16 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. "Non-primary residence STR" means a short-term rental that is
24 not a primary residence.

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

1 K. “Primary residence” means a person's permanent residence or
2 usual place of return for housing as documented by at least two (2) of the
3 following: motor vehicle registration; driver's license; voter registration; tax
4 documents showing the residential unit as the person’s residence; or a utility
5 bill. A person may have only one (1) primary residence and must reside
6 there for a minimum of two hundred seventy-five (275) days during the
7 calendar year. For properties with two (2) or more existing legally permitted
8 dwelling units (e.g., a duplex), the term "primary residence" shall refer to the
9 parcel of land and all units on that parcel or within a building in a residential
10 development project.

11 L. “Primary residence STR” means a primary residence being
12 operated as a short-term rental.

13 M. “Prohibited buildings list” means a list identifying the
14 address(es) of all buildings whose owner(s), including any applicable
15 homeowners’ association or board of directors, have notified the City,
16 pursuant to City procedures, that short-term rentals are not permitted to
17 operate anywhere in such building, including deed restricted affordable
18 housing units. Prohibited buildings list shall also include a list of census
19 block groups where un-hosted STRs are prohibited per Section 5.77.080.

20 N. “Residential development project” means a multi-family
21 development (four (4) or more units) with more than one (1) building on one
22 (1) or more parcels of land.

23 O. "Short-term rental (“STR”)" means a residential dwelling unit,
24 or portion thereof, that is offered or provided to a paying guest(s) by a short-
25 term rental operator for thirty (30) or fewer consecutive nights. The term
26 “short-term rental” shall not include hotels, motels, inns, or bed and
27 breakfast inns.

28 P. “Short-term rental advertisement" means any method of

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soliciting use of a dwelling unit for short-term rental purposes.

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

R. "Single room occupancy" is as defined in Section 21.15.2667.

S. "Special group residence" is as defined in Section 21.15.2810 and 21.52.271.

T. "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.

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

V. "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

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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 and more than one (1) non-primary residence STR in the City.

3. The number of non-primary residence STRs in multi-family development projects shall not exceed the number of dwelling units identified in the Table below:

Number of dwelling units in a residential development project	Number of non-primary residence STRs allowed per residential development project
2 to 10	1
11 to 50	10%
51 to 100	12%
101 or more	15%

4. The total number of non-primary residence STR registrations allocated shall not exceed eight hundred (800) dwelling units, unless otherwise directed by the City Council by ordinance or resolution. The total number of non-primary residence STR registrations allocated shall be reviewed by the City Council on an annual basis.

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

6. A signed and notarized property owner consent form

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shall be provided if the STR operator is not the property owner.

7. The dwelling unit or property shall not be the subject of any active or pending code enforcement actions or violations pursuant to the City’s Municipal Code.

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

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

10. The operator shall sign an indemnification and hold harmless agreement in a form approved by the City Attorney, agreeing to indemnify, save, protect, hold harmless, and defend the City of Long Beach, the City Council of the City of Long Beach, individually and collectively, and the City of Long Beach representatives, officers, officials, employees, agents, and volunteers from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising out of the operator’s actions or inaction in the operation, occupancy, use, and/or maintenance of the short-term rental.

11. The unit shall be legally permitted as a dwelling unit.

5.77.040 Expiration and renewal.

A. A STR registration is valid for one (1) year from the date of issuance. It may not be transferred or assigned and does not run with the land. A STR registration may be renewed annually if the operator: (1) pays the renewal fee; (2) provides information concerning any changes to the

1 previous application for, or renewal of, the STR registration; (3) submits
2 records described in Section 3.64.080 for the last year to demonstrate
3 compliance with this Chapter.

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

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8 5.77.050 Short-term rental regulations.

9 A. All marketing and advertising of a STR, including any listing on
10 a hosting platform, shall clearly list the City-issued STR registration number
11 and expiration date.

12 B. Short-term rental is prohibited in any part of the property not
13 approved and permitted for residential use including, but not limited to, a
14 vehicle parked on the property, a storage shed, trailer, garage, boat or
15 similar watercraft, tree house, or any temporary structure, including, but not
16 limited to, a tent.

17 C. Un-hosted stays in a primary residence STR shall be limited to
18 a maximum of ninety (90) days per year.

19 D. Un-hosted stays shall be prohibited in census block groups in
20 the City where such stays are prohibited in accordance with Section
21 5.77.080 or any successor Section.

