28. 24-55974 Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 5.77 relating to short term rentals, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

Office or Department:

Suggested Action: Approve recommendation.

OFFICE OF THE CITY ATTORNEY
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DAWN A. MCINTOSH
City Attorney

GARY J. ANDERSON
Assistant City Attorney

January 7, 2025

28

Honorable Mayor and City Council
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 5.77 relating to short term rentals, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to your request on April 2, 2024, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

DAWN MCINTOSH, City Attorney

By: ATOY WILSON
Deputy City Attorney

AHW:rj A24-00948
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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.

The City of Long Beach acknowledges that all persons within its jurisdiction are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments, including short-term rentals.

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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 Community Development ~~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 overnight 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 short-term rental booking transaction using any medium of facilitation.

H. "~~Local~~Emergency 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. "Occupancy" means the use or possession, or the right to the use or possession, of a residential dwelling unit or portion thereof for overnight lodging, dwelling, or sleeping purposes.

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

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

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

N~~M~~. "Prohibited buildings list" means a list identifying the address(es) of all buildings whose owner(s), including any applicable homeowners' association or board of directors, have notified the City, pursuant to City procedures, that short-term rentals are not permitted to operate anywhere in such building, including deed restricted affordable housing units. Prohibited buildings list shall also include a list of census block groups where un-hosted short-term rentals ~~STRs~~ are prohibited per Section 5.77.080. ~~-~~In the Coastal Zone, the provisions of the prohibited buildings list shall apply only to buildings with restrictive covenants or homeowners' associations covenants, conditions, and restrictions (CC&Rs) that are not discriminatory (as defined in Government Code 12955) with explicit restrictions on short-term rentals or their equivalent recorded prior to the Coastal Act (January 1, 1977). Restrictive covenants or CC&Rs proposed subsequent to the effective date of the Coastal Act (January 1, 1977) that restrict short-term rentals in the Coastal Zone shall require a Local Coastal Development Permit (LCDP) under the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code to authorize the restriction for specific buildings. If such a LCDP is approved, the City shall comply with Section 5.77.050. ~~O~~ of these regulations.

O~~N~~. "Residential development project" means a multi-family development (two ~~four~~ (24) or more units) with ~~more than~~ one (1) or more building~~s~~ on one (1) or more parcels of land.

P~~O~~. "Short-term rental ("STR")" means a residential dwelling unit, or portion thereof, that is offered or provided to a paying guest(s) for ~~by~~occupancy by a short-term rental operator for one (1) to thirty (30) ~~or fewer~~ consecutive nights. The term "short-term rental" shall not include hotels, motels, inns, or bed and breakfast inns or hourly rentals.

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

R~~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.

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

T~~S~~. "Special group residence" is as defined in Sections 21.15.2810 and 21.52.271.

U~~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.

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

W~~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.

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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

3. The number of ~~non-primary residence~~ STRs in ~~multi-family~~ residential 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. In the coastal zone, the maximum number of non-primary dwelling units registered as STRs is three hundred fifty (350). The Citywide cap on STRs shall not be applied to prohibit additional STRs in the coastal zone until the three hundred fifty (350) STR units in the coastal zone are ~~exhausted. The~~exhausted. 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, an emergency ~~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 forwarded from the City or its agent regarding the condition, operation, or conduct of the STR or its guests~~occupants~~; and (2) taking any remedial action necessary to resolve such complaints.

6. A signed and notarized property owner consent form shall be provided if the STR operator is not the property owner. A property manager may submit this form on behalf of the property owner with a fully executed and current property management agreement.

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 or non-discriminatory restrictive covenant recorded prior to the Coastal Act (January 1, 1977) that restricts STRs or their equivalent, 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.

12. The STR operator shall state whether the STR has Americans with Disabilities Act (ADA)-accessible features.

13. After the submission of an application, the property shall receive an inspection to determine the presence of any hazardous or unsafe conditions and document the areas that will be advertised for STR occupancy by guests. If the City determines corrective action is needed as a result of the inspection, the owner shall resolve these issues prior to the issuance of a STR registration.

14. After the approval of a STR registration, City Councilmembers' offices in that district shall be notified by the Director or their designee.

15. There shall be no outstanding code enforcement citation fees owed against the property.

16. All new STR applications shall be held in review for a maximum of 45 days. Applications not approved within this time ~~can be denied.~~shall automatically be denied and their application fees refunded.

