

Discussion Draft Regulations: Culver City Short Term Rentals

Definitions in Zoning Code:

HOME-SHARING. An accessory use of a Host’s Primary Residence for a maximum of 90 days in a calendar year for the purposes of providing temporary lodging for compensation for periods of 30 consecutive days or less, while at least one of the dwelling unit’s primary residents lives on site in the dwelling unit throughout the visitors’ stay.

HOME-SHARING HOSTING PLATFORM. An entity that facilitates Home-Sharing through advertising, match-making or any other means, using any medium of facilitation, and from which the operator of such entity derives revenues, including, but not limited to, booking fees or advertising revenues, from providing or maintaining the marketplace.

HOST. An individual who has the legal right to engage in Home-Sharing under Section XXXXXXX.

PRIMARY RESIDENCE. The property on which the Host conducts Home-Sharing and in which the Host resides at least six months of the year.

HOTEL OR MOTEL. Facilities with guest rooms or suites, including private restroom facilities, no more than two guest beds per room, and provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). **[OPTION: Add additional variables that would differentiate a hotel from a “hostel” or the like.]** Excludes Home Sharing for purposes of Title 17.400.055.D. Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, and the like. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities, such as swimming pools, tennis courts, indoor athletic/fitness facilities, and accessory retail uses.

Amendments to Land Use Tables:

TABLE 2-2 Allowed Uses and Permit Requirements for Residential Zoning Districts	P	Permitted Use						
	CUP	Conditional Use Permit						
	AUP	Administrative Use Permit						
	-	Use Not Allowed						
LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Specific Use Regulations:	
	R1	R2	R3	RLD	RMD	RHD		
RESIDENTIAL								
Home Sharing	P	P	P	P	P	P	17.400.055.D	
TABLE 2-5 Allowed Uses and Permit Requirements for Commercial Zoning Districts	P	Permitted Use						
	CUP	Conditional Use Permit						
	AUP	Administrative Use Permit						
	-	Use Not Allowed						

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LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT						See Specific Use Regulations:
	CN	CG	CC	CD	CRR	CRB	
RESIDENTIAL							
Home Sharing	P	P	P	P	P	P	17.400.055.D

Home Sharing Regulations

Home Sharing. Home Sharing is an accessory use to a Primary Residence, and shall comply with all of the following:

Registration. To register for Home-Sharing, a Host shall file an application for a Home-Sharing registration number with the Community Development Department on a form provided by the Department, and shall include all information required by the instructions on the application and the guidelines adopted by the Community Development Director. Any filing fees required shall be included with the application.

Eligibility. The following requirements must be met at the time of the Home-Sharing registration:

- The Host must have a valid Culver City business tax certificate.
- The Host must obtain a Transient Occupancy Registration Certificate from the Finance Department as prescribed in Section 11.02.120.
- Home-Sharing may only be authorized and take place in the Primary Residence approved for residential use. **[OPTION: Allow home-sharing in a non-primary residence.]**
- Renters or lessees of units may not engage in Home-Sharing without prior, notarized written approval by the Landlord. If a renter or owner is subject to the rules of a lease agreement, homeowner’s association, or any other legal contract, allowance to engage in Home-Sharing through this subsection shall not be intended to grant any permission that would violate provisions in those documents. **[OPTION: Prohibit renters or lessees from engaging in home-sharing.]**
- Owners of multi-unit dwellings shall be prohibited from renting units for short term rentals. **[OPTION: Are condominiums considered multi-unit dwellings, for the purposes of this section?]**
- Any multi-unit dwelling, used for Home-Sharing, shall not have any open Order to Comply or any other code violation that is the subject of enforcement or criminal proceedings, unless the violation is completely unrelated to the safety or habitability of the space being used for Home-Sharing, as determined by the agency which issued the order.
- No person or entity may apply for, or obtain, more than one Home-Sharing registration in the City of Culver City. **[OPTION: Allow persons or entities to apply for or obtain more than one home-sharing registration.]**