22 E. Each STR shall have a notice posted within the unit in a
23 location clearly marked and accessible to the guest (e.g., posted on the
24 refrigerator, included within a binder with additional information on the unit,
25 etc.), containing the following information:

- 26 1. The maximum number of occupants permitted in the
27 unit;
- 28 2. Parking capacity, location of parking spaces, and

1 parking rules, if any;

2 3. Trash and recycling pickup information;

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

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

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

9 F. The maximum number of persons who may occupy the STR at
10 one (1) time shall be limited to two (2) persons per bedroom, plus two (2).

11 This calculation shall be inclusive of children. Lofts that meet California
12 Building Code egress requirements are considered a bedroom for the
13 purposes of this occupancy calculation. In no event may the maximum
14 occupancy exceed ten (10) persons in any STR. Large-scale events (i.e.,
15 exceeding maximum allowed occupancy) such as commercial parties,
16 weddings, fundraisers, and conferences, are prohibited as part of the short-
17 term rental use, unless a STR occasional event permit has been issued.

18 The maximum number of occasional event permits that can be issued
19 during the annual term of registration per STR is four (4), and any
20 application for an occasional event permit thereafter and within the same
21 registration term shall automatically be deemed null and void by the City.

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

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

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

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

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

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

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

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

21
22 5.77.060 Short-term rental operator requirements.

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

27 B. The operator shall provide and maintain working fire
28 extinguishers, smoke detectors, and carbon monoxide detectors, in

1 compliance with life, fire, and safety codes; and information related to
2 emergency exit routes on the property, local contact, and emergency
3 contact information.

4 C. The operator shall maintain and provide proof of liability
5 insurance appropriate to cover the short-term rental use in the aggregate of
6 not less than One Million Dollars (\$1,000,000); or conduct each short-term
7 rental transaction through a platform that provides equal or greater
8 insurance coverage.

9 D. Transient Occupancy Taxes shall be collected on all Short-
10 Term Rentals. If a Hosting Platform does not collect payment for the rental,
11 operators are solely responsible for the collection of all applicable TOT and
12 remittance of the collected tax to the City in accordance with Chapter 3.64
13 (Transient Occupancy Tax). If a Hosting Platform does collect payment for
14 the rentals, then it and the operator shall both have legal responsibility for
15 the collection and remittance of the TOT.

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

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

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

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25 5.77.070 Hosting platform responsibilities.

26 A. Hosting platforms shall not process or complete any booking
27 transaction for any STR if notified by the City that a valid current STR
28 registration number has not been issued by the City to the operator.

1 Hosting platforms are required to list the STR registration number and
2 expiration date. Hosting platforms shall not process or complete any
3 booking transaction for any property located in the City that would exceed
4 the limit of days as set forth in Section 5.77.050.C.

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

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

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

23 E. The provisions of this Section shall be interpreted in
24 accordance with otherwise applicable State and Federal law(s) and will not
25 apply if determined by the City to be in violation of, or preempted by, any
26 such law(s).

27 F. Hosting platforms shall remove any listings for STRs, including
28 those on the City's prohibited buildings list, from the platform upon

1 notification by the City. The City Manager shall develop, by administrative
2 regulation, processes and procedures for the removal of any listing.

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

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

8

9 5.77.080 Request to Petition to restrict un-hosted short-term rentals
10 within a geographical census block group.

11 A. The property owners of residential property in any census
12 block group within the City may request the City to initiate a petition
13 process, using a form provided by the Director, to prohibit un-hosted STRs
14 within that census block group.

15 B. The petition must include the signatures, printed names, and
16 addresses of a majority of the property owners of residential real property
17 located within the boundaries of the census block group and the petition
18 process shall in all cases be initiated within one hundred and eighty (180)
19 days after the effective date of this Chapter, and a new one hundred and
20 eighty (180) day petition process period shall be established annually
21 thereafter. The petitioning process will be completed by the City via U.S.
22 mail, and the requestor(s) shall be responsible for the cost of initiating and
23 completing the petition process, which cost will be established by the City
24 Council by resolution. All petition signatures shall be collected by the City,
25 and shall include the street address of each signer, and shall indicate and
26 set forth the positive desire of all those signing the petition to prohibit un-
27 hosted stays within the boundaries of the census block group. Each census
28 block group shall be limited to the submission of one (1) request to initiate a

1 petition process during any one hundred eighty (180)-day petition process
2 period, on a first come, first served basis. Any second or subsequent
3 petition request for the same census block group during the annual one
4 hundred eighty (180)-day petition process period shall automatically be
5 deemed null and void by the City without opportunity for an administrative
6 appeal.

