
CHAPTER 84.28 SHORT-TERM RESIDENTIAL RENTALS

Sections:

- 84.28.010 Purpose
- 84.28.020 Applicability
- 84.28.030 Definitions
- 84.28.040 Permit Required
- 84.28.050 Application Process
- 84.28.060 Occupancy Standards
- 84.28.070 Conditions of Operation
- 84.28.080 Enforcement
- 84.28.090 Suspension of Permit
- 84.28.100 Revocation of Permit

84.28.010 Purpose

The purpose of this chapter is to establish a permit procedure, and maintenance and operational standards, for the use of residential dwelling units or portions thereof located in the Mountain Region as transient occupancies, to ensure the health and safety of occupants, guests, and the surrounding residential neighborhood, and to minimize negative secondary effects associated with such use.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance xxxx (2017)

84.28.020 Applicability

The standards and permit procedures of this Chapter apply to all persons involved in the short-term rental of residential dwelling units or portions thereof as a single housekeeping unit where allowed in the Mountain Region in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). “Short-term” means less than 30 days.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4230 (2014)

84.28.030 Definitions

The definitions in this section are intended to apply to this chapter only. Any term which is not specifically defined herein shall have the definition as provided by Division 10 of the Development Code or elsewhere within the County Code.

- (a) **Inspections – initial.** Any inspection incident to the review of an application for an initial short-term residential rental unit permit. The responsible department shall inspect the interior and the exterior of the subject property, including any improvements therein, to determine maximum occupancy and parking capacity for the

property, and to verify compliance with the standards of this chapter and of other applicable County Code provisions.

- (b) **Inspections – renewal.** Upon the application for renewal of a short-term residential unit permit, the subject property may be re-inspected, based on standards established by the responsible department, to ensure continued compliance with the standards of this chapter and of other applicable County Code provisions.
- (c) **Potentially affected property owner.** The owner of property that is located within the applicable distance from the short-term residential rental unit as set forth in Table 85-2 (Distance Requirements for Noticing Purposes) of Chapter 85.03 of Title 8 of the County Code, and as amended.
- (d) **Short-term residential rental owner.** The owner of a property, as defined in Section 810.01.170 of the County Code, with a single-family dwelling unit that is being used as a short-term residential rental unit; any individual or organization working on behalf of such property owner; or any individual or organization that has the legal right to rent to others a single-family residential dwelling unit as a short-term residential rental unit.
- (e) **Short-term residential renter.** An individual who enters into an agreement with a short-term residential rental owner for the use of property as a short-term residential rental unit. Such renter is not considered a tenant or a person who hires a dwelling unit under California Civil Code section 1940.
- (f) **Short-term residential rental unit.** A residential dwelling unit or portion thereof rented or otherwise used for transient occupancy, as defined in County Code section 14.0203. A short-term residential unit may not be used for a wedding, wedding reception, business meeting or conference, a fraternity party, or any other similar gathering. Transient occupancy generally means occupancy for 30 consecutive calendar days or less.

Amended Ordinance xxxx (2017)

84.28.040 Permit Required

- (a) A short-term residential rental owner may use a single-family dwelling unit as a short-term residential rental unit only if such owner has a current valid short-term residential unit permit and complies with the requirements of this chapter and other applicable provisions of the County Code and other law. If there is more than one dwelling unit on a parcel, a separate permit shall be required for each dwelling unit used as a short-term residential rental unit.
- (b) Short-term residential renters are subject to the uniform transient occupancy tax of County Code section 14.0203.
- (c) Short-term residential rental unit permits are transferrable to new owners of already permitted residential rental units, provided that new owners inform the County of their

desire to assume the responsibilities of holding a short-term residential unit permits within thirty (30) days of taking title to the property. Within thirty (30) days of taking title to the property, new owners are also responsible to provide the County with the information necessary to satisfy the requirements of County Code section 84.28.040(a)(1)-(7), so that the County may be assured that the new owner understands their duties and responsibilities as the owner of a short-residential rental unit. The County may also charge a fee for changing the permit record.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance xxxx (2017)

