

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisors Benoit and Washington

SUBMITTAL DATE:
January 20, 2016

SUBJECT: Adoption of Ordinance No. 927 Regulating Short-Term Rentals, CEQA Exempt

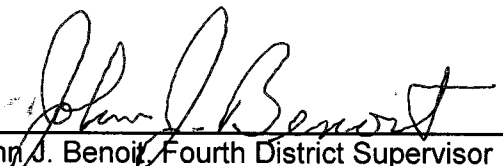
RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the adoption of Ordinance No. 927, attached hereto as Attachment A, is exempt from CEQA pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 because it entails the establishment, modification, structuring, restructuring of charges by public agencies that are not designed to increase services or expand a system and are designed to meet operating expenses;
2. Adopt Ordinance No. 927, an Ordinance of the County of Riverside Regulating Short-Term Rentals; and
3. Direct the Clerk of the Board to file the attached Notice of Exemption with the County Clerk for posting within five days of approval by the Board.

BACKGROUND:

On January 12, 2015, the Board re-introduced Ordinance No. 927 Regulating Short-Term Rentals (Item 3-3), removing occupancy limits and making other minor changes. After considering public input, the Board requested the removal of the proposed parking restrictions. The final draft incorporates this change and is now before the Board for final approval. This action will finalize the ordinance.

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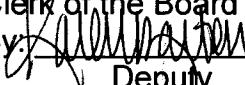

John J. Benoit, Fourth District Supervisor


Chuck Washington, Third District Supervisor

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Ashley and duly carried,
IT WAS ORDERED that the above matter is approved as recommended and that
Ordinance 927 is adopted with waiver of the reading.

Ayes: Tavaglione, Washington, Benoit and Ashley
Nays: Jeffries
Absent: None
Date: January 26, 2016
xc: Supvr. Benoit, Supvr. Washington, MC, COB

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

The purpose of this ordinance is to establish regulations for the use of privately owned residential dwellings as short-term rentals to minimize the negative secondary effects on surrounding properties and to ensure the collection and payment of transient occupancy taxes. Agenda item 3-3 from the January 12, 2016 Board of Supervisors' meeting provides further background information relating to Ordinance No. 927.

Impact on Citizens and Businesses

The impacts of the adoption of this ordinance have been evaluated by staff and the Board of Supervisors. The opportunity for public review and comment was provided during the November 17, 2015 and January 12, 2016 Board of Supervisors' meetings and any verbal or written testimony provided by the public was considered by the Board at that time. Today's action on the adoption of Ordinance No. 927 will finalize the Board's approval.

Attachments

- A. Ordinance No. 927 as revised and reintroduced
- B. Notice of Exemption

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- 1 D. Local Contact Person. The person designated by the owner or the owner's
2 authorized representative who shall be available twenty-four hours per day,
3 seven days per week for the purpose of responding within sixty minutes to
4 complaints related to the short term rental and taking remedial action to
5 resolve such complaints.
- 6 E. Operator. The owner or the owner's authorized representative who is
7 responsible for compliance with this ordinance.
- 8 F. Owner. The person or entity that holds legal or equitable title to the short
9 term rental.
- 10 G. Responsible Person. A guest of the short term rental who is at least
11 eighteen years of age and who is legally responsible for ensuring that all
12 guests of the short term rental comply with all applicable laws, rules and
13 regulations pertaining to the use and occupancy of the short term rental.
- 14 H. Short Term Rental Certificate. A certificate that allows the use of a
15 privately owned residential dwelling as a short term rental pursuant to this
16 ordinance.
- 17 I. Short Term Rental. A privately owned residential dwelling, such as, but not
18 limited to, a single family detached or multiple family attached dwelling,
19 apartment house, condominium, cooperative apartment, duplex, mobile
20 home on permanent foundations or a manufactured home on permanent
21 foundations, or any portion of such dwellings, rented for occupancy for
22 dwelling, lodging or sleeping purposes for any period less than thirty
23 consecutive days.

24 Section 5. APPLICABILITY. This ordinance applies to short term rentals as defined
25 in Section 4. The following do not qualify as a privately owned residential dwelling as used herein, and
26 therefore do not need to obtain a short term rental certificate: any hotel, motel, studio hotel, rooming
27 house, dormitory, public or private club, bed and breakfast inn, cottage inn, or country inn; a camping
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1 site, recreational vehicle, or park model; a hospital, sanitarium, medical clinic, convalescent home, rest
2 home, home for aged people, foster home, halfway house, transitional housing facility, or other similar
3 facility operated for the care, treatment, or reintegration into society of human beings; any asylum, jail,
4 prison, orphanage or other facility in which human beings are detained and housed under legal restraint;
5 any housing owned or controlled by an educational institution and used exclusively to house students,
6 faculty or other employees with or without their families, any fraternity or sorority house or similar
7 facility occupied exclusively by students and employees of such educational institutions and officially
8 recognized and approved by it; any housing operated or used exclusively for religious, charitable or
9 educational purposes; any housing owned by a governmental agency and used to house its employees or
10 for governmental purposes; any camp as defined in the Labor Code or other housing furnished by an
11 employer exclusively for employees or employees and their families; and any second unit. No guest
12 quarters, as defined in Riverside County Ordinance No. 348 section 18.18, shall qualify as a short-term
13 rental unless the privately owned residential dwelling on the lot is also being rented or leased as a short-
14 term rental to the same renter or lessee.

15 Section 6. SHORT TERM RENTAL CERTIFICATE.

16 A. In addition to any land use entitlement required by Riverside County
17 Ordinance No. 348, the operator shall obtain a short term rental certificate
18 pursuant to Sections 6 and 7 herein from the Riverside County Planning
19 Department before renting or advertising for rent any short term rental.

20 B. No short term rental certificate is required if a Temporary Outdoor Event
21 permit has been obtained, for the duration of the Temporary Outdoor Event
22 permit only.

23 Section 7. SHORT TERM RENTAL CERTIFICATE REGISTRATION FEE AND
24 APPLICATION.

25 A. An operator shall submit to the Planning Department a short term rental
26 certificate application provided by the County along with a first-time
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1 registration fee of \$250. The short term rental certificate shall be valid for
2 one year from the date of issuance.

3 B. A short term rental certificate shall be renewed on an annual basis based on
4 the anniversary of the original certificate issuance by submitting to the
5 Planning Director a short term rental certificate application and a renewal
6 registration fee of \$100.

7 C. The short term rental certificate shall expire automatically when the short
8 term rental changes ownership, and a new initial application and first-time
9 registration fee will be required. A new application and first-time
10 registration fee shall also be required for any short term rental that had its
11 short term rental certificate revoked or suspended.

12 D. The registration fees may be used to cover any County costs for
13 administering or enforcing this ordinance, including the use of an outside
14 management company retained for such purpose.

15 Section 8. SHORT TERM RENTAL OPERATIONAL REQUIREMENTS.

16 A. The operator shall ensure that the short term rental is used in a manner that
17 complies with all applicable laws, rules and regulations pertaining to the use
18 and occupancy of a short term rental.