7 C. To the extent a petition seeks to prohibit un-hosted STRs
8 within the Coastal Zone boundaries of the City, and the petition process is
9 successful, it shall have no effect on properties within the Coastal Zone
10 boundaries until the California Coastal Commission certifies the adoption of
11 this Chapter as an appropriate implementation ordinance for the City's Local
12 Coastal Program.

13 D. For purposes of the petition, each residential property within
14 the census block group shall be represented by one (1) vote and multiple
15 signatures for the same property shall count as one (1) vote.

16 E. Upon receipt of a petition, the Director shall verify that the
17 petition contains the required number of signatures requesting that un-
18 hosted stays be prohibited within the census block group.

19 F. Following approval of an un-hosted restriction by the Director,
20 the City shall provide notice of the restriction to all residential property
21 owners within the boundaries of the affected census block group.

22 G. Once approved, a restriction on un-hosted STRs shall remain
23 in effect for a minimum of three (3) years following the effective date of such
24 restriction. After the initial three (3) year restriction period, the restriction
25 shall remain in effect indefinitely unless and until such restriction(s) are
26 prohibited by law; or a request to initiate a petition to eliminate the restriction
27 is filed with the City and a majority of the property owners within the
28 restricted census block group sign the petition reflecting the positive desire

1 of all those signing the petition to remove the restriction on un-hosted stays.

2 H. The City Clerk or the Department of Development Services
3 shall cause to be posted online a list or map of the current census block
4 groups where un-hosted STRs are prohibited.

5 I. Any fees associated with the filing of the petition, or the
6 removal of a restriction once adopted, shall be established by the City
7 Council by resolution.

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9 5.77.090 Enforcement.

10 A. It is unlawful to violate the provisions of this Chapter.

11 Violations include, but are not limited to:

12 1. Failure of the local contact to take action to respond to
13 a complaint within one (1) hour after the complaint is received or a contact is
14 attempted and the local contact cannot be reached;

15 2. Failure to notify the City when the local contact
16 information changes;

17 3. Violation of the STR maximum occupancy, noise, or
18 other requirements as set forth in this Chapter;

19 4. Providing false or misleading information on a STR
20 registration application or other documentation required by this Chapter;

21 5. Any attempt to rent an unregistered STR by advertising
22 the property for short-term rental purposes;

23 6. Completing a booking transaction in the City without a
24 valid City-issued registration number;

25 7. Completing a booking transaction where the STR
26 registration has been revoked or suspended by the City;

27 8. Exceeding the maximum number of occasional events
28 permitted in this Chapter;

1 9. Violations of state, county, or City health, building, or
2 fire regulations;

3 10. Conduct or activities that constitute a public nuisance or
4 which otherwise constitute a hazard to public peace, health, or safety.

5 B. Unless otherwise described in this Section, enforcement of
6 this Chapter shall be subject to the processes and procedures in Chapter
7 1.32 of the Municipal Code.

8 C. Notwithstanding anything to the contrary in Chapter 1.32, the
9 fine shall be one thousand dollars (\$1,000) for each violation. Each separate
10 day in which a violation exists may be considered a separate violation.
11 However, a thirty (30) day warning period shall be provided prior to issuing
12 fines for advertising a STR without a valid registration number.

13 D. If three (3) fines have been issued against a STR operator
14 within a twelve (12) month period, the STR registration may be revoked or
15 suspended or additional conditions may be imposed by the Director by
16 providing written notice to the operator setting forth the basis of the intended
17 action and giving the operator an opportunity, within fourteen (14) calendar
18 days, to present responding information to the Director. After the fourteen
19 (14) day period, the Director shall determine whether to revoke the
20 registration, suspend the registration, or impose additional conditions upon
21 the registration and thereafter give written notice of the decision to the
22 operator. If a STR registration is revoked, the STR may not be re-registered
23 with the City for a period of twelve (12) months from the date of revocation,
24 regardless of who is the STR operator.

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

28 F. Any person, hosting platform, or STR operator convicted of

1 violating any provision of this Chapter in a criminal case or found to be in
2 violation of this Chapter in a civil or administrative action brought by the City
3 shall be ordered to reimburse the City its full investigative and enforcement
4 costs, pay back all unpaid TOT if applicable, and remit all illegally obtained
5 rental related revenue to the City.

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

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

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

22 J. Any person, hosting platform, or STR operator aggrieved by a
23 decision of the Director with respect to the provisions of this Chapter may
24 appeal the decision to the Board of Examiners Appeals and Condemnation
25 (“BEAC”). The decision of the BEAC shall be final, subject to judicial review
26 pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6.

27 K. The remedies provided in this Section are cumulative and not
28 exclusive, and nothing in this Section shall preclude the use or application of

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any other remedies, penalties, or procedures established by law.