84.28.050 Application Process

- (a) **Application.** An application for a short-term residential rental unit permit shall be submitted to the responsible department on a pre-approved form. The required content of the form may be revised from time to time, but at a minimum shall include the following in order to be considered complete:
- (1) Property owner name and contact information.
 - (2) Applicant name and contact information, if different from the property owner.
 - (3) Address and Assessor's parcel number for the property containing the single-family dwelling unit to be used as a residential rental unit.
 - (4) Total square footage of habitable space of the single-family dwelling unit.
 - (5) Number and square footage of rooms to be used for overnight sleeping purposes.
 - (6) The name of the managing agency, agent, or property manager, if different from the property owner, and a telephone number at which that party may be immediately reached on a 24-hour basis.
 - (7) Acknowledgment that the property owner and applicant have read and understand this chapter.
 - (8) A fee amount to cover an initial inspection and one additional inspection. If further additional inspections are required, then the owner or applicant shall be required to pay additional inspection fees.
- (b) **Notification Requirements.** Applications for a short-term residential rental unit permit shall require providing notice of the application to all potentially affected property owners in the following circumstances:
- (1) The application is submitted as a result of the issuance of a notice of violation for the renting or use of a property as a short-term residential rental unit without a short-term residential rental unit permit.

- (2) During the processing of the application, the responsible department is made aware of circumstances that would lead it to reasonably believe that the property has been used in violation of this chapter, including but not limited to that the property was used as a short-term residential rental unit without a short-term residential rental unit permit.
- (3) If either (1) or (2) above is true, notice shall be given to all potentially affected property owners of said application. If there are additional costs to the County in providing notice to all potentially affected property owners, the cost of the permit application shall be changed to allow the County to recover those costs. The notice shall provide that comments may be submitted to the responsible department up to 20 calendar days after the date of said notice.
- (4) The responsible department shall notify the applicant if the application is approved or denied at the applicant's mailing address as shown on the most recent application or otherwise filed with the responsible department.
- (5) Within seven calendar days of the issuance of a short-term residential rental permit, the responsible department shall send notice to all potentially affected property owners that a permit was issued. This notice shall contain, at a minimum, the following information:
 - (A) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be immediately reached on a 24-hour basis;
 - (B) The maximum number of occupants, including day-use guests, allowed in the unit;
 - (C) The maximum number of vehicles allowed to be parked on the property.
- (c) **Operation During Application Process.** Notwithstanding Section 84.28.030, while an application for a short-term residential rental unit permit is pending, a dwelling may be used as a short-term residential rental unit provided that the unit has passed a physical inspection by the County and otherwise complies with the requirements of Sections 84.28.050 and 84.28.060 and any applicable requirements set forth in Chapter 6 of Division 3 of Title 6 of the County Code and other law.
- (d) **Applicant Appeals.** An applicant may appeal the denial of an application for a short-term residential rental permit. Such appeal must be in writing and submitted to the responsible department within 15 calendar days of the date of the notice provided pursuant to Section 8.28.040(b)(3).
- (e) **Affected Property Owner Appeals.** Potentially affected property owners may appeal the granting of a short-term residential rental permit. All such appeals must be submitted to the responsible department within 15 calendar days of the date of the notice provided pursuant to Section 84.28.040(b)(4). The ground for such appeal is limited to the claim that past use of the property as a short-term residential rental unit

has not complied with one or more requirements of Section 84.28.050 (b) through (e), or Section 84.28.060, or that, based on competent evidence, any prospective use for such purpose will likely not comply with one or more of such requirements. Such appeal shall be heard in the same manner as specified in Section 84.28.090(b)(3). The applicant shall be provided notice of the hearing. If the potentially affected property owner prevails in the appeal, then the applicant's application shall be deemed to be denied and such decision shall be the final decision of the County. No further appeal shall be available at the administrative level.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4230 (2014); Amended Ordinance xxxx (2017)