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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 previous application for, or renewal of, the STR registration; (3) submits records described in Section 3.64.080 for the last year to demonstrate compliance with this Chapter; (4) provides updated written documentation as applicable; ~~and~~ (5) ~~the property and owner or operator is not the subject of any active or pending code enforcement actions or violations,~~is not the subject of any active or pending criminal or civil investigations, or actions involving violence pursuant to the City's Municipal Code and/or the California Penal Code.

B. Upon review of a STR renewal application, the City may require a re-inspection of the property as a condition of STR renewal registration approval.

C. In order for a STR registration to be eligible for renewal, the dwelling unit or property owner and/or operator shall not be the subject of any active or pending code enforcement actions or violations, criminal or civil investigations, or actions involving violence pursuant to the City's Municipal Code and/or the California Penal Code.

D. A STR registration shall not be renewed if the STR owner or operator has accumulated three (3) or more ~~violations~~citations during any contiguous 18-month timeframe~~the same year the STR registration is in effect~~.

~~E. The Director shall have the ability to cancel or suspend a STR registration if the STR owner or operator fails to timely respond to or remedy an incident involving violence on the STR property or by STR guests.~~

~~F~~E. Should the number of non-primary residence STR registrations reach the amount listed in Section 5.77.030(B)(4), ~~F~~failure to submit a renewal application to the City at least thirty (30) days prior to the expiration of the registration shall render the registration and permission to operate a~~n~~ STR null and void at the expiration of the registration.

F. A renewal registration may be held in review for a maximum of 45 days. Applications not approved within this time may be denied.

G. There shall be no outstanding code enforcement citation fees owed against the property.

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

5.77.050 Short-term rental regulations.

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

B. Short-term rental is prohibited in any part of the property not approved and permitted for residential use/habitable space including, but not limited to, a vehicle parked on the property, a recreation vehicle, pool house, rumpus room, casita, a storage room/ ~~shed, accessory dwelling unit (ADU), junior accessory dwelling unit (JADU),~~ trailer, garage, boat or similar watercraft, tree house, or any temporary structure, including, but not limited to, a tent. Accessory dwelling units (ADU) and junior accessory dwelling units are approved for residential use, however of prohibited from use as a STR.

C. Un-hosted stays in a primary residence STR shall be limited to a maximum of ninety (90) days per the annual term of registration ~~year~~.

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

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

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

~~F~~F. The maximum number of persons who may be present on the STR property ~~occupy the STR~~ at one (1) time shall be limited to two (2) persons per bedroom, plus two (2) up to an absolute maximum of eight (8). This calculation shall be inclusive of children. A studio unit shall be considered to have no bedrooms and a maximum occupancy of two (2). Lofts that meet California Building Code egress requirements are considered a bedroom for the purposes of this occupancy calculation. At no time during a short-term rental stay ~~In no~~

~~event~~ may the maximum occupancy exceed ten (10) persons in any STR. Large-scale events (i.e., exceeding maximum allowed occupancy) such as commercial parties, weddings, fundraisers, and conferences, are prohibited as part of the short-term rental use, unless a STR occasional event permit has been issued. The maximum number of occasional event permits that can be issued during the annual term of registration per STR is four (4), and any application for an occasional event permit thereafter and within the same registration term shall automatically be deemed null and void by the City.

GG. 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.

HH. 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).

II. No STR shall be used for filming or special events, unless the STR operator possesses a valid STR registration, in addition to a Special Events Permit, as applicable.

J. No STR shall be rented for less than 24 hours and a hold of a STR registration shall not otherwise rent or grant access to the residence or any part thereof for less than 24 hours.

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

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

LK. The STR operator shall not knowingly book, transfer, or facilitate the booking to any person banned or removed from any STR in the previous five (5) years.

M. No STR advertisement shall offer a unit, bedroom, or any other area not documented during an inspection(s) described in Section 5.77.030(B)(13) or Section 5.77.040(BD), whichever is more recent.

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

OL. 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.

PM. 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.

QN. 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.