19 B. The short term rental shall be occupied for not less than two (2) days and
20 one (1) night.

21 C. A short term rental shall not change the residential character of the outside
22 appearance of the residence including color, material, lighting or any
23 advertising mechanism.

24 D. Guests of the short term rental shall comply with Riverside County
25 Ordinance No. 847 Regulating Noise, including quiet hours between the
26 hours of 10 PM and 7 AM.

1 E. The operator shall post the following information in a prominent location
2 within the short term rental:

- 3 1. Operator name and number;
- 4 2. Local contact person name and number;
- 5 3. The telephone number for the sheriff's department and for code
6 enforcement;
- 7 4. The maximum number of parking spaces available onsite;
- 8 5. Trash pick-up day and applicable rules and regulations;
- 9 6. A copy of Riverside County Ordinance Nos. 847 and 927;
- 10 7. A copy of the good neighbor brochure; and
- 11 8. Notification that a guest, local contact person, responsible person or
12 owner may be cited or fined by the County in accordance with this
13 ordinance and Riverside County Ordinance No. 725.

14 F. While a short term rental is rented, the operator or local contact person shall
15 be available twenty-four hours per day, seven days a week for the purpose
16 of responding within sixty (60) minutes to complaints regarding the
17 condition, operation or guests' conduct of the short term rental.

18 G. Prior to occupancy of a short term rental, the operator shall do the
19 following:

- 20 1. Obtain the name, address and copy of a valid government
21 identification of the responsible person;
- 22 2. Provide a copy of the good neighbor brochure to the responsible
23 person;
- 24 3. Require the responsible person to execute a formal
25 acknowledgement that he or she is legally responsible for
26 compliance by all guests of the short term rental with all applicable
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1 laws, rules and regulations pertaining to the use and occupancy of
2 the short term rental; and

- 3 4. Maintain the information required herein, including copies of the
4 notices provided, for a period of three (3) years and make it
5 available upon request by any officer of the County responsible for
6 enforcement of any provision of this ordinance or any other
7 applicable law, rule or regulation pertaining to the use and
8 occupancy of the short term rental.

9 H. The owner, operator or local contact person shall respond within sixty (60)
10 minutes of being notified that the responsible person or guest of the short
11 term rental created unreasonable noise, engaged in disorderly conduct or
12 committed violations of any applicable law, rule or regulation and halt or
13 prevent the recurrence of such conduct. The owner, operator or local
14 contact person shall be subject to all administrative, legal and equitable
15 remedies available to the County for failing to respond within 60 minutes.

16 I. Trash and refuse shall not be left stored within public view, except in proper
17 containers for purposes of collection by the County's authorized waste
18 hauler.

19 J. The operator shall include the current short term rental certificate number
20 on or in any advertisement appearing in any newspaper, magazine, brochure
21 or internet website that promotes the availability of the short term rental.

22 K. An application may be denied if the applicant has had a prior short term
23 rental certificate revoked for the same dwelling within the past twelve
24 calendar months.

25 L. If there is a deed restriction on a property that prohibits the use of a
26 residential dwelling as a short-term rental, then that deed restriction shall
27 control. The County shall not enforce said deed restriction.
28

1 Section 9. TRANSIENT OCCUPANCY TAX. The operator shall comply with all the
2 requirements of Riverside County Ordinance No. 495, the Uniform Transient Occupancy Tax Ordinance.
3 For the purposes of Riverside County Ordinance No. 495 only, a short term rental shall qualify as a
4 “hotel.” The Treasurer Tax-Collector shall be responsible for the enforcement of the provisions of this
5 section and Ordinance No. 495 and shall have no other enforcement duties related to this ordinance
6 beyond these responsibilities.

7 Section 10. NOTIFICATION AND COMPLAINTS.

- 8 A. Written notice will be provided to all dwellings located within 100 feet of
9 the short term rental’s property line that a short term rental certificate was
10 obtained for the short term rental. Such notification shall also include the
11 operator’s and local contact person’s contact information.
- 12 B. Complaints related to the operation of the short term rental including, but
13 not limited to, unreasonable noise and disorderly conduct shall be initially
14 directed to the local contact person. If the local contact person is
15 unavailable or fails to respond, the complaint shall be made to the Riverside
16 County Sheriff dispatch service.
- 17 C. Complaints related to the issuance of a short term rental certification and
18 compliance with this ordinance shall be directed to the Riverside County
19 Code Enforcement Department.

20 Section 11. ENFORCEMENT, VIOLATIONS, FINES AND PENALTIES.

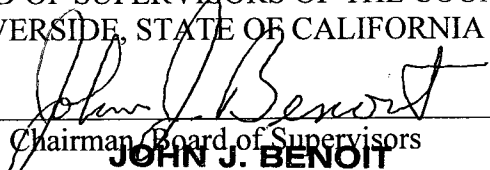
- 21 A. In addition to any other remedies provided by law, violations of this
22 ordinance shall be enforced as authorized in Riverside County Ordinance
23 No. 725. Each day a violation is committed or permitted to continue shall
24 constitute a separate offense. Violations of this ordinance shall be treated as
25 a public nuisance and strict liability offense regardless of intent.

1 After an administrative hearing has been held in accordance with Section 10 of Riverside
2 County Ordinance No. 725, a violation of any provision of this ordinance by any of the guests, owners or
3 operators shall constitute grounds to suspend or revoke a short term rental certificate.

4 Section 12. SEVERABILITY. If any provision, clause, sentence or paragraph of
5 this ordinance of the application thereof to any person or circumstances shall be held invalid, such
6 invalidity shall not affect the other provisions of this ordinance which can be given effect without the
7 invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be
8 severable.

9 Section 13. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days
10 after its adoption.

11 BOARD OF SUPERVISORS OF THE COUNTY
12 OF RIVERSIDE, STATE OF CALIFORNIA

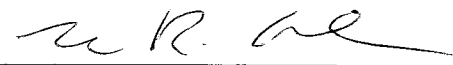
13 By: 
14 Chairman, Board of Supervisors
JOHN J. BENOIT

15 ATTEST:
16 CLERK OF THE BOARD

17 By: 
18 Deputy

19 (SEAL)

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21 APPROVED AS TO FORM
22 January 21, 2016

23 By: 
24 MELISSA R. CUSHMAN
25 Deputy County Counsel
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11 STATE OF CALIFORNIA)
12 COUNTY OF RIVERSIDE) ss

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14 I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county
15 held on January 26, 2016, the foregoing ordinance consisting of 13 Sections was adopted
16 by the following vote:

17 AYES: Tavaglione, Washington Benoit and Ashley

18 NAYS: Jeffries

19 ABSENT: None
20

21 DATE: January 26, 2016

22 KECIA HARPER-IHEM
Clerk of the Board

23 BY: 
24 Deputy

25 SEAL
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Item 3-5

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisors Benoit and Washington

SUBMITTAL DATE:
January 6, 2016

SUBJECT: Re-introduction of Ordinance No. 927 Regulating Short-Term Rentals, CEQA Exempt

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the re-introduction and adoption of Ordinance No. 927, attached hereto as Attachment A, is exempt from CEQA pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 because it entails the establishment, modification, structuring, restructuring of charges by public agencies that are not designed to increase services or expand a system and are designed to meet operating expenses; and
2. Re-introduce, waive reading of, and adopt on successive weeks Ordinance No. 927, an Ordinance of the County of Riverside Regulating Short-Term Rentals.