5.77.100 Fees.

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

5.77.110 Administration.

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

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

5.77.120 Operator registration period.

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

5.77.130 Severability clause.

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

1 Long Beach, and it shall take effect on the forty-fifth (45th) day after it is approved by the
2 Mayor.

3 I hereby certify that the foregoing ordinance was adopted by the City
4 Council of the City of Long Beach at its meeting of _____, 20____, by the
5 following vote:

6
7 Ayes: Councilmembers: _____
8 _____
9 _____
10 _____

11 Noes: Councilmembers: _____
12 _____

13 Absent: Councilmembers: _____
14 _____

15 Recusal(s) Councilmembers: _____
16 _____

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18 _____
19 City Clerk

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21 Approved: _____
22 (Date) Mayor

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

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO
THE LONG BEACH MUNICIPAL CODE TO THE
CALIFORNIA COASTAL COMMISSION FOR ITS REVIEW
AND APPROVAL

WHEREAS, on _____, 20__, the City Council of the City of
Long Beach added certain provisions to Title 5 of the Long Beach Municipal Code
relating to Short-Term Rentals (STRs); and

WHEREAS, it is the desire of the City Council to submit the above
referenced Municipal Code amendments to the California Coastal Commission for its
review and approval; and

WHEREAS, the City Council gave full consideration to all facts and the
proposals respecting the amendments to the Municipal Code at properly agendized City
Council meetings; and

WHEREAS, the City Council approved the proposed amendments to the
Municipal Code by amending and restating Chapter 5.77 relating to STRs. The proposed
amendments are to be carried out in a manner fully consistent with the Coastal Act and
become effective in accordance with the terms of the ordinance and upon Coastal
Commission certification and approval; and

WHEREAS, the City Council hereby finds that the proposed Municipal Code
amendments will not adversely affect the character, livability or appropriate development
in the City of Long Beach and that the amendments are consistent with the goals,
objectives and provisions of the City's General Plan.

///

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

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NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. The amendments to the Long Beach Municipal Code adopted on _____, 20__, by Ordinance No. ORD-20-_____, a copy of which is attached to and incorporated in this resolution as Exhibit "A", is hereby submitted to the California Coastal Commission for its earliest review as to that part of the ordinance that directly affects land use matters in that portion of the California Coastal Zone within the City of Long Beach.

Section 2. The Director of Development Services of the City of Long Beach is hereby authorized to and shall submit a certified copy of this resolution, together with appropriate supporting materials, to the California Coastal Commission with a request for its earliest action, that will take effect in accordance with the ordinance and upon Coastal Commission approval.

Section 3. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I certify that this resolution 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: _____

Recusal(s): Councilmembers: _____

City Clerk



ORD-55

Date: December 8, 2020

To: Honorable Mayor and Members of the City Council

From: Councilwoman Stacy Mungo Flanigan, District 5
Councilwoman Jeannine Pearce, District 2
Councilwoman Suzie Price, District 3

Subject: Short Term Rentals Ordinance

RECOMMENDATION:

Declare an Ordinance amending Title 5, Regulation of Businesses, Trades and Professions of the Long Beach Municipal Code, by amending and restating Chapter 5.77, related to short-term rentals, and declaring the urgency thereof, read the first time and laid over to the next regular meeting of the City Council for final reading.

Adopt a Resolution directing the Director of Development Services to submit the Ordinance amendments to the California Coastal Commission for review and a finding of conformance with the City's Certified Local Coastal Program. (Citywide)

DISCUSSION

At its meeting on November 17, 2020, the City Council requested an amendment to Chapter 5.77, "Short-Term Rentals", of the Long Beach Municipal Code (LBMC) to primarily lift the prohibition on, and regulate, un-hosted short-term rentals (STRs) within the City. The City Attorney prepared the revised draft Ordinance, which is attached in an accompanying item, for the City Council's consideration, approval and adoption.

The purpose of this specific item is to notify the public that the City Council will be considering whether to adopt the amended Ordinance as an urgency/emergency in accordance with Long Beach Charter section 211, in light of the COVID-19 pandemic and applicable Health Orders, including provisions related to the operations of STRs.

Since the CDC has stated that unhosted Short-Term Rentals are a safe lodging option that has the lowest exposure to additional people, we encourage the City Council's approval of urgency so individuals traveling for the holiday have additional options of safe places to quarantine.

FISCAL IMPACT

Due to the urgency of this item, no fiscal analysis was conducted.

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING AND RESTATING
CHAPTER 5.77, RELATED TO SHORT-TERM RENTALS;
AND DECLARING THAT THIS ORDINANCE SHALL TAKE
EFFECT IMMEDIATELY

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

Section 1. Chapter 5.77 of the Long Beach Municipal Code is amended
and restated in its entirety 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.