RO. In the coastal zone, upon City or Coastal Commission approval of the first Coastal Development Permit that restricts STRs in the coastal zone, which shall include the required findings in Division IX of Section 21.25 (Specific Procedures) of the Municipal Code for LCDPs related to short-term rentals, the City shall prepare and submit to the Coastal Commission, within one (1) year of the final action on the LCDP, a report that evaluates the required findings for LCDPs that restrict STRs (Section 21.25.904 of the certified Zoning Code) and the cumulative impacts of such restrictions on coastal resources, including but not limited to public access and recreation. After the first report, new reports shall be submitted to the Commission every five (5) years from the date of the first submittal. If the City or the Commission's Executive Director identifies adverse impacts to coastal resources or inconsistencies with the City's certified LCP resulting from restrictions on STRs in the coastal zone, then the City shall submit within one (1) year a Local Coastal

Program Amendment (LCPA) request to the California Coastal Commission that addresses any identified adverse impacts to coastal resources by amending the LCP to mitigate for any adverse impacts identified and modify the certified short-term rental regulations to avoid such impacts in the future.

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

5.77.060 Short-term rental operator requirements.

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

B. ~~-~~Any issues raised or brought by the City to the STR operator must be resolved within the timeframe set by the City when notified by a ~~warning notice letter~~citation warning notice or citation issued, and failure to do so may result in penalties and/or fines.

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

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

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

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

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

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

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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 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.

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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

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

1. In the Coastal Zone, the petition process shall follow the procedures below and requires a Coastal Development Permit under the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code to authorize the restriction. Refer to item C, below.

B. ~~The~~ A successful petition must include the signatures, printed names, and addresses of a majority of the property owners of residential real property that received petition forms located within the boundaries of the census tract block group. ~~and t~~The petition process shall in all cases be initiated within one hundred and eighty (180) days after the effective date of this Chapter, and a new one hundred and eighty (180) day petition process period shall be established annually thereafter from December 8 through June 7. The petitioning process will be completed by the City via U.S. mail, and the requestor(s) shall be responsible for the cost of initiating and completing the petition process, which cost will be established by the City Council by resolution. All petition signatures shall be collected by the City, and shall include the street address of each signer, and shall indicate and set forth the positive desire of all those signing the petition to prohibit un-hosted stays within the boundaries of the census tract block group. Each census tract block group shall be limited to the submission of one (1) request to initiate a petition process during any one hundred eighty (180)-day petition process period, on a first come, first served basis. Any second or subsequent petition request for the same census tract block group during the annual one hundred eighty (180)-day petition process period shall automatically be deemed null and void by the City without opportunity for an administrative appeal.

C. For undelivered petitions, the City shall date stamp all undelivered petition documents returned to the City by the U.S. Post Office on the day received by petition staff. Undelivered petition documents with a City date stamp of five (5) or more days prior to the postmark date indicated on the petition form, inclusive of the

postmark date, and with a forwarding address for the owner provided by the U.S. Post Office, shall be re-mailed to the forwarding address provided via regular mail and shall include copies of all originally mailed petition documents.

D. To the extent a petition seeks to prohibit un-hosted STRs within the Coastal Zone boundaries of the City, and the petition process is successful, it shall have no effect on properties within the Coastal Zone boundaries until the California Coastal Commission or City approves a Coastal Development Permit in conformance with the required findings of the Coastal Act. Any petition to restrict un-hosted short-term rentals shall adhere to the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code for procedures for LCDPs related to short-term rentals. A LCDP approving a petition to prohibit un-hosted STRs in a census tract block group shall remain in effect subject to the expiration time limit established under the approved LCDP.

ED. For purposes of the petition, each residential property within the census tract block group shall be represented by ~~one~~ the signature of at least one (1) ~~vote~~property owner and multiple signatures for the same property shall count as one (1) ~~vote~~signature.

FE. ~~Upon receipt of a petition, the Director shall verify that the petition contains a the majority of the ballots received by residents required number of signatures requesting that un-hosted stays be prohibited within the census tract block group.~~The Director shall develop, and make publicly available, the process for ~~conducting petitions~~conducting petitions in accordance with this Chapter.

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

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

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

JI. Any fees associated with the filing of the petition, or the removal of a restriction once adopted, shall be established by the City Council by resolution.~~.~~

K. Upon the filing of a petition in a census tract block group, the City Councilmember's office in that district must be notified of all petitions that have been circulated in their respective district.

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

5.77.090 Enforcement.

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

1. Failure of the emergency ~~local~~ contact to acknowledge and take any remedial action needed to respond to a complaint forwarded by the City or its agent within one (1) hour after the complaint is received or a contact is attempted and the emergency ~~local~~ contact cannot be reached;
2. Failure to promptly notify the City when the emergency ~~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 STR booking transaction in the City without a valid City-issued STR registration number;

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. Exceeding the maximum short-term rental limit of ninety (90) days per the annual term of registration;

1~~0~~10. Conduct or activities that constitute a public nuisance as determined by the City or which otherwise constitute a hazard to public peace, health, or safety.