BACKGROUND:


On November 17, 2015, the Board introduced Ordinance No. 927 Regulating Short-Term Rentals (Item 3-28).

The purpose of this ordinance is to establish regulations for the use of privately owned residential dwellings as short-term rentals to minimize the negative secondary effects on surrounding properties and to ensure the collection and payment of transient occupancy taxes.

Per counsel recommendation, Ordinance 927 is being re-introduced because revised language includes changes not discussed initially.

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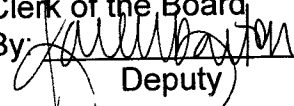

John J. Benoit, Fourth District Supervisor


Chuck Washington, Third District Supervisor

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Washington and duly carried, IT WAS ORDERED that the above ordinance is approved as introduced with a waiver of reading.

Ayes: Tavaglione, Washington, Benoit and Ashley
Nays: Jeffries
Absent: None
Date: January 12, 2016
xc: Supvr. Washington, Supvr. Benoit, C/OB

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

FORM APPROVED COUNTY COUNSEL
BY: GREGORY P. PRIAMOS
DATE: 1/7/16

Summary

There are nearly 300 short-term rentals publicly advertised on VRBO.com and Airbnb.com in unincorporated areas of Riverside County. Most of these rentals are clustered in the areas of Idyllwild, Wine Country and Bermuda Dunes.

Growth in the short-term rental market is being driven by ample supply and demand. Travelers are increasingly opting to stay in private residences while on business or vacation. Homeowners (and sometimes renters) have found it profitable to offer their homes — either in part or in whole — for rent on a short-term basis at rates that rival those of traditional hotels. A cursory search of the above mentioned sites show some homes and condos renting for less than \$70 a night. On the high end, large lot estates may be booked for more than \$3,000 a night.

Unregulated short-term rental homes have disrupted some neighborhoods with renters generating excessive noise, disorderly conduct, traffic congestion, illegal vehicle parking and accumulation of trash. These issues have been especially pronounced in tourist areas.

In response to citizen complaints, many cities and counties in the state have developed a system of regulation to control the impact of short-term rentals. Regulation is more advantageous than an outright ban because short-term rentals support the tourism industry, promote economic activity and can generate transient occupancy tax (TOT) revenue. (Collecting TOT is an important step in leveling the playing field between short-term rental operators and traditional hotel and rental operators.) The goal is to preserve peace and quiet for all residents, allow those residents who desire to rent their home on a short-term basis to do so and to create another product for travelers to enjoy our county and support our economy.

Cities in the Coachella Valley have been on the forefront of regulating short-term rentals and provide proven principles for running an effective short-term rental program. Some cities and counties struggle to control short-term rentals, even when they have regulations in place. The City of Anaheim serves as a case study. Despite having the typical rules on the books — quiet hours, maximum occupancies, etc. — the City has faced growing citizen complaints and adopted a moratorium to reanalyze its program. The problem was not the regulations, but compliance. Of the 400 homes publicly advertised online, only 200 were registered with the City and abiding by the rules.

Cities in the Coachella Valley have adopted a highly successful, aggressive and cost-efficient enforcement program to identify and register short-term rentals. Although each city has different regulations, most of them utilize the services of an independent contractor to ensure compliance. Similarly, all the cities in the Coachella Valley utilize a vendor to provide a single hotline to report complaints related to short-term rentals. This central hotline reduces the burden on cities by being the first point of contact for complaints 24/7 and dispatching responsible parties to resolve the concerns. A report of complaints is generated and forwarded to the cities on the next business day for follow up.

The short-term rental industry is growing exponentially throughout the country. The problem has become particularly acute in the Fourth District where investors have targeted the unincorporated community of Bermuda Dunes and advertise the homes there as being in Palm Springs, Rancho Mirage and Indian Wells while not following any of the regulations in effect in those cities. As mentioned earlier, short-term rentals also are in Wine Country, Idyllwild and potentially other unincorporated county areas.

The proposed ordinance regulates short-term rentals in unincorporated Riverside County. Attachment B shows how our proposed ordinance compares to ordinances in other cities and counties.

(Continued on next page)

Based on the demonstrated track record of success in the Coachella Valley, we are recommending that the county follow the lead of those cities in addressing these issues. In addition to the regulations in the attached ordinance, we propose going out to bid to retain a contractor to help the county implement the program and ensure compliance. We propose the contractor work with the Planning Department to develop and process applications, maintain a list of operators and actively register short-term rentals. The county will benefit from the professional services of a firm experienced in short-term rental regulation.

Our expectation is that this system of regulation will protect residents and help reduce the burden on county staff. The experience of others is that most responsible parties resolve any differences or misunderstandings quickly with the assistance of the contractor. The County has insufficient staff to implement and operate the Short-Term Rental Ordinance, and County staff will get involved only if the responsible person fails to correct the problem or issues persist.

Ordinance No. 927 is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies that are not designed to increase services or expand a system and because the purpose of the fees is to meet operating expenses.

Transiency Occupancy Tax

The proposed Short-Term Rental Ordinance does not propose a change to Ordinance No. 495 Relating to Transient Occupancy Tax (TOT Ordinance). The TOT Ordinance imposes a 10% tax on hotel stays in unincorporated areas of Riverside County. The TOT Ordinance defines "Hotel" as "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." Ordinance No. 927 Section 9 specifically recognizes that a Short-Term Rental qualifies as a hotel under the existing TOT Ordinance. Therefore, short-term rentals are sufficiently covered by the existing TOT Ordinance.

TOT revenue will go to the county's general fund. Such revenues cannot be earmarked and dedicated to enforcing the proposed ordinance. However, even with the contractor, we anticipate some additional workload for Code Enforcement. We ask that Code Enforcement track all costs related to this ordinance with the anticipation that additional costs may be addressed through the budget process.

Registration Fee

Application fees vary widely from jurisdiction to jurisdiction. A comparison of these costs can be found in Attachment B. Registration fees should cover the cost of rental registration. The proposed ordinance proposes a \$250 registration fee and a \$100 renewal registration fee. These fee will cover the cost of processing permits and notifying nearby neighbors. Our intent is to only charge rental operators the cost of registering their short-term rental.

Contractor/Consultant

Many of the cities in the Coachella Valley have retained a contractor to assist in implementing and operating their short-term rental programs. Some cities contract out their entire program while others contract out specific functions. As part of the introduction of Ordinance No. 927, bids were solicited and at least one response was received. Purchasing will be conducting a bid review to determine responsiveness.

(Continued on next page)

Revisions

This revised ordinance makes the following changes, along with some minor wording and organizational adjustments, pursuant to Board direction:

1. Eliminate Occupancy Limits

During the introduction of the ordinance, a couple of short-term rental operators requested a higher occupancy limit than was originally proposed. Existing state and federal laws already place limits on residential occupancy. Operators will be subject to these existing occupancy limits.

The revised proposal eliminates the more restrictive occupancy limits set forth in the prior version of Ordinance No. 927. This change is consistent with the intent of not creating a burdensome system of regulation.