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

B. "City" means City of Long Beach.

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

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

E. "Host" means the natural person or persons, at least one (1) of whom is an occupier of the property, who is/are the owner of record of the property or operates the property, including a personal or family trust consisting solely of natural persons and the trustees of such trust or a limited liability company and the members of such company, or who is/are an authorized tenant of the property.

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

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

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

I. "Non-primary residence STR" means a short-term rental that is not a primary residence.

J. "Platform agreement" means a signed agreement between a

1 hosting platform and the City, which, among other things, provides that the
2 hosting platform will collect and submit transient occupancy tax to the City
3 on behalf of short-term rental operators.

4 K. "Primary residence" means a person's permanent residence or
5 usual place of return for housing as documented by at least two (2) of the
6 following: motor vehicle registration; driver's license; voter registration; tax
7 documents showing the residential unit as the person's residence; or a utility
8 bill. A person may have only one (1) primary residence and must reside
9 there for a minimum of two hundred seventy-five (275) days during the
10 calendar year. For properties with two (2) or more existing legally permitted
11 dwelling units (e.g., a duplex), the term "primary residence" shall refer to the
12 parcel of land and all units on that parcel or within a building in a residential
13 development project.

14 L. "Primary residence STR" means a primary residence being
15 operated as a short-term rental.

16 M. "Prohibited buildings list" means a list identifying the
17 address(es) of all buildings whose owner(s), including any applicable
18 homeowners' association or board of directors, have notified the City,
19 pursuant to City procedures, that short-term rentals are not permitted to
20 operate anywhere in such building, including deed restricted affordable
21 housing units. Prohibited buildings list shall also include a list of census
22 block groups where un-hosted STRs are prohibited per Section 5.77.080.

23 N. "Residential development project" means a multi-family
24 development (four (4) or more units) with more than one (1) building on one
25 (1) or more parcels of land.

26 O. "Short-term rental ("STR")" means a residential dwelling unit,
27 or portion thereof, that is offered or provided to a paying guest(s) by a short-
28 term rental operator for thirty (30) or fewer consecutive nights. The term

1 "short-term rental" shall not include hotels, motels, inns, or bed and
2 breakfast inns.

3 P. "Short-term rental advertisement" means any method of
4 soliciting use of a dwelling unit for short-term rental purposes.

5 Q. "Short-term rental operator" or "operator" means any person
6 who is the owner or tenant of a dwelling unit, or portion thereof, who offers
7 or provides that dwelling unit, or portion thereof, for short-term rental use.

8 R. "Single room occupancy" is as defined in Section 21.15.2667.

9 S. "Special group residence" is as defined in Section 21.15.2810
10 and 21.52.271.

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

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

17 V. "Un-hosted stay" means a short-term rental activity whereby
18 the host, as that term is defined herein, resides off-site during the guest's
19 stay.

20
21 5.77.030 Registration required.

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

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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 and more than one (1) non-primary residence STR in the City.

3. The number of non-primary residence STRs in multi-family development projects shall not exceed the number of dwelling units identified in the Table below:

Number of dwelling units in a residential development project	Number of non-primary residence STRs allowed per residential development project
2 to 10	1
11 to 50	10%
51 to 100	12%
101 or more	15%

4. The total number of non-primary residence STR registrations allocated shall not exceed eight hundred (800) dwelling units, unless otherwise directed by the City Council by ordinance or resolution. The total number of non-primary residence STR registrations allocated shall be reviewed by the City Council on an annual basis.

5. The STR operator shall identify, to the satisfaction of the City, a local contact person who shall be available twenty-four (24) hours per day, seven (7) days a week for: (1) responding within one (1) hour to complaints regarding the condition, operation, or conduct of the STR or

1 its occupants; and (2) taking any remedial action necessary to resolve such
2 complaints.

3 6. A signed and notarized property owner consent form
4 shall be provided if the STR operator is not the property owner.

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

8 8. No STR registration for the dwelling unit has been
9 revoked within the last twelve (12) months.

10 9. If the dwelling unit is subject to the rules of a
11 homeowners' or condominium association, allowance to engage in short-
12 term rental activity through this Chapter shall not be inferred to grant any
13 permission that invalidates or supersedes any provisions in those
14 documents.