B. Violations of this Chapter may not need a cure period and will result in an immediate citation issued to the STR owner or operator, upon City's verification of the violation. ~~Each violation of this Chapter will count toward the three (3) total violations required for non-renewal of the STR registration~~

C. Any and all violations involving violence on the STR property or by STR guests shall receive an immediate citation and shall count as double towards the three (3) ~~violations~~citations for non-renewal of the STR registration.

D. Any and all violations of Chapter 5.77 of the Long Beach Municipal Code, or the California Penal Code, shall count as violations toward the three (3) ~~violations~~citations required for non-renewal of the STR registration.

E. The Director shall have the ability to cancel or suspend a STR registration if the STR owner or operator fails to timely respond to or remedy an incident involving violence on the STR property or by STR guests.

E. ~~In order for a STR registration to be eligible for renewal, the dwelling unit or property owner and/or operator shall not be the subject of any active or pending code enforcement actions or violations, criminal or civil investigations, or actions involving violence pursuant to the City's Municipal Code and/or the California Penal Code.~~

F. 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.

G~~C~~. Notwithstanding anything to the contrary in Chapter 1.32, the fine shall be one thousand dollars ($1,000) for each ~~violation~~citation. A STR owner or operator may receive multiple ~~violations~~citations for a single event, if it violates multiple provisions of the Municipal Code and/or California Penal Code, or if the violations continue for multiple days without successful resolution.~~Each separate day in which a violation exists~~responsible ~~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.~~

H~~D~~. If ~~one~~three~~three~~ (~~1~~33) ~~fines~~citations ~~has~~ve~~have~~ been issued against a STR property, registered or unregistered, ~~operator~~ within an ~~twelve~~ eighteen (~~12~~18) 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 STR property owner ~~operator~~ setting forth the basis of the intended action and giving the ~~operator~~ owner 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~~owner. If a STR registration is revoked, ~~the STR~~ no dwelling unit on that parcel may ~~not~~ be re-registered with the City for a minimum period of twelve (12) months from the date of revocation, regardless of who is the STR operator, and only reinstated upon request and review by the Director or their designee.

IE. 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.

JF. Any person, hosting platform, or STR owner or 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.

KG. If any violation of this Chapter is found to exist, the City may recover attorneys' fees, court costs, fees, and other reasonable costs in any civil or criminal action necessary to enforce the provisions of this Chapter.

L. 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.

MH. 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.

NI. 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 owner or operator that has been served with an administrative subpoena may seek judicial review during that thirty (30) day period.

OJ. Any person, hosting platform, or STR owner or operator aggrieved by a decision of the Director with respect to the provisions of this Chapter may appeal the decision to the Board of Examiners Appeals and Condemnation ("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.

PK. 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.

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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.

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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.

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

~~**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.~~

~~(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)~~

5.77.12~~3~~0 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.

(ORD-22-0011 § 1, 2022; ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING CHAPTER 5.77 RELATING TO SHORT TERM RENTALS

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 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.

The City of Long Beach acknowledges that all persons within its jurisdiction are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations,

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advantages, facilities, privileges, or services in all business establishments, including short-term rentals.

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 Community Development, 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 overnight 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 short-term rental booking transaction using any medium of facilitation.

H. “Emergency contact person” means the person designated by the operator to respond to and take remedial action regarding STR complaints.

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

J. “Occupancy” means the use or possession, or the right to the use or possession, of a residential dwelling unit or portion thereof for overnight lodging, dwelling, or sleeping purposes.

K. “Platform agreement” means a signed agreement between a hosting platform and the City, which, among other things, provides that the hosting platform will collect and submit transient occupancy tax to the City on behalf of short-term rental operators.

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

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

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

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groups where un-hosted short-term rentals STRs are prohibited per Section 5.77.080. In the Coastal Zone, the provisions of the prohibited buildings list shall apply only to buildings with restrictive covenants or homeowners' associations covenants, conditions, and restrictions (CC&Rs) that are not discriminatory (as defined in Government Code 12955) with explicit restrictions on short-term rentals or their equivalent recorded prior to the Coastal Act (January 1, 1977). Restrictive covenants or CC&Rs proposed subsequent to the effective date of the Coastal Act (January 1, 1977) that restrict short-term rentals in the Coastal Zone shall require a Local Coastal Development Permit (LCDP) under the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code to authorize the restriction for specific buildings. If such a LCDP is approved, the City shall comply with Section 5.77.050. O of these regulations.