84.28.060 Occupancy Standards

- (a) **Compliance with Uniform Codes and Other Laws.** At the time of issuance of a short-term residential rental permit and thereafter, the short-term residential rental unit shall be in compliance with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association Standards or regulations, and any other applicable uniform codes, as adopted by the County of San Bernardino, and other applicable laws and codes.
- (b) **Occupancy Limits.** Occupancy limits per room for all short-term residential rental units shall be determined as follows:
- (1) In order for a room to be considered habitable space for overnight sleeping purposes, it must be a minimum of 70 square feet. A 70 square foot room may sleep one person. Each sleeping room occupied by more than one person shall contain not less than 50 square feet of floor area for each additional person.
 - (2) Kitchens, bathrooms, toilet rooms, halls, closets, storage or utility spaces, and similar areas are not considered habitable rooms for sleeping purposes, thus the square footage represented by these rooms shall not be used in the calculation for determining the maximum number of occupants.
- (c) **Maximum Occupancy Limits.** Maximum occupancy limits per short term residential unit shall be determined as follows:
- (1) Notwithstanding the allowances per subdivision (b) above, on parcels of less than one-half acre, the maximum occupancy of a short-term residential rental unit, including day-use guests, may not exceed 16 persons.
 - (2) Notwithstanding the allowances per subdivision (b) above, on parcels of more than one-half acre, the maximum occupancy of a short-term residential rental unit, including day-use guests, shall not exceed 20 persons.
 - (3) Notwithstanding the allowances per subdivisions (b) and (c)(1) and (2) above, the maximum occupancy of a short-term residential rental unit shall not exceed the occupancies supported by the on-site parking spaces of subdivision (e)

below. For example, if only one on-site parking space is available, the maximum occupancy for that short-term residential rental unit shall be no more than 4 persons.

- (d) **Day-Use Guests.** Day-use guests at short-term residential rental units shall comply with the following:
- (1) Guests of the primary renter or of the user of the short-term residential rental unit may only be on the property from 10 a.m. to 8 p.m.
 - (2) Parking restrictions for the short-term rental property unit may not be exceeded to accommodate day-use guests.
 - (3) No more than six (6) day-use guests may be at the short-term residential rental unit at any one time.
- (e) **Parking.** Parking shall be provided on-site at a ratio of not less than one parking space for every four occupants or guests. Parking spaces may include garage, carport, and driveway spaces, and may allow for tandem parking. On-site parking areas shall be kept free from any obstructions that would prevent use for parking vehicles. Pursuant to Section 84.28.070(a)(2), violations of the parking requirements of this chapter may result in vehicles being towed without notice.

Adopted Ordinance xxxx (2017)

84.28.070 Conditions of Operation

The following are minimal requirements for short-term residential rental units. These are in addition to any other applicable requirements of this chapter, other applicable provisions of the County Code, or other law.

- (a) **Prohibited Uses of Property.** A short-term residential rental unit may not be used for any transient occupancy other than the purposes described in the definition of short-term residential rental unit set forth in Section 84.28.020(f), and in conformity with the requirements of this chapter.
- (a) **Advertising.**
- (1) **Advertising of unpermitted uses.** Advertising that promotes a short-term residential rental unit for a use that is not permitted by this chapter or other law, including, but not limited to, the use of such unit for a wedding, wedding reception, business conference or meeting, fraternity party, or any other similar gathering, is prohibited.
 - (2) **Signage.** Advertisement signs on property being used as short term residential rental unit to promote short-term residential rental units are prohibited.