Further, a review of short-term rental ads online found that most owners already place occupancy limits on their own properties. The removal of this provision will continue to allow owners to determine how many occupants they are willing and able to allow within the existing laws.

2. Allow On-Street Parking in Idyllwild and Pine Cove Areas

This revised ordinance includes an exemption to allow on-street parking in the mountain communities of Idyllwild and Pine Cove because of the lack of adequate space for on-site parking. This change is supportable because short-term rentals already are operating in the area, and parking is not a prominent complaint.

However, residents complain that parking is an issue in areas with larger homes and lots that can accommodate more people. Residents in the La Cresta area wrote letters to the County stating that on-street parking for rentals in that area restrict access to their homes and create safety concerns. The on-site parking requirement will remain for La Cresta and all other unincorporated areas of the County.

3. Clarify Impacts on Deed Restrictions, Including CC&Rs

Section 8 now clarifies that the ordinance will not allow short-term rentals on properties where they are now forbidden pursuant to an applicable deed restriction. Such deed restrictions may include private covenants, conditions and restrictions.

Attachments

- A. Ordinance No. 927 as revised and reintroduced
- B. Comparison Chart

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3-5

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Supervisor Benoit and Supervisor Washington regarding Adoption of Ordinance No. 927 Regulating Short-Term Rentals and Authorization to Solicit Bids for Professional Support Services is continued to Tuesday, January 12, 2016 at 9:00 a.m.

Roll Call:

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Abstained: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on December 8, 2015 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: December 8, 2015
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: [Signature] Deputy

AGENDA NO.

3-5

xc: Supvr. Benoit, Co.Co., COB

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Supervisors Benoit and Washington

SUBMITTAL DATE:
November 10, 2015

SUBJECT: Introduction of Ordinance No. 927 Regulating Short-Term Rentals and Authorization to Solicit Bids for Professional Support Services, CEQA Exempt

RECOMMENDED MOTION: That the Board of Supervisors:

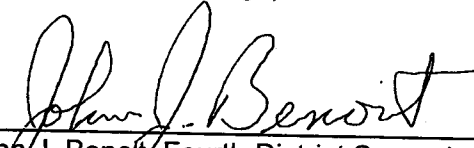
1. Find that the introduction and adoption of Ordinance No. 927, attached hereto as Attachment A, is exempt from CEQA pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 because it entails the establishment, modification, structuring, restructuring of charges by public agencies that are not designed to increase services or expand a system and are designed to meet operating expenses;
2. Introduce Ordinance No. 927, an Ordinance of the County of Riverside Regulating Short-Term Rentals; and
3. Direct Purchasing and Fleet Services, on behalf of the Transportation Land Management Agency, to solicit proposals for professional services to monitor and manage the Short-Term Rental program to assist the County in its implementation of this Ordinance throughout unincorporated areas.

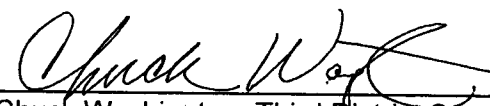
BACKGROUND:

There are nearly 300 short-term rentals publicly advertised on VRBO.com and Airbnb.com in unincorporated areas of Riverside County. Most of these rentals are clustered in the areas of Idyllwild, Wine Country and Bermuda Dunes.

Growth in the short-term rental market is being driven by ample supply and demand. Travelers are increasingly opting to stay in private residences while on business or vacation. Homeowners (and sometimes renters) have found it profitable to offer their homes — either in part or in whole — for rent on a short-term basis at rates that rival those of traditional hotels. A cursory search of the above mentioned sites show some homes and condos renting for less than \$70 a night. On the high end, large lot estates may be booked for more than \$3,000 a night.

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John J. Benoit, Fourth District Supervisor


Chuck Washington, Third District Supervisor

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Washington and duly carried, IT WAS ORDERED that the first reading of the ordinance is approved as introduced with a waiver of reading and a commitment to review the issues raised and return to the Board with recommendations.

Ayes: Tavaglione, Washington, Benoit and Ashley
Nays: Jeffries
Absent: None
Date: November 17, 2015
xc: Supvr. Washington, Supvr. Benoit, COB

Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy
3-28

Unregulated short-term rental homes have disrupted some neighborhoods with renters generating excessive noise, disorderly conduct, traffic congestion, illegal vehicle parking and accumulation of trash. These issues have been especially pronounced in tourist areas.

In response to citizen complaints, many cities and counties in the state have developed a system of regulation to control the impact of short-term rentals. Regulation is more advantageous than an outright ban because short-term rentals support the tourism industry, promote economic activity and can generate transient occupancy tax (TOT) revenue. (Collecting TOT is an important step in leveling the playing field between short-term rental operators and traditional hotel and rental operators.) The goal is to preserve peace and quiet for all residents, allow those residents who desire to rent their home on a short-term basis to do so and to create another product for travelers to enjoy our county and support our economy.

Cities in the Coachella Valley have been on the forefront of regulating short-term rentals and provide proven principles for running an effective short-term rental program. Some cities and counties struggle to control short-term rentals, even when they have regulations in place. The City of Anaheim serves as a case study. Despite having the typical rules on the books — quiet hours, maximum occupancies, etc. — the City has faced growing citizen complaints and adopted a moratorium to reanalyze its program. The problem was not the regulations, but compliance. Of the 400 homes publicly advertised online, only 200 were registered with the City and abiding by the rules.

Cities in the Coachella Valley have adopted a highly successful, aggressive and cost-efficient enforcement program to identify and register short-term rentals. Although each city has different regulations, most of them utilize the services of an independent contractor to ensure compliance. Similarly, all the cities in the Coachella Valley utilize a vendor to provide a single hotline to report complaints related to short-term rentals. This central hotline reduces the burden on cities by being the first point of contact for complaints 24/7 and dispatching responsible parties to resolve the concerns. A report of complaints is generated and forwarded to the cities on the next business day for follow up.

The short-term rental industry is growing exponentially throughout the country. The problem has become particularly acute in the Fourth District where investors have targeted the unincorporated community of Bermuda Dunes and advertise the homes there as being in Palm Springs, Rancho Mirage and Indian Wells while not following any of the regulations in effect in those cities. As mentioned earlier, short-term rentals also are in Wine Country, Idyllwild and potentially other unincorporated county areas.

The proposed ordinance regulates short-term rentals in unincorporated Riverside County. Attachment B shows how our proposed ordinance compares to ordinances in other cities and counties.

Based on the demonstrated track record of success in the Coachella Valley, we are recommending that the county follow the lead of those cities in addressing these issues. In addition to the regulations in the attached ordinance, we propose going out to bid to retain a contractor to help the county implement the program and ensure compliance. It is proposed that the contractor work with the Planning Department to develop and process applications, maintain a list of operators and actively register short-term rentals. The county will benefit from the professional services of a firm experienced in short term rental regulation.

(Continues on next page)

Our expectation is that this system of regulation will protect residents and help reduce the burden on county staff. The experience of others is that most responsible parties resolve any differences or misunderstandings quickly with the assistance of the contractor. The County has insufficient staff to implement and operate the Short-Term Rental Ordinance, and County staff will get involved only if the responsible person fails to correct the problem or issues persist.