O. "Residential development project" means a multi-family development (two (2) or more units) with one (1) or more buildings on one (1) or more parcels of land.

P. "Short-term rental ("STR")" means a residential dwelling unit, or portion thereof, that is offered or provided to a paying guest(s) for occupancy by a short-term rental operator for one (1) to thirty (30) consecutive nights. The term "short-term rental" shall not include hotels, motels, inns, or bed and breakfast inns or hourly rentals.

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

R. "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.

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

T. "Special group residence" is as defined in Sections 21.15.2810

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and 21.52.271.

U. "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.

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

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

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3. The number of STRs in residential 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 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. In the coastal zone, the maximum number of non-primary dwelling units registered as STRs is three hundred fifty (350). The Citywide cap on STRs shall not be applied to prohibit additional STRs in the coastal zone until the three hundred fifty (350) STR units in the coastal zone are exhausted. 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, an emergency 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 forwarded from the City or its agent regarding the condition, operation, or conduct of the STR or its guests; and (2) taking any remedial action necessary to resolve such complaints.

6. A signed and notarized property owner consent form shall be provided if the STR operator is not the property owner. A property manager may submit this form on behalf of the property owner with a fully executed and current property management agreement.

7. The dwelling unit or property shall not be the subject of

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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 or non-discriminatory restrictive covenant recorded prior to the Coastal Act (January 1, 1977) that restricts STRs or their equivalent, 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.

12. The STR operator shall state whether the STR has Americans with Disabilities Act (ADA)-accessible features.

13. After the submission of an application, the property shall receive an inspection to determine the presence of any hazardous or unsafe conditions and document the areas that will be advertised for STR occupancy by guests. If the City determines corrective action is needed as a result of the inspection, the owner shall resolve these issues prior to the issuance of

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a STR registration.

14. After the approval of a STR registration, City Councilmembers' offices in that district shall be notified by the Director or their designee.

15. There shall be no outstanding code enforcement citation fees owed against the property.

16. All new STR applications shall be held in review for a maximum of forty-five (45) days. Applications not approved within this time shall automatically be denied and their application fees refunded.

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 previous application for, or renewal of, the STR registration; (3) submits records described in Section 3.64.080 for the last year to demonstrate compliance with this Chapter; (4) provides updated written documentation as applicable; and (5) is not the subject of any active or pending criminal or civil investigations, or actions involving violence pursuant to the City's Municipal Code and/or the California Penal Code.

B. Upon review of a STR renewal application, the City may require a re-inspection of the property as a condition of STR renewal registration approval.

C. In order for a STR registration to be eligible for renewal, the dwelling unit or property owner and/or operator shall not be the subject of any active or pending code enforcement actions or violations, criminal or civil investigations, or actions involving violence pursuant to the City's Municipal

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Code and/or the California Penal Code.

D. A STR registration shall not be renewed if the STR owner or operator has accumulated three (3) or more citations during any contiguous eighteen (18) month timeframe.

E. Should the number of non-primary residence STR registrations reach the amount listed in Section 5.77.030(B)(4), failure to submit a renewal application to the City at least thirty (30) days prior to the expiration of the registration shall render the registration and permission to operate a STR null and void at the expiration of the registration.

F. A renewal registration may be held in review for a maximum of forty-five (45) days. Applications not approved within this time may be denied.

G. There shall be no outstanding code enforcement citation fees owed against the property.

5.77.050 Short-term rental regulations.

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

B. Short-term rental is prohibited in any part of the property not approved and permitted for residential use/habitable space including, but not limited to, a vehicle parked on the property, a recreation vehicle, pool house, rumpus room, casita, a storage room/shed, trailer, garage, boat or similar watercraft, tree house, or any temporary structure, including, but not limited to, a tent. Accessory dwelling units (ADU) and junior accessory dwelling units are approved for residential use, however of prohibited from use as a STR.

C. Un-hosted stays in a primary residence STR shall be limited to a maximum of ninety (90) days per the annual term of registration.