15 10. The operator shall sign an indemnification and hold
16 harmless agreement in a form approved by the City Attorney, agreeing to
17 indemnify, save, protect, hold harmless, and defend the City of Long Beach,
18 the City Council of the City of Long Beach, individually and collectively, and
19 the City of Long Beach representatives, officers, officials, employees,
20 agents, and volunteers from any and all claims, demands, damages, fines,
21 obligations, suits, judgments, penalties, causes of action, losses, liabilities,
22 or costs at any time received, incurred, or accrued as a result of, or arising
23 out of the operator's actions or inaction in the operation, occupancy, use,
24 and/or maintenance of the short-term rental.

25 11. The unit shall be legally permitted as a dwelling unit.

26
27 5.77.040 Expiration and renewal.

28 A. A STR registration is valid for one (1) year from the date of

1 issuance. It may not be transferred or assigned and does not run with the
2 land. A STR registration may be renewed annually if the operator: (1) pays
3 the renewal fee; (2) provides information concerning any changes to the
4 previous application for, or renewal of, the STR registration; (3) submits
5 records described in Section 3.64.080 for the last year to demonstrate
6 compliance with this Chapter.

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

10
11 5.77.050 Short-term rental regulations.

12 A. All marketing and advertising of a STR, including any listing on
13 a hosting platform, shall clearly list the City-issued STR registration number
14 and expiration date.

15 B. Short-term rental is prohibited in any part of the property not
16 approved and permitted for residential use including, but not limited to, a
17 vehicle parked on the property, a storage shed, trailer, garage, boat or
18 similar watercraft, tree house, or any temporary structure, including, but not
19 limited to, a tent.

20 C. Un-hosted stays in a primary residence STR shall be limited to
21 a maximum of ninety (90) days per year.

22 D. Un-hosted stays shall be prohibited in census block groups in
23 the City where such stays are prohibited in accordance with Section
24 5.77.080 or any successor Section.

25 E. Each STR shall have a notice posted within the unit in a
26 location clearly marked and accessible to the guest (e.g., posted on the
27 refrigerator, included within a binder with additional information on the unit,
28 etc.), containing the following information:

- 1 1. The maximum number of occupants permitted in the
- 2 unit;
- 3 2. Parking capacity, location of parking spaces, and
- 4 parking rules, if any;
- 5 3. Trash and recycling pickup information;
- 6 4. The name of the local contact and a telephone number
- 7 at which that person may be reached on a twenty-four (24) hour basis;
- 8 5. Emergency contact information for summoning police,
- 9 fire, or emergency medical services; and
- 10 6. Evacuation plan for the unit showing emergency exit
- 11 routes, exits, and fire extinguisher locations.

12 F. The maximum number of persons who may occupy the STR at
13 one (1) time shall be limited to two (2) persons per bedroom, plus two (2).
14 This calculation shall be inclusive of children. Lofts that meet California
15 Building Code egress requirements are considered a bedroom for the
16 purposes of this occupancy calculation. In no event may the maximum
17 occupancy exceed ten (10) persons in any STR. Large-scale events (i.e.,
18 exceeding maximum allowed occupancy) such as commercial parties,
19 weddings, fundraisers, and conferences, are prohibited as part of the short-
20 term rental use, unless a STR occasional event permit has been issued.
21 The maximum number of occasional event permits that can be issued
22 during the annual term of registration per STR is four (4), and any
23 application for an occasional event permit thereafter and within the same
24 registration term shall automatically be deemed null and void by the City.

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

27 H. All activities shall comply with all provisions of the Municipal
28 Code, including, but not limited to Chapter 9.31 (Loud Parties on Private

1 Property) and Chapter 8.60 (Solid Waste, Recycling and Litter Prevention).

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

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

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

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

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

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

24
25 5.77.060 Short-term rental operator requirements.

26 A. The operator shall provide information on the maximum
27 allowed number of occupants, parking capacity and location of parking
28 spaces, noise regulations and quiet hours, and trash and recycling disposal

1 requirements to prospective guests, prior to their occupancy of the unit.

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

7 C. The operator shall maintain and provide proof of liability
8 insurance appropriate to cover the short-term rental use in the aggregate of
9 not less than One Million Dollars (\$1,000,000); or conduct each short-term
10 rental transaction through a platform that provides equal or greater
11 insurance coverage.

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

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

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

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

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5.77.070 Hosting platform responsibilities.

A. Hosting platforms shall not process or complete any booking transaction for any STR if notified by the City that a valid current STR registration number has not been issued by the City to the operator. Hosting platforms are required to list the STR registration number and expiration date. Hosting platforms shall not process or complete any booking transaction for any property located in the City that would exceed the limit of days as set forth in Section 5.77.050.C.

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

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

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

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

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

12
13 5.77.080 Request to Petition to restrict un-hosted short-term rentals
14 within a geographical census block group.