- (3) **Media.** All forms of print and non-print advertisement, including real-estate magazines, fliers, newspapers, television or radio commercials, internet pages, or coupons, featuring property used as a short-term residential rental unit, shall include the valid County issued permit number and specify the maximum permitted number of occupants for each property or properties.
- (c) **Posted notice within unit.** Each short-term residential rental unit shall have a clearly visible and legible notice posted within the unit, on or adjacent to the front door, containing the following information:
- (1) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be immediately reached on a 24-hour basis.
 - (2) The maximum number of day-use occupants, including day-use guests, permitted.
 - (3) The maximum number of occupants allowed to stay overnight in the unit.
 - (4) The maximum number of vehicles allowed to be parked on the property.
 - (5) The contact person or agency for snow removal to allow vehicle access to the property.
 - (6) Notification of the arrangements that the owner has made to allow the renter to properly store and dispose of trash or refuse in accordance with the terms of the County Code.
 - (7) Notification that failure to comply with the requirements of this chapter, including parking and occupancy standards, as well as public and private nuisance standards, is a violation of the County Code, and that such violation may result in enforcement actions to address the violation. These may include actions to abate the nonconformity, the institution of criminal, civil, or administrative actions, or, under certain circumstances, the calling of law enforcement for the removal of guests and their vehicles from the property to the extent authorized by law. The notification shall state in a prominent format that users of the unit are prohibited from disturbing the peace of the surrounding neighborhood and that doing so is a violation of this chapter.
 - (8) Location of utility service connections, including how to access service connections and instructions and any tools necessary to disconnect the residential rental unit from utility services in the event of an emergency.
 - (9) Phone numbers of local emergency medical and law enforcement services.
 - (10) Property boundary map for the purpose of exterior property recreational activities and parking to deter trespassing on other privately owned properties.

(d) Call Response.

- (1) The short-term residential rental unit owner shall be personally available by telephone on a 24-hour basis and maintain the ability to be physically present at the property within one (1) hour in order to respond and remedy calls or complaints regarding the condition or operation of the unit or the behavior of persons on the property in violation of this chapter or other law.
- (2) Responses to such calls or complaints must result in the short-term residential rental unit owner confirming whether or not the complaint is valid. If the complaint is valid the short-term residential rental unit owner shall take any and all corrective action within the lawful authority of the owner to abate the violation, or to cause the nuisance behavior that disturbs the peace of the neighboring properties to stop, for the entire duration of the occupancy of the person causing or allowing such violation or nuisance behavior. Such corrective action may necessarily include, under certain circumstances, the contacting of law enforcement, County officials, or other appropriate officials for the removal of guests and their vehicles from the property to the extent authorized by law.
- (3) Calls or complaints about physical conditions or circumstances that constitute an immediate threat to the public health and safety shall obligate the owner to immediately contact the appropriate law enforcement, fire, or other authority.
- (4) Each owner shall keep a written record of the times and type of complaints received, what response was undertaken by the owner, and when such complaints were resolved. This written record shall be made available to the County upon request, and shall be retained by the owner for twenty-four months.

(e) Responsibilities of Owner to Prevent Nuisance Behavior and Maintain Neighborhood Peace and Quiet. The owner shall take any action necessary to ensure that renters and occupants abide by the terms of this chapter and other applicable provisions of the County Code. The owner must inform renters and occupants that they are not to violate any noise standards, parking standards, or otherwise create a public or private nuisance.**(f) Loud and Disturbing Noise.**

- (1) It is unlawful for any owner, renter, occupant, or guest located at a short-term residential rental unit to make, cause to be made, or allow to be made any loud, excessive, impulsive, or intrusive noise that disturbs the peace or quiet or that causes discomfort or annoyance to any reasonable person of normal sensitivities in the area. Such types of noises or actions causing noises include, but are not limited to, yelling, shouting, hooting, whistling, singing, playing a musical instrument, emitting or transmitting any loud music or noise from any mechanical or electrical sound making or sound amplifying device, and the habitual barking, howling, or crowing of animals.