Ordinance No. 927 is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies that are not designed to increase services or expand a system and because the purpose of the fees is to meet operating expenses.

Transiency Occupancy Tax

The proposed Short-Term Rental Ordinance does not propose a change to Ordinance No. 495 Relating to Transient Occupancy Tax (TOT Ordinance). The TOT Ordinance imposes a 10% tax on hotel stays in unincorporated areas of Riverside County. The TOT Ordinance defines "Hotel" as "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." Ordinance No. 927 Section 9 specifically recognizes that a Short-Term Rental qualifies as a hotel under the existing TOT Ordinance. Therefore, short-term rentals are sufficiently covered by the existing TOT Ordinance.

TOT revenue will go to the county's general fund. Such revenues cannot be earmarked and dedicated to enforcing the proposed ordinance. However, even with the contractor, we anticipate some additional workload for Code Enforcement. We ask that Code Enforcement track all costs related to this ordinance with the anticipation that additional costs may be addressed through the budget process.

Registration Fee

Application fees vary widely from jurisdiction to jurisdiction. A comparison of these costs can be found in Attachment B. Registration fees should cover the cost to operate and enforce the program and its provisions. The proposed ordinance proposes a \$250 registration fee. This fee will cover the cost of processing permits, pursuing violators, notifying nearby neighbors.

Our intent is to only charge rental operators the cost of operating the short-term rental program. We anticipate that \$250 should be sufficient. When the bids are received, this fee may be adjusted slightly.

Contractor/Consultant

Many of the cities in the Coachella Valley have retained a contractor to assist in implementing and operating their short term rental programs. Some cities contract out their entire program while others contract out specific functions.

In order to ensure a smooth rollout of our short term rental program, we propose retaining a contractor to operate the county's entire program under the guidance of the Planning Department. With the approval of this item, staff will solicit bids. The scope of work is attached (Attachment C).

Attachments

- A. Ordinance No. 927
- B. Comparison Chart
- C. Scope of Work

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ORDINANCE NO. 927

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
REGULATING SHORT TERM RENTALS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that there has been an increase in privately owned residential dwellings being used as short term rentals in the County of Riverside. While short term rentals provide a benefit to the County by expanding the number and type of lodging facilities, the alarming increase has caused adverse impacts to surrounding neighbors and properties including excessive noise, disorderly conduct, traffic congestion, illegal vehicle parking and accumulation of refuse. This ordinance is necessary to ensure neighborhood compatibility, to facilitate economic growth within the County and to protect the health, safety and general welfare of the County's residents.

Section 2. PURPOSE. The purpose of this ordinance is to establish regulations for the use of privately owned residential dwellings as short term rentals to minimize the negative secondary effects on surrounding properties and to ensure the collection and payment of transient occupancy taxes.

Section 3. AUTHORITY. In accordance with the California Constitution, Article XI, Section 7, a county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.

Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- A. County. The County of Riverside.
- B. Good Neighbor Brochure. A brochure, available from the County, to be given to guests, which includes a summary of the County's regulations relating to short term rentals.
- C. Guest. The overnight occupants renting the short term rental for a specified period and the daytime visitors of the overnight occupants.

- 1 D. Local Contact Person. The person designated by the owner or the owner's
2 authorized representative who shall be available twenty-four hours per day,
3 seven days per week for the purpose of responding within sixty minutes to
4 complaints related to the short term rental and taking remedial action to
5 resolve such complaints.
- 6 E. Operator. The owner or the owner's authorized representative who is
7 responsible for compliance with this ordinance.
- 8 F. Owner. The person or entity that holds legal or equitable title to the short
9 term rental.
- 10 G. Responsible Person. A guest of the short term rental who is at least eighteen
11 years of age and who is legally responsible for ensuring that all guests of the
12 short term rental comply with all applicable laws, rules and regulations
13 pertaining to the use and occupancy of the short term rental.
- 14 H. Short Term Rental Certificate. A certificate that allows the use of a privately
15 owned residential dwelling as a short term rental pursuant to this ordinance.
- 16 I. Short Term Rental. A privately owned residential dwelling, such as, but not
17 limited to, a single family detached or multiple family attached dwelling,
18 apartment house, condominium, cooperative apartment, duplex, mobile home
19 on permanent foundations or a manufactured home on permanent
20 foundations, or any portion of such dwellings, rented for occupancy for
21 dwelling, lodging or sleeping purposes for any period less than thirty
22 consecutive days.

23 Section 5. APPLICABILITY. This ordinance applies to short term rentals as defined
24 in Section 4. The following do not qualify as a privately owned residential dwelling as used herein, and
25 therefore do not need to obtain a short term rental certificate: any hotel, motel, studio hotel, lodging
26 house, rooming house, dormitory, public or private club, bed and breakfast inn, cottage inn, or country
27 inn; a camping site, recreational vehicle, or park model; a hospital, sanitarium, medical clinic,
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1 convalescent home, rest home, home for aged people, foster home, halfway house, transitional housing
2 facility, or other similar facility operated for the care, treatment, or reintegration into society of human
3 beings; any asylum, jail, prison, orphanage or other facility in which human beings are detained and
4 housed under legal restraint; any housing owned or controlled by an educational institution and used
5 exclusively to house students, faculty or other employees with or without their families, any fraternity or
6 sorority house or similar facility occupied exclusively by students and employees of such educational
7 institutions and officially recognized and approved by it; any housing operated or used exclusively for
8 religious, charitable or educational purposes; any housing owned by a governmental agency and used to
9 house its employees or for governmental purposes; any camp as defined in the Labor Code or other
10 housing furnished by an employer exclusively for employees or employees and their families; and any
11 second unit. No guest quarters, as defined in Riverside County Ordinance No. 348 section 18.18, shall
12 qualify as a short-term rental unless the privately owned residential dwelling on the lot is also being
13 rented or leased as a short-term rental to the same renter or lessee.

14 Section 6. SHORT TERM RENTAL CERTIFICATE.

- 15 A. In addition to any land use entitlement required by Riverside County
16 Ordinance No. 348, the operator shall obtain a short term rental certificate
17 pursuant to Sections 6 and 7 herein from the Riverside County Planning
18 Department before renting or advertising for rent any short term rental.
- 19 B. A short term rental certificate shall be renewed on an annual basis based on
20 the anniversary of the original certificate issuance in order to remain valid.
21 The short term rental certificate shall expire automatically when the short
22 term rental changes ownership.
- 23 C. No short term rental certificate is required if a Temporary Outdoor Event
24 permit has been obtained, for the duration of the Temporary Outdoor Event
25 permit only.

26 Section 7. APPLICATION FOR SHORT TERM RENTAL CERTIFICATE. The
27 operator shall submit to the Planning Department a short term rental certificate application provided by
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1 the County along with the appropriate registration fee of \$250. This registration fee may be used to cover
2 any County costs for administering or enforcing this ordinance, including the use of an outside
3 management company retained for such purpose.