Application. The Home-Sharing applicant must provide the following as a part of the application for the Home-Sharing registration:

- Address where the Home-Sharing will take place.
- Type of dwelling unit (e.g. single family home, apartment, condominium)
- Whether the applicant is a tenant or owner of the dwelling unit.
- Proof of residency. Acceptable forms of proof include: copy of current utility bill, cable bill, or phone bill showing name and current Culver City residential address. Leases, rental agreements, driver's license, or identification cards may not be accepted as proof.
- The total number of full time occupants of the dwelling unit.
- A list of all persons that will be hosting.
- Contact information for each person that will be hosting (e.g. email address, cell phone number).
- A list of each bedroom, office, den, living room, etc. in the dwelling unit. The list shall include for each room: i) Whether or not the room will be rented, and; ii) The maximum number of overnight guests that will be allowed.
- A link to the Uniform Resource Locator (URL) for any and all advertisements of the rental (i.e. on each platform where it is advertised).

Expiration and Renewal. A Home-Sharing registration is valid for a maximum of two years from the date of issuance. It may not be transferred and is valid only at the original Home-Sharing site. A Home-Sharing registration may be renewed bi-annually if the Host meets the renewal requirements including: 1) pays the renewal fee; 2) is deemed to have been in substantial conformance with the provisions of this Subsection for the past two years; 3) documents and provides any changes that have occurred to the information on the current Home-Sharing application; and 4) submits Home-Sharing records described in Subsection 11.19.015.P for the last two years to demonstrate compliance with this Subsection as a part of this renewal. This information shall not be subject public disclosure, except as otherwise required under the California Public Records Act. Without a renewal application submitted within two years of the date of the issuance of the Home-Sharing registration, or prior renewal, a registration is considered null and void. **[OPTION: Require annual renewals, or some other renewal length, such as five year renewals.]**

Suspensions and Revocations. Notwithstanding any other provision of this Code to the contrary, the Community Development Director may require the modification, discontinuance or revocation of Home-Sharing approval if it is found that violations of this section have occurred, in addition to any other city, state, or federal regulation, ordinance or statute. Home-Sharing may not occur while an Order to Comply issued by an enforcement agency remains open. Otherwise, the Community Development Director shall give notice to the record owner and lessee(s) of the real property affected to appear at a public hearing at a time and place fixed by the Community Development Director and show cause why the Home-Sharing approval should not be modified, discontinued, or revoked pursuant to Section XXXXXX. If a registration is revoked, the Host must wait at least three years before they can reapply and/or register for Home-Sharing. **[OPTION: Require more than or less than three years before reapplying for home-sharing after revocation.]**

Host Requirements. A Host must comply with the following conditions:

General Conditions

- No Person shall advertise, undertake, maintain, authorize, book or facilitate any renting to Transient guests in a manner that does not comply with this Section.
- No Host shall operate Home-Sharing for more than 90 days each calendar year. **[OPTION: Limit to some other number of days per year.]**
- A Home-Share may only be offered in a space intended for human habitation. i.e. not in a storage shed or a garage. No person shall offer or engage in Home-Sharing in any part of the property not approved for residential use, including but not limited to, a vehicle parked on the property, a storage shed, recreation room, trailer or garage or any temporary structure such as a tent.
- A second dwelling unit on a single-family zoned lot may not be used for Home-Sharing, unless it is the Primary Residence of a Host. **[OPTION: Allow an accessory dwelling unit to be used for home-sharing.]**
- A Host shall be responsible for any nuisance violations, as described in Chapter 9.04 of this Code, arising at a property during Home-Sharing activities. **[NOTE: The “Nuisance” section of the CCMC covers many common nuisances associated with short-term rentals, such as noise.]**
- A Host may not rent all or a portion of the Primary Residence for the purposes of Home-Sharing to more than one group of guests, under more than one booking, at any given time. **[OPTION: Allow more than one booking for more than one group of guests, up to a different limit.]**
- No person or entity may operate more than one Home-Sharing unit or guest room, in the City of Culver City. **[OPTION: Allow a person or entity to operate more than one home-share, up to a different limit.]**
- Non-residential uses shall not be permitted on the premises, including but not limited to, sales or exchange of products, events that charge a fee, or the promotion, display or servicing of any product. **[NOTE: This prohibits events.]**
- Host shall provide a 24-hour emergency contact who is capable of responding to the location within 30 minutes.