- (2) The standard for enforcement of this subsection is the “reasonable person” standard. The inquiry is whether the noise would disturb the peace or quiet or cause discomfort or annoyance to a reasonable person under the same or similar circumstances.
- (3) Factors that may be considered in determining whether a violation of this subsection has been committed include, but are not limited to, the following:
 - (A) The level of noise;
 - (B) The level and intensity of the background (ambient) noise, if any;
 - (C) The proximity of the noise to the residential unit in question;
 - (D) The time of day or night the noise occurs;
 - (E) The duration of the noise;
 - (F) Whether the noise is constant, recurrent, or intermittent; and
 - (G) Whether the noise is produced by a mechanical or electronic device.
- (g) **Sanitation.** Every short-term residential rental unit shall be cleaned after each occupancy change in order to make the unit sanitary. If linens are provided for use by renters, said linens will be exchanged for clean linens after each occupancy change.
- (h) **Trash.**
 - (1) With the exception of trash properly deposited in trash collection receptacles, accumulation of trash and debris on the site or within the unit is prohibited.
 - (2) Each exterior trash collection receptacle shall be “animal-proofed” as defined in County Code section 810.01.030(pp), shall be secured in an upright condition to prevent the receptacle from falling over, and shall include a lid that can be secured with self-contained locking handles, bungee cords, or other suitable methods designed to keep the contents from being accessed by animals.
 - (3) Trash shall be removed from the premises after each occupancy unless routine commercial trash collection is provided to the premises.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance xxxx (2017)

84.28.080 Enforcement**(a) General.**

- (1) Owners and renters of short-term residential rental units shall comply with the requirements of this chapter and all other applicable sections of the County Code and other law.
 - (2) In addition to any enforcement action and remedy authorized by this chapter, a violation of any requirement of this chapter may result in remedial action by appropriate members of County staff or any Enforcement Officer as defined in Chapter 2 of Division 1 of Title 1 of the County Code without notice if providing notice is not reasonable considering the need for immediate remedial action, and/or if prior notice to the property owner or the renters, either verbal or written, has not resulted in appropriate remedial action by the property owner.. If the violation consists of a violation of any of the parking requirements of this chapter, then the remedy may include the towing of the vehicle or vehicles causing the violation of the parking requirement. Remedial Actions taken per this section, other than any criminal citations, are subject to appeal pursuant to Chapter 2 of Division 1 of Title 1 of the County Code or other applicable provision, but no request for appeal shall stay the remedial actions taken pursuant to this section.
 - (3) In addition to any enforcement action and remedy authorized by this chapter, a violation of any requirement of this chapter may be subject to the enforcement and remedy provisions of Chapter 2 of Division 1 of Title 1 of the County Code and any other applicable enforcement and remedy provisions of the County Code or provided under the law.
- (b) Uniform Transient Occupancy Tax – Failure to Pay.** Failure by the owner to collect and remit to the Tax Collector the Uniform Transient Occupancy Tax may result in the Tax Collector pursuing any remedy against the owner, including imposing and collecting said tax from the owner, authorized under Chapter 2 of Division 4 of Title 1 of the County Code or other applicable law.

Adopted Ordinance xxxx (2017)

84.28.090 Suspension of Permit

- (a) Suspension of Permit.** A short-term residential unit rental permit may be suspended for the following reasons:
- (1) Substandard building or property or unsafe building or structure. Any violation of the requirements of Chapter 6 of Division 3 of Title 6 of the County Code that results in the issuance of a Notice of Defect or Notice and Order to Repair. Notice of such suspension shall be provided pursuant to the requirements of Chapter 6 of Division 3 of Title 6 of the County Code.

- (2) General violations. Any failure to comply with, or respond to, any notice of violation or other notice from the County requiring compliance with one or more requirements of this chapter or other applicable provision of the County Code or other law. Property owners shall be informed of such suspension in a written notice mailed using both certified mail with return receipt and First Class service. In addition, although not required, the notice may also be posted on the property and/or mailed to any additional individuals or companies listed on the permit application.

(b) Use of Property During Suspension and Stays.