4 Section 8. SHORT TERM RENTAL OPERATIONAL REQUIREMENTS.

- 5 A. The operator shall ensure that the short term rental is used in a manner that
6 complies with all applicable laws, rules and regulations pertaining to the use
7 and occupancy of a short term rental.
- 8 B. The short term rental shall be occupied for not less than two (2) days and one
9 (1) night.
- 10 C. The maximum number of overnight guests for a short term rental shall not
11 exceed two (2) persons per bedroom, excluding children under the age of
12 three (3) years of age, up to a maximum of eight (8) permitted bedrooms.
- 13 D. The maximum number of daytime guests allowed at any one time at the short
14 term rental shall not exceed the maximum overnight occupancy plus two (2)
15 additional persons per permitted bedroom, up to a maximum of eight (8)
16 permitted bedrooms.
- 17 E. Quiet hours shall be between the hours of 10:00 PM and 7:00 AM.
- 18 F. A short term rental shall not change the residential character of the outside
19 appearance of the residence including color, material, lighting or any
20 advertising mechanism.
- 21 G. All parking for the short term rental shall be entirely on-site, such as in the
22 garage, carport or driveway or otherwise off of the public roadway. On-street
23 parking by guests is prohibited.
- 24 H. Guests of the short term rental shall comply with Riverside County Ordinance
25 No. 847 Regulating Noise.
- 26 I. The operator shall post the following information in a prominent location
27 within the short term rental:
- 28

1. Operator name and number;
2. Local contact person name and number;
3. The telephone number for the sheriff's department and for code enforcement;
4. The maximum number of overnight and daytime guests and parking spaces available onsite;
5. Trash pick-up day and applicable rules and regulations;
6. A copy of Riverside County Ordinance Nos. 847 and 927;
7. A copy of the good neighbor brochure; and
8. Notification that a guest, local contact person, responsible person or owner may be cited or fined by the County in accordance with this ordinance and Riverside County Ordinance No. 725.

J. While a short term rental is rented, the operator or local contact person shall be available twenty-four hours per day, seven days a week for the purpose of responding within sixty (60) minutes to complaints regarding the condition, operation or guests' conduct of the short term rental.

K. Prior to occupancy of a short term rental, the operator shall do the following:

1. Obtain the name, address and copy of a valid government identification of the responsible person;
2. Provide a copy of the good neighbor brochure to the responsible person;
3. Require the responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance by all guests of the short term rental with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term rental; and
4. Maintain the information required herein, including copies of the notices provided, for a period of three (3) years and make it available upon request by any officer of the County responsible for enforcement

1 of any provision of this ordinance or any other applicable law, rule or
2 regulation pertaining to the use and occupancy of the short term rental.

3 L. The owner, operator or local contact person shall respond within sixty (60)
4 minutes of being notified that the responsible person or guest of the short
5 term rental created unreasonable noise, engaged in disorderly conduct or
6 committed violations of any applicable law, rule or regulation and halt or
7 prevent the recurrence of such conduct. The owner, operator or local contact
8 person shall be subject to all administrative, legal and equitable remedies
9 available to the County for failing to respond within 60 minutes.

10 M. Trash and refuse shall not be left stored within public view, except in proper
11 containers for purposes of collection by the County's authorized waste hauler.

12 N. The operator shall include the current short term rental certificate number on
13 or in any advertisement appearing in any newspaper, magazine, brochure or
14 internet website that promotes the availability of the short term rental.

15 O. An application may be denied if the applicant has had a prior short term rental
16 certificate revoked for the same dwelling within the past twelve calendar
17 months.

18 Section 9. TRANSIENT OCCUPANCY TAX. The operator shall comply with all the
19 requirements of Riverside County Ordinance No. 495, the Uniform Transient Occupancy Tax Ordinance.
20 For the purposes of Riverside County Ordinance No. 495 only, a short term rental shall qualify as a
21 "hotel."

22 Section 10. NOTIFICATION AND COMPLAINTS.

23 A. Written notice will be provided to all dwellings located within 100 feet of the
24 short term rental's property line that a short term rental certificate was obtained
25 for the short term rental. Such notification shall also include the operator's and
26 local contact person's contact information.
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1 B. Complaints related to the operation of the short term rental including, but not
2 limited to, unreasonable noise and disorderly conduct shall be initially
3 directed to the local contact person. If the local contact person is unavailable
4 or fails to respond, the complaint shall be made to the Riverside County
5 Sheriff dispatch service.

6 C. Complaints related to the issuance of a short term rental certification and
7 compliance with this ordinance shall be directed to the Riverside County
8 Code Enforcement Department.

9 Section 11. ENFORCEMENT, VIOLATIONS, FINES AND PENALTIES.

10 A. In addition to any other remedies provided by law, violations of this
11 ordinance shall be enforced as authorized in Riverside County Ordinance No.
12 725. Each day a violation is committed or permitted to continue shall
13 constitute a separate offense. Violations of this ordinance shall be treated as a
14 public nuisance and strict liability offense regardless of intent.

15 B. After an administrative hearing has been held in accordance with Section 10
16 of Riverside County Ordinance No. 725, a violation of any provision of this
17 ordinance by any of the guests, owners or operators shall constitute grounds
18 to suspend or revoke a short term rental certificate.

19 Section 12. SEVERABILITY. If any provision, clause, sentence or paragraph of
20 this ordinance of the application thereof to any person or circumstances shall be held invalid, such
21 invalidity shall not affect the other provisions of this ordinance which can be given effect without the
22 invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be
23 severable.

24 Section 13. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days
25 after its adoption.

26
27 BOARD OF SUPERVISORS OF THE COUNTY
28 OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman, Board of Supervisors