Advertising

- A Host may not advertise a Home-Sharing business in any area that is exterior to the dwelling unit where the Home-Sharing is occurring. This includes common interior areas.
- A Host must clearly advertise the unit as a shared space.
- A Host must include in any advertising the Home-Sharing registration number issued by the City.
- No persons shall advertise Home-Sharing on a Hosting Platform not included on the Home-Sharing registration form without prior notice to the Planning Division and amendment of the Home-Sharing application form.

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- A Host may maintain multiple listings on a Hosting Platform, however, only one listing may be booked at any given time.

Public Safety. A Host shall provide guests with and maintain fire extinguishers, smoke detectors, carbon monoxide detectors and information related to emergency exit routes and emergency contact information. **[OPTION: Require any additional safety equipment or procedures.]**

Transient Occupancy Tax

- Transient Occupancy Taxes (TOT) shall be collected, in accordance with Section 11.02.100, et seq. of this Code, on all Home-Sharing rentals. If a Hosting Platform does not collect payment for the rental, hosts are solely responsible for the collection of all applicable TOT and remittance of the collected tax to the City on a monthly basis. If a Hosting Platform does collect payment for rentals, then it and the host shall both have legal responsibility for the collection and remittance of the TOT.
- The host shall keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the City, including the number and length of each Home-Sharing stay, and the price paid for each stay. The Finance Department shall have the right to inspect these records at all reasonable times. Host shall provide a copy of the records from the last two years to the Planning Division at the time of renewing the Home-Sharing registration.

Hosting Platforms. A Hosting Platform must comply with all of the following requirements:

- Actively prevent, remove and cancel any illegal listings and bookings of short term rentals including where a listing has been offered: without a Home-Sharing registration number; by a Host who has more than one listing in the City of Culver City; or, for a Home-Sharing which exceeds 90 days in a calendar year. In cases where advertisements appear on Hosting Platforms that are not in compliance with this Subsection, work with the Community Development Department to identify contact information and investigate and resolve any violations. This includes contacting the alleged violator, particularly in cases where the City is unable to locate them, and instructing them to apply for Home-Sharing. If the Home-Sharing registration is not applied for within 21 days of the notice, the listing shall be removed from the Hosting Platform.
- Provide to the Community Development Department, within 45 days of the effective date of this Ordinance, contact information for an employee or representative that will respond to requests for information or verification of violations of this section. Hosting Platforms established after the effective date, shall provide this information prior to facilitating Home-Sharing or renting to Transient guests.
- Report quarterly to the City, in an electronic comma-delimited format or similar format such as MS Excel, the following information: (1) The Home-Sharing registration number and address of each residential unit that was offered on the operator's hosting platform

for occupancy for tourist or transient use and was occupied for that use during that quarterly reporting period; (2) The total number of nights that the residential unit was occupied for tourist or transient use; (3) The amounts paid for the occupancy of that residential unit listed; and (4) The name(s) of the person(s) responsible for each unit listed.