- (1) When a short-term residential unit rental permit is suspended, the property or properties affected by the suspension shall not be used as a short-term residential rental until such time as the suspension is stayed or lifted.
- (2) Permits suspended pursuant to Section 84.28.080(a)(1) will remain suspended until such time as the Building Official or his or her designee confirms that all violations have been corrected or the Building Appeals Board has ruled in favor of the appellant.
- (3) Permits suspended for general violations, i.e., those under Section 84.28.080(a)(2), will remain suspended until such time as the violations are abated, or the property owner can reasonably demonstrate substantive changes in the property management practices that would mitigate or correct these violations, or a hearing officer has ruled in favor of the appellant. If an appeal hearing for a general violation cannot be scheduled within 14 calendar days after an appeal was filed or if the hearing is scheduled but, through no fault of the appellant, not held within 30 days after the appeal was filed, the suspension must be stayed through the date a ruling on the appeal is issued.

(c) Appeals of Suspensions. An appeal must be filed no later than 20 calendar days of the date the notice of suspension is issued.

- (1) The suspension of a permit pursuant to Section 84.28.080(a)(1) may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by Section 63.0107 of the County Code. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.
- (2) The suspension of a permit for a general violation may be appealed to a County-designated hearing officer. The decision by the hearing officer shall be final and no further appeal within the County shall be available.
- (3) The failure to appeal a suspension in a timely manner shall render the action to suspend final and no further appeal within the County shall be available.

84.28.100 Revocation of Permit

- (a) **Revocation of Permit.** A short-term residential rental unit permit may be revoked for the following reasons:
- (1) The severity of a violation of a requirement of Chapter 6 of Division 3 of Title 6 of the County Code necessitated the immediate vacation of the property.
 - (2) The conditions or actions that resulted in the suspension of the permit have not been abated, or addressed by a demonstrable change in the business practices associated with the short-term residential rental unit, within 60 days of the suspension being upheld on appeal or otherwise deemed final.
 - (3) The condition or the business practice that resulted in the suspension of the permit re-occurs with 12 months of the date the suspension was upheld on appeal or otherwise deemed final.
 - (4) A permit is suspended two times in a consecutive twenty-four (24) month period, where said suspensions are either upheld on appeal or otherwise deemed final.
 - (5) The permit was obtained through fraud or deceit.
 - (6) The permit was issued in error.
- (b) **Appeals of Revocation of Permit.**
- (1) The revocation of a permit pursuant to Section 84.28.090(a)(1) may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by Section 63.0107 of the County Code. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.
 - (2) The revocation of a permit pursuant to Section 84.28.090(a)(2), (a)(3), or (a)(4), where the underlying violation or violations are based on a failure to comply with the requirements of Chapter 6 of Division 3 of Title 6 of the County Code, may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by Section 63.0107 of the County Code. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.
 - (3) The revocation of a permit pursuant to Section 84.28.090(a)(2), (a)(3), or (a)(4), where the underlying violation or violations are general violations, or pursuant to Sections 84.28.090(a)(5) or (a)(6), may be appealed for a hearing before a County appointed hearing officer as defined by Sections 12.2701, 12.2702, 12.2703, and 12.2705 of the County Code. A decision by the hearing officer shall be final and no further appeal within the County shall be available.

- (4) The revocation of a permit pursuant to Section 84.28.090(a)(2), (a)(3), or (a)(4), where the underlying violations include a general violation or violations and a violation or violations based on a failure to comply with the requirements of Chapter 6 of Division 3 of Title 6 of the County Code, shall be heard by the Building Appeals Board in the form and manner defined by Section 63.0107 of the County Code. A decision by such body shall be final and no further appeal within the County shall be available.
- (c) **New Application After Revocation of Permit.** No application for a permit shall be permitted within twelve (12) months after a revocation is made final.
- (d) **Suspensions or Revocations of Permits for Multiple Properties.** If it is determined that the conditions or the business or management practices causes violations of this chapter to occur on multiple properties of the same owner, the short-term residential unit permits for all of those properties may be suspended and/or revoked at the same time. In such circumstance all affected parties must be provided notice and the opportunity to appeal the suspension and/or revocation of the permit for every affected property.

Adopted Ordinance xxxx (2017)