ATTEST:
CLERK OF THE BOARD

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM
_____, 2015

By: _____
MICHELLE P. CLACK
Deputy County Counsel

Ordinance Provision	County of Riverside	County of Sonoma	County of San Bernardino	City of Palm Springs	Santa Cruz County	City of Rancho Mirage
Max Stay	30 consecutive days or less	30 consecutive days or less	30 consecutive days or less	28 consecutive days or less	30 consecutive days or less	27 consecutive days or less
Permit required	Short Term Rental Certificate	5 guest rooms or less require a permit while larger rentals require a CUP	Special Use Permit renewed on biennial basis	Vacation Rental Registration Certificate	Vacation Rental Permit (valid as long as operated as short term rental)	Vacation Rental Certificate
Maximum number of guestrooms	8 permitted bedrooms	Maximum of 5 guestrooms. More than 5 allowed with adequate sewage capacity	One person per 100 square feet of building area, not to exceed number of beds		Occupants shall not exceed that permitted by Building and Fire Codes	7 permitted bedrooms
Allowed zones		Ag and residential zones	Mountain Region		All residential zones	
Overnight guests	16 adults	12 maximum		2 persons per bedroom	2 persons per bedroom + 2	14 total occupants
Daytime guests	32 adults	18 adults		Overnight occupancy + 50%	Double Daytime Occupancy	18 total occupants
Parking requirements	Entirely on site	2 spaces, larger rentals must show adequate parking	One space per bedroom		Entirely on site	
Trash/Sewage	Trash and refuse shall not be left stored within public view	Occupancy limited to septic system capacity			Must provide trash management plan	Trash and refuse shall not be left stored within public view
Quiet hours	10 pm to 7 am	10pm to 9 am			10 pm to 8 am	10pm and 10am
Code requirements		Must comply with Fire, Building, and Health and Safety Codes	Must comply with Fire, Building, and Health and Safety Codes	Must comply with Fire, Building, and Health and Safety Codes		
Contact information	Owner or designee available 24 hours and be able to respond within 60 minutes	Must have 24 hour contact number for property owner or designated representative	Owner or representative shall be available 24 hours to respond to calls.	Owner or designee available 24 hours and be able to respond within 45 minutes	Owner or designee available 24 hours and live within 30 miles	Owner or designee available 24 hours and be able to respond within 45 minutes
Enforcement	Initial complaints to contact person then Code Enforcement	Initial complaints to contact person then Code Enforcement			Initial complaints to contact person then Code Enforcement	A violation of the Code is considered a public nuisance
Notification	Residents within 100' radius	Residents within 100' radius	Contiguous property owners	Owners within 300' radius	Owners within 300' radius	
TOT	Yes, 10%	Yes, 9%	No	Yes, 11.25%	Yes, 11%	Yes, 10%
Special events	Temporary Event Permit (Ord. 348)	Permit required for gatherings that exceeding maximum occupancy				Permit required for gatherings that exceeding maximum occupancy
Fees	\$250	\$295; 5+ bedrooms require CUP (starts at \$887)	\$671 (initial); \$433 (renewal)	\$225	\$441 (initial), \$289 (renewal)	\$131

SHORT TERM VACATION RENTAL SERVICES

SCOPE OF WORK

The County of Riverside Purchasing and Fleet Services Department, on behalf of Transportation Land Management Agency, is seeking qualified companies to work in partnership with County of Riverside to provide professional support services in the implementation and operation of its Ordinance Regulating Short Term Rentals throughout its unincorporated areas.

The purpose of the Short Term Rental Ordinance is to regulate the activity of renting a privately owned residential dwelling for any period of less than thirty consecutive days in order to safeguard the peace, health, safety and general welfare of the residents of the unincorporated areas of County of Riverside, their visitors and guests, by eliminating noise, overcrowding, and protecting the rights and integrity of their communities. Pursuant to the County of Riverside's Ordinance Regulating Short Term Rentals, short term rental operators must pay registration fees and remit transiency occupancy taxes (TOT).

A vendor will be required to provide the following services as outlined in the RFP:

1. Develop and submit to County of Riverside Planning Department for approval a Short Term Rental Certificate application.
2. Develop and submit to County of Riverside Planning Department for approval a process to issue Short Term Rental Certificates.
3. Identify all properties considered to be Short Term Rentals operating in unincorporated areas of the County of Riverside, including all owners, owners' agents, and rental agencies.
4. Contact and obtain information from each owner, owner's agent, and rental agency and, using this information, compile a complete list of all Short Term Rentals operating in unincorporated areas of Riverside County.
5. Ensure parties responsible for identified Short Term Rentals operating in unincorporated areas of the County of Riverside, including all owners, owners' agents, or rental agencies, apply for and obtain a Short Term Rental Certificate.
6. Collect and remit monthly to County of Riverside Planning Department all fees collected in registering and issuing Short Term Rental Certificates.

7. Prepare and submit monthly to County of Riverside Code Enforcement and Planning Departments a master list of properties that have obtained a Short Term Rental Certificate; the list should indicate the status of each certificate (e.g. active, expired, and/or suspended).
8. Prepare and submit weekly to County of Riverside Code Enforcement Department a master list of properties known or suspected to be operating without a Short Term Rental Certificate.
9. Notify neighbors within 100 feet of each Short Term Rental property that the property has obtained a Short Term Rental Certificate, with notification materials informing the neighbors how to file complaints and contact the on-call responsible party.
10. Provide any other information or necessary assistance to County of Riverside Code Enforcement Department to help issue citations to properties unwilling to obtain a Short Term Rental Certificate or not complying with other provisions of the Short Term Rental Ordinance.
11. Assist the County of Riverside to develop a process for the efficient and expeditious collection of TOT, including:
 - a. Notifying all parties responsible for Short Term Rentals operating in unincorporated areas of the County of Riverside that they will be responsible for collecting and remitting TOT;
 - b. Assisting all parties responsible for Short Term Rentals operating in unincorporated areas of the County of Riverside to ensure TOT is properly collected and remitted to the County of Riverside by ensuring each Short Term Rental files for a TOT permit and by generating regular reminders (whether by mail or email) reminding responsible parties when taxes are due;
 - c. Working with the County of Riverside Tax Collector to identify all properties refusing to remit TOT in a timely manner.

NOTICE OF EXEMPTION

Original Negative Declaration/Notice of
Determination was routed to County
Clerks for posting on.

To: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814
To: X Office of the County Clerk & Recorder

From: County of Riverside
4080 Lemon Street
Riverside, CA 92501

1/27/16 VB
Date Initial

Project Title: Ordinance No. 927 An Ordinance of the County of Riverside Regulating Short Term Rentals

Project Location: The unincorporated area of Riverside County.

Project Description: Ordinance No. 927 establishes regulations for the use of privately owned residential dwellings as short terms rentals to minimize the negative secondary effects on surrounding properties and to ensure the collection and payment of transient occupancy taxes. It recognizes that short term rentals are already occurring in certain unincorporated areas of the County and clarifies that the County's Ordinance No. 495 Relating to Transient Occupancy Tax ("TOT Ordinance") and taxes required thereunder apply to all short term rentals. It also establishes that a registration fee must be paid to cover the operating fees for administering the ordinance, that notice be given to neighboring properties about the use of the residence as a short term rental, and that contact information for problems and emergencies and other information be posted within the short term rental.

Name of Public Agency Approving Project: County of Riverside

Project Sponsor: Transportation and Land Management Agency of the County of Riverside

Exempt Status: (check one)

- ☐ Ministerial
☐ Declared Emergency
☐ Emergency Project
☐ Categorical Exemption
☒ Statutory Exemption (Pub. Res. Code, § 21080(b)(8), State CEQA Guidelines § 15273.)
☒ Other: (State CEQA Guidelines Sec. 15061(b)(3))

Reasons Why Project is Exempt:

Ordinance No. 927 is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies that are not designed to increase services or expand a system and because the purpose of the fees is to meet operating expenses. Ordinance No. 927 requires a registration fee to cover the costs of administering the ordinance and specifically recognizes that a short term rental qualifies under the County TOT Ordinance. It also requires very minor activities with no potential to impact the environment such as registering with the County, obtaining a certificate, posting notices, and maintaining records of rentals. Both the procedural provisions of the ordinance and the fees are also exempt under the common sense exemption of CEQA Guidelines section 15061(b)(3) in that it can be seen with certainty that there is no possibility that paying a fee or posting notices or maintaining records may have a significant effect on the environment.