- If the Hosting Platform does not have the technical capability to collect such information, it shall provide written documentation to the City of Culver City within 75 days of adoption of this Ordinance that it either does not participate in the booking of Home-Sharing or provide alternative methods to comply with the intent of this provision, to the satisfaction of the Community Development Department. This information shall not be subject public disclosure, except as otherwise required under the California Public Records Act.
- If a Host assigns its functions or responsibilities regarding the collection and remittance of the Transient Occupancy Tax to a Hosting Platform, the Platform and the Host shall have the same duties and liabilities as the Host, including but not limited to the collection and remittance of the Transient Occupancy Tax to the City on a monthly basis.
- A Hosting Platform must provide its Culver City host clients or potential host clients the following disclosure: "On XX/XX/XX, the Culver City City Council adopted the Home-Sharing Ordinance banning the rental of entire units as vacation rentals. The Home-Sharing Ordinance also legalized the short term rental of a portion of a person's home when the host lives on-site throughout the visitor's stay and when the host obtains a business license. Hosts are also required to collect and remit Transient Occupancy Tax (TOT) if not collected and remitted by the hosting platform. For more information see <http://www.culvercity.org/homesharing>."

Definitions in Hotels/Motels Chapter:

HOTEL. Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, Home Sharing, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

HOME-SHARING. An accessory use of a Host's Primary Residence for a maximum of 90 days in a calendar year for the purposes of providing temporary lodging for compensation for periods of 30 consecutive days or less, while at least one of the dwelling unit's primary residents lives on site in the dwelling unit throughout the visitor's stay. **[OPTION: Maximum number of days is a policy decision. Los Angeles is proposing limiting to 180 days. Santa Monica allows an unlimited number of days.]**

HOME-SHARING HOSTING PLATFORM. An entity that facilitates Home-Sharing through advertising, match-making or any other means, using any medium of facilitation, and from which the operator of such entity derives revenues, including, but not limited to, booking fees or advertising revenues, from providing or maintaining the marketplace.

HOST. An individual who has the legal right to engage in Home-Sharing under Section XXXXX.

PRIMARY RESIDENCE. The property on which the Host conducts Home-Sharing and in which the Host resides at least 6 months of the year.

Violations and Penalties

- It is unlawful for any Host to continue to advertise or engage in Home-Sharing after the City-issued Home-Sharing registration has been suspended or revoked, or not renewed, pursuant to a non-contested notice of decision issued by the Community Development Department, or after the issuance of a Final Order after an appeal hearing.
- Any Home-Sharing advertised or engaged in contrary to the provisions of this Chapter shall be, and the same is declared to be, unlawful and a public nuisance, and the City may, in addition to or in lieu of prosecuting a criminal action, commence an administrative or civil action(s) or proceeding(s), for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief to abate such Home-Sharing and restrain and enjoin any person from advertising or engaging in Home-Sharing contrary to the provisions of this Chapter.
- Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this Chapter, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.
- Whenever in this Chapter any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.
- Violation or failure to comply shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation in the Municipal Code, except as follows:
 1. Hosting Platform
 - a. \$1,000 Fine per day for advertising a listing in violation of this Chapter, including but not limited to listings without a City Home-Sharing registration number, multiple Primary Residence listings across more than one property by the same Host or, a listing where the Host's home address does not match the listing location, and any listings rented for more than 90 days a calendar year.
 - b. \$1,000 Fine per day on any refusal to provide the addresses of unregistered short term rentals to the City.
 - c. \$1,000 Fine per day on any refusal to submit monthly documents required for City to verify the accuracy of the City's Transient Occupancy Tax.
 2. Property Owner and/or Host

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- a. A minimum \$500 Fine, or two times the nightly Rent charged, whichever is greater, per day, for advertising a residence for the purposes of Home-Sharing without compliance with this Subdivision.
 - b. \$2,000 Fine, or two times the nightly Rent charged, whichever is greater, per day for Home-Sharing beyond the 90 day limit in a year. **[OPTION: Impose different fees, or do not specify special fees.]**
- The penalties set forth herein are cumulative and in addition to all other remedies, violations, and penalties set forth in this Chapter, the City's Code, or in any other ordinance, laws, rules or regulations of the City, County, or the State of California.

Other Potential Provisions

- The City Manager or his or her designee may promulgate regulations, which may include but are not limited to application requirements, interpretations, conditions, reporting requirements, enforcement procedures, and disclosure requirements, to implement the provisions of this Section. No Person shall fail to comply with any such regulation.