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

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

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

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

3. Trash and recycling pickup information;

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

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

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

F. The maximum number of persons who may be present on the STR property at one (1) time shall be limited to two (2) persons per bedroom, plus two (2) up to an absolute maximum of eight (8). This calculation shall be inclusive of children. A studio unit shall be considered to have no bedrooms and a maximum occupancy of two (2). Lofts that meet California Building Code egress requirements are considered a bedroom for the purposes of this occupancy calculation. At no time during a short-term rental stay may the maximum occupancy exceed ten (10) persons in any STR. Large-scale events (i.e., exceeding maximum allowed occupancy) such as commercial

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parties, weddings, fundraisers, and conferences, are prohibited as part of the short-term rental use, unless a STR occasional event permit has been issued. The maximum number of occasional event permits that can be issued during the annual term of registration per STR is four (4), and any application for an occasional event permit thereafter and within the same registration term shall automatically be deemed null and void by the City.

G. 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.

H. 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).

I. No STR shall be used for filming or special events unless the STR operator possesses a valid STR registration, in addition to a Special Events Permit, as applicable.

J. No STR shall be rented for less than twenty-four (24) hours and a hold of a STR registration shall not otherwise rent or grant access to the residence or any part thereof for less than twenty-four (24) hours.

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

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

M. The STR operator shall not knowingly book, transfer, or facilitate the booking to any person banned or removed from any STR in the previous five (5) years.

N. No STR advertisement shall offer a unit, bedroom, or any other area not documented during an inspection(s) described in Section 5.77.030(B)(13) or Section 5.77.040(B), whichever is more recent.

O. Short-term rentals shall comply with all applicable laws and

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regulations of the City including those pertaining to health, safety, building, and fire protection.

P. 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.

Q. 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.

R. 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.

S. In the coastal zone, upon City or Coastal Commission approval of the first Coastal Development Permit that restricts STRs in the coastal zone, which shall include the required findings in Division IX of Section 21.25 (Specific Procedures) of the Municipal Code for LCDPs related to short-term rentals, the City shall prepare and submit to the Coastal Commission, within one (1) year of the final action on the LCDP, a report that evaluates the required findings for LCDPs that restrict STRs (Section 21.25.904 of the certified Zoning Code) and the cumulative impacts of such restrictions on coastal resources, including but not limited to public access and recreation. After the first report, new reports shall be submitted to the Commission every five (5) years from the date of the first submittal. If the City or the

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Commission's Executive Director identifies adverse impacts to coastal resources or inconsistencies with the City's certified LCP resulting from restrictions on STRs in the coastal zone, then the City shall submit within one (1) year a Local Coastal Program Amendment (LCPA) request to the California Coastal Commission that addresses any identified adverse impacts to coastal resources by amending the LCP to mitigate for any adverse impacts identified and modify the certified short-term rental regulations to avoid such impacts in the future.

5.77.060 Short-term rental operator requirements.

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

B. Any issues raised or brought by the City to the STR operator must be resolved within the timeframe set by the City when notified by a citation warning notice or citation issued, and failure to do so may result in penalties and/or fines.

C. The operator shall provide and maintain working fire extinguishers, smoke detectors, and carbon monoxide detectors, in compliance with life, fire, and safety codes; and information related to emergency exit routes on the property, emergency contact, and emergency response contact information.

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

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

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

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

H. 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 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

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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 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.

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

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

1. In the Coastal Zone, the petition process shall follow the procedures below and requires a Coastal Development Permit under the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code to authorize the restriction. Refer to item C, below.

B. A successful petition must include the signatures, printed names, and addresses of a majority of the property owners of residential real property that received petition forms located within the boundaries of the census tract block group. The petition process shall in all cases be initiated within one hundred and eighty (180) days after the effective date of this Chapter, and a new one hundred and eighty (180) day petition process period shall be established annually thereafter from December 8 through June 7. The petitioning process will be completed by the City via U.S. mail, and the requestor(s) shall be responsible for the cost of initiating and completing the petition process, which cost will be established by the City Council by resolution. All petition signatures shall be collected by the City, and shall include the street address of each signer, and shall indicate and set forth the positive desire of all those signing the petition to prohibit un-hosted stays within the boundaries of the census tract block group. Each census tract block group shall be limited to the submission of one (1) request to initiate a petition process during any one hundred eighty (180)-day petition process period, on a first come, first served basis. Any second or subsequent petition request for the same census tract block group during the annual one hundred

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eighty (180)-day petition process period shall automatically be deemed null and void by the City without opportunity for an administrative appeal.