15 A. The property owners of residential property in any census
16 block group within the City may request the City to initiate a petition
17 process, using a form provided by the Director, to prohibit un-hosted STRs
18 within that census block group.

19 B. The petition must include the signatures, printed names, and
20 addresses of a majority of the property owners of residential real property
21 located within the boundaries of the census block group and the petition
22 process shall in all cases be initiated within one hundred and eighty (180)
23 days after the effective date of this Chapter, and a new one hundred and
24 eighty (180) day petition process period shall be established annually
25 thereafter. The petitioning process will be completed by the City via U.S.
26 mail, and the requestor(s) shall be responsible for the cost of initiating and
27 completing the petition process, which cost will be established by the City
28 Council by resolution. All petition signatures shall be collected by the City,

1 and shall include the street address of each signer, and shall indicate and
2 set forth the positive desire of all those signing the petition to prohibit un-
3 hosted stays within the boundaries of the census block group. Each census
4 block group shall be limited to the submission of one (1) request to initiate a
5 petition process during any one hundred eighty (180)-day petition process
6 period, on a first come, first served basis. Any second or subsequent
7 petition request for the same census block group during the annual one
8 hundred eighty (180)-day petition process period shall automatically be
9 deemed null and void by the City without opportunity for an administrative
10 appeal.

11 C. To the extent a petition seeks to prohibit un-hosted STRs
12 within the Coastal Zone boundaries of the City, and the petition process is
13 successful, it shall have no effect on properties within the Coastal Zone
14 boundaries until the California Coastal Commission certifies the adoption of
15 this Chapter as an appropriate implementation ordinance for the City's Local
16 Coastal Program.

17 D. For purposes of the petition, each residential property within
18 the census block group shall be represented by one (1) vote and multiple
19 signatures for the same property shall count as one (1) vote.

20 E. Upon receipt of a petition, the Director shall verify that the
21 petition contains the required number of signatures requesting that un-
22 hosted stays be prohibited within the census block group.

23 F. Following approval of an un-hosted restriction by the Director,
24 the City shall provide notice of the restriction to all residential property
25 owners within the boundaries of the affected census block group.

26 G. Once approved, a restriction on un-hosted STRs shall remain
27 in effect for a minimum of three (3) years following the effective date of such
28 restriction. After the initial three (3) year restriction period, the restriction

1 shall remain in effect indefinitely unless and until such restriction(s) are
2 prohibited by law; or a request to initiate a petition to eliminate the restriction
3 is filed with the City and a majority of the property owners within the
4 restricted census block group sign the petition reflecting the positive desire
5 of all those signing the petition to remove the restriction on un-hosted stays.

6 H. The City Clerk or the Department of Development Services
7 shall cause to be posted online a list or map of the current census block
8 groups where un-hosted STRs are prohibited.

9 I. Any fees associated with the filing of the petition, or the
10 removal of a restriction once adopted, shall be established by the City
11 Council by resolution.

12
13 5.77.090 Enforcement.

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

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

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7. Completing a booking transaction where the STR registration has been revoked or suspended by the City;

8. Exceeding the maximum number of occasional events permitted in this Chapter;

9. Violations of state, county, or City health, building, or fire regulations;

10. Conduct or activities that constitute a public nuisance or which otherwise constitute a hazard to public peace, health, or safety.

B. Unless otherwise described in this Section, enforcement of this Chapter shall be subject to the processes and procedures in Chapter 1.32 of the Municipal Code.

C. Notwithstanding anything to the contrary in Chapter 1.32, the fine shall be one thousand dollars (\$1,000) for each violation. Each separate day in which a violation exists may be considered a separate violation. However, a thirty (30) day warning period shall be provided prior to issuing fines for advertising a STR without a valid registration number.

D. If three (3) fines have been issued against a STR operator within a twelve (12) month period, the STR registration may be revoked or suspended or additional conditions may be imposed by the Director by providing written notice to the operator setting forth the basis of the intended action and giving the operator an opportunity, within fourteen (14) calendar days, to present responding information to the Director. After the fourteen (14) day period, the Director shall determine whether to revoke the registration, suspend the registration, or impose additional conditions upon the registration and thereafter give written notice of the decision to the operator. If a STR registration is revoked, the STR may not be re-registered with the City for a period of twelve (12) months from the date of revocation, regardless of who is the STR operator.

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

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

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

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

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

26 J. Any person, hosting platform, or STR operator aggrieved by a
27 decision of the Director with respect to the provisions of this Chapter may
28 appeal the decision to the Board of Examiners Appeals and Condemnation

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("BEAC"). The decision of the BEAC shall be final, subject to judicial review pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6.