C. For undelivered petitions, the City shall date stamp all undelivered petition documents returned to the City by the U.S. Post Office on the day received by petition staff. Undelivered petition documents with a City date stamp of five (5) or more days prior to the postmark date indicated on the petition form, inclusive of the postmark date, and with a forwarding address for the owner provided by the U.S. Post Office, shall be re-mailed to the forwarding address provided via regular mail and shall include copies of all originally mailed petition documents.

D. To the extent a petition seeks to prohibit un-hosted STRs within the Coastal Zone boundaries of the City, and the petition process is successful, it shall have no effect on properties within the Coastal Zone boundaries until the California Coastal Commission or City approves a Coastal Development Permit in conformance with the required findings of the Coastal Act. Any petition to restrict un-hosted short-term rentals shall adhere to the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code for procedures for LCDPs related to short-term rentals. A LCDP approving a petition to prohibit un-hosted STRs in a census tract block group shall remain in effect subject to the expiration time limit established under the approved LCDP.

E. For purposes of the petition, each residential property within the census tract block group shall be represented by the signature of at least one (1) property owner and multiple signatures for the same property shall count as one (1) signature.

F. The Director shall develop, and make publicly available, the process for conducting petitions in accordance with this Chapter.

G. Following approval of an un-hosted restriction by the Director,

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the City shall provide notice of the restriction to all residential property owners within the boundaries of the affected census tract block group.

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

I. The Department of Community Development shall cause to be posted online a list or map of the current census block groups where un-hosted STRs are prohibited.

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

K. Upon the filing of a petition in a census tract block group, the City Councilmember's office in that district must be notified of all petitions that have been circulated in their respective district.

5.77.090 Enforcement.

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

1. Failure of the emergency contact to acknowledge and take any remedial action needed to respond to a complaint forwarded by the City or its agent within one (1) hour after the complaint is received or a contact is attempted and the emergency contact cannot be reached;

2. Failure to promptly notify the City when the emergency

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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 STR booking transaction in the City without a valid City-issued STR registration number;

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

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

9. Exceeding the maximum short-term rental limit of ninety (90) days per the annual term of registration;

10. Conduct or activities that constitute a public nuisance as determined by the City or which otherwise constitute a hazard to public peace, health, or safety.

B. Violations of this Chapter may not need a cure period and will result in an immediate citation issued to the STR owner or operator, upon City's verification of the violation.

C. Any and all violations involving violence on the STR property or by STR guests shall receive an immediate citation and shall count as double towards the three (3) citations for non-renewal of the STR registration.

D. Any and all violations of Chapter 5.77 of the Long Beach Municipal Code, or the California Penal Code, shall count as violations toward the three (3) citations required for non-renewal of the STR registration.

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E. The Director shall have the ability to cancel or suspend a STR registration if the STR owner or operator fails to timely respond to or remedy an incident involving violence on the STR property or by STR guests.

F. 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.

G. Notwithstanding anything to the contrary in Chapter 1.32, the fine shall be one thousand dollars ($1,000) for each citation. A STR owner or operator may receive multiple citations for a single event, if it violates multiple provisions of the Municipal Code and/or California Penal Code, or if the violations continue for multiple days without successful resolution.

H. If three (3) citations have been issued against a STR property, registered or unregistered, within an eighteen (18) 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 STR property owner setting forth the basis of the intended action and giving the owner 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 owner. If a STR registration is revoked, no dwelling unit on that parcel may be re-registered with the City for a minimum period of twelve (12) months from the date of revocation, regardless of who is the STR operator, and only reinstated upon request and review by the Director or their designee.

I. 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.

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J. Any person, hosting platform, or STR owner or 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.

K. If any violation of this Chapter is found to exist, the City may recover attorneys' fees, court costs, fees, and other reasonable costs in any civil or criminal action necessary to enforce the provisions of this Chapter.

L. 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.

M. 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.

N. 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 owner or operator that has been served with an administrative subpoena may seek judicial review during that thirty (30) day period.

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

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Condemnation ("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.

P. 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 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 City Council and cause it to be posted in three (3) conspicuous places in the City of Long

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Beach, and it shall take effect on the thirty-first (31st) 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 _____, 2025, by the following vote:

Ayes: Councilmembers: _____

_____

_____

_____

Noes: Councilmembers: _____

_____

Absent: Councilmembers: _____

_____

Recusal(s): Councilmembers: _____

_____

City Clerk

Approved: _____ _____

(Date) Mayor

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