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

5.77.100 Fees.

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

5.77.110 Administration.

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

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

5.77.120 Operator registration period.

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

5.77.130 Severability clause.

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

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

3
4 Section 2. This ordinance is urgently required to control the spread and
5 mitigate the effects of the Novel Coronavirus (COVID-19) within the City of Long Beach
6 by authorizing un-hosted short-term rentals, which are currently prohibited under Chapter
7 5.77 of the LBMC. Health authorities have stated that un-hosted short term rentals are a
8 safer lodging option that have the lowest exposure to additional people and, due to
9 individuals traveling for the upcoming holidays, it is necessary to authorize additional
10 options of safe places to quarantine. Further, the State’s current COVID-19 Health Order
11 requires that STR residences be “unoccupied”, which is defined as “a residence or unit
12 that is rented while the operator is not physically present, or has a separate exterior
13 entrance and exit that does not require the use of shared facilities, and is otherwise
14 unoccupied.”

15 Section 3. This ordinance is an emergency ordinance duly adopted by
16 the City Council by a vote of five of its members and shall take effect immediately. The
17 City Clerk shall certify to a separate roll call and vote on the question of the emergency of
18 this ordinance and to its passage by the vote of five members of the City Council of the
19 City of Long Beach, and cause the same to be posted in three (3) conspicuous places in
20 the City of Long Beach, and it shall thereupon take effect and shall be operative
21 immediately.

22 Section 4. This ordinance shall also be adopted by the City Council as a
23 regular ordinance, to the end that in the event of any defect or invalidity in connection
24 with the adoption of this ordinance as an emergency ordinance, the same shall,
25 nevertheless, be and become effective on the forty-fifth (45th) day after it is approved by
26 the Mayor. The City Clerk shall certify to the passage of this ordinance by the City
27 Council of the City of Long Beach and shall cause the same to be posted in three (3)
28 conspicuous places in the City of Long Beach.

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I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of _____, 20____, the ordinance was declared to be an emergency by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

Recusal(s)	Councilmembers:	_____

I further certify that thereafter, at the same meeting, upon a roll call and vote on the adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

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Recusal(s) Councilmembers:

I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers:

Noes: Councilmembers:

Absent: Councilmembers:

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

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO
THE LONG BEACH MUNICIPAL CODE TO THE
CALIFORNIA COASTAL COMMISSION FOR ITS REVIEW
AND APPROVAL

WHEREAS, on _____, 20___, the City Council of the City of
Long Beach added certain provisions to Title 5 of the Long Beach Municipal Code
relating to Short-Term Rentals (STRs); and

WHEREAS, it is the desire of the City Council to submit the above
referenced Municipal Code amendments to the California Coastal Commission for its
review; and

WHEREAS, the City Council gave full consideration to all facts and the
proposals respecting the amendments to the Municipal Code at properly agendized City
Council meetings; and

WHEREAS, the City Council approved the proposed amendments to the
Municipal Code by amending and restating Chapter 5.77 relating to STRs. The proposed
amendments are to be carried out in a manner fully consistent with the Coastal Act and
become effective in accordance with the terms of the ordinance and upon Coastal
Commission certification and approval; and

WHEREAS, the City Council hereby finds that the proposed Municipal Code
amendments will not adversely affect the character, livability or appropriate development
in the City of Long Beach and that the amendments are consistent with the goals,
objectives and provisions of the City's General Plan.

//

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

1 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
2 follows:

3 Section 1. The amendments to the Long Beach Municipal Code adopted
4 on _____, 20__, by Ordinance No. ORD-_____, a copy of which is
5 attached to and incorporated in this resolution as Exhibit "A", is hereby submitted to the
6 California Coastal Commission for its earliest review as to that part of the ordinance that
7 directly affects land use matters in that portion of the California Coastal Zone within the
8 City of Long Beach.

9 Section 2. The Director of Development Services of the City of Long
10 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
11 with appropriate supporting materials, to the California Coastal Commission with a
12 request for its earliest action, that will take effect in accordance with the ordinance and
13 upon Coastal Commission approval.

14 Section 3. This resolution shall take effect immediately upon its adoption
15 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

16 I certify that this resolution was adopted by the City Council of the City of
17 Long Beach at its meeting of _____, 20__, by the following vote:

18 Ayes: Councilmembers: _____

19 _____

20 _____

21 Noes: Councilmembers: _____

22 _____

23 Absent: Councilmembers: _____

24 _____

25 Recusal(s): Councilmembers: _____

26 _____

27 _____

28 _____

City Clerk