Joe Pradetto, Supervisor Benoit's Legislative Assistant
County Contact Person

(760) 863-8211
Phone Number

Signature: Joe Pradetto

Title: Leg Assistant

Date: 1/28/16

For County Clerk's Use Only

JAN 26 2016

35

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Ordinance No. 927 An Ordinance of the county of Riverside Regulating Short
Term Rentals

Accounting String: 527780-10000-1000100000

Date: January 26, 2016

Agency: Board of Supervisors

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO BILL FOR FILING AND HANDLING FEES FOR THE
ACCOMPANYING DOCUMENT(S).

Authorized by: Alex Acosta, Administrative Analyst II-C, Clerk of the Board of Supervisors

Signature: _____

Presented by: Joe Pradetto, Legislative Assistant to Supervisor John Benoit,
Board of Supervisors

-TO BILLED FILLED IN BY COUNTY CLERK-

Accepted By: _____

Date: _____

Receipt # (s): _____

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form. *

SPEAKER'S NAME: Cynthia Wellington

Address: 24018 Oak Circle Drive
(only if follow-up mail response requested)

City: Wildomar Zip: 92595

Phone #: (714) 759-8992

Date: 4/17/15 Agenda # 3.28

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support ☒ Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support ☒ Oppose Neutral

I give my 3 minutes to: _____

* RENEWAL MS. FISHER
OF MONETTA

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: LAURA LOPINCO KOLERS

Address: 21121 VIA LOS LAURELES
(only if follow-up mail response requested)

City: MURRIETA **Zip:** 92562

Phone #: 951-696-9411

Date: 11/17/15 **Agenda #** 3-28

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

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You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

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Power Point Presentations/Printed Material:

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Addressing the Board & Acknowledgement by Chairman:

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Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

Address: 2121 Via Los Angeles
(only if follow-up mail response requested)

I give my 3 minutes to: _____

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Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium),
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to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Laura Komel

Address: 2121 VIA LOS ANGELES
(only if follow-up mail response requested)

City: MURKETA Zip: 92

Phone #: 951-696-7941

Date: 01/12/16 Agenda # 3-3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

 Support **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

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**Riverside County Board of Supervisors
Request to Speak**

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to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Gynthia Wellington

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: (714) 752 8992

Date: 1-12-2015 **Agenda #** 3-3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** X **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
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I give my 3 minutes to: _____

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**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
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to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Ron Komer

Address: 21121 Via Los Canes
(only if follow-up mail response requested)

City: MURRIETA **Zip:** 92562

Phone #: 951 696 9411 (Wants to go last)

Date: 1/12/16 **Agenda #** 3-3

PLEASE STATE YOUR POSITION BELOW:

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 Support X **Oppose** **Neutral**

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OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

January 29, 2016

PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
FAX: 951-368-9018

RE: ADOPTION OF ORDINANCE NO. 927 REGULATING SHORT-TERM RENTALS

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on Wednesday:
February 3, 2016.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Cecilia Gil

Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: PEC Legals Master <legalsmaster@pe.com>
Sent: Friday, January 29, 2016 8:42 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: Adoption of Ord. No. 927

Received for publication on Feb. 3. Proof with cost to follow.

Thank you.

Legal Advertising Phone: 1-800-880-0345 / Fax: 951-368-9018 / E-mail: legals@pe.com

Please Note: Deadline is 10:30 AM, three (3) business days prior to the date you would like to publish. **Additional days required for larger ad sizes**

****Employees of The Press-Enterprise are not able to give legal advice of any kind****

The Press-Enterprise PE.COM / UNIDOS

A Freedom News Group Company

From: Gil, Cecilia <CCGIL@rcbos.org>
Sent: Friday, January 29, 2016 8:29 AM
To: PEC Legals Master
Subject: FOR PUBLICATION: Adoption of Ord. No. 927

Good morning! Attached is an Adoption of Ordinance, for publication on Wednesday, Feb. 3, 2016. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant

Clerk of the Board of Supervisors

(951) 955-8464

MS# 1010



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

January 29, 2016

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 2734
PALM SPRINGS, CA 92263

E-MAIL: legals@thedesertsun.com
FAX: 760-778-4731

RE: ADOPTION OF ORDINANCE NO. 927 REGULATING SHORT-TERM RENTALS

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Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Moeller, Charlene <CMOELLER@palmspri.gannett.com>
Sent: Friday, January 29, 2016 8:57 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Adoption of Ord. No. 927

Good Morning

Ad received and will publish on date(s) requested.

Charlene Moeller | Customer Care Representative / Legals

The Desert Sun Media Group
750 N. Gene Autry Trail, Palm Springs, CA 92262
t 760.778.4578 | f 760.778.4528 e: legals@thedesertsun.com

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This email and any files transmitted with it are confidential and intended for the individual to whom they are addressed. If you have received this email in error, please notify the sender and delete the message from your system

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Friday, January 29, 2016 8:30 AM
To: Email, TDS-Legals <legals@thedesertsun.com>
Subject: FOR PUBLICATION: Adoption of Ord. No. 927

Good morning! Attached is an Adoption of Ordinance, for publication on Wednesday, Feb. 3, 2016. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant
Clerk of the Board of Supervisors
(951) 955-8464
MS# 1010

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

ORDINANCE NO. 927
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
REGULATING SHORT TERM RENTALS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that there has been an increase in privately owned residential dwellings being used as short term rentals in the County of Riverside. While short term rentals provide a benefit to the County by expanding the number and type of lodging facilities, the alarming increase has caused adverse impacts to surrounding neighbors and properties including excessive noise, disorderly conduct, traffic congestion, illegal vehicle parking and accumulation of refuse. This ordinance is necessary to ensure neighborhood compatibility, to facilitate economic growth within the County and to protect the health, safety and general welfare of the County's residents.

Section 2. PURPOSE. The purpose of this ordinance is to establish regulations for the use of privately owned residential dwellings as short term rentals to minimize the negative secondary effects on surrounding properties and to ensure the collection and payment of transient occupancy taxes.

Section 3. AUTHORITY. In accordance with the California Constitution, Article XI, Section 7, a county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.

Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- A. County. The County of Riverside.
- B. Good Neighbor Brochure. A brochure, available from the County, to be given to guests, which includes a summary of the County's regulations relating to short term rentals.
- C. Guest. The overnight occupants renting the short term rental for a specified period and the daytime visitors of the overnight occupants.
- D. Local Contact Person. The person designated by the owner or the owner's authorized representative who shall be available twenty-four hours per day, seven days per week for the purpose of responding within sixty minutes to complaints related to the short term rental and taking remedial action to resolve such complaints.
- E. Operator. The owner or the owner's authorized representative who is responsible for compliance with this ordinance.
- F. Owner. The person or entity that holds legal or equitable title to the short term rental.
- G. Responsible Person. A guest of the short term rental who is at least eighteen years of age and who is legally responsible for ensuring that all guests of the short term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term rental.
- H. Short Term Rental Certificate. A certificate that allows the use of a privately owned residential dwelling as a short term rental pursuant to this ordinance.
- I. Short Term Rental. A privately owned residential dwelling, such as, but not limited to, a single family detached or multiple family attached dwelling, apartment house, condominium, cooperative apartment, duplex, mobile home on permanent foundations or a manufactured home on permanent foundations, or any portion of such dwellings, rented for occupancy for dwelling, lodging or sleeping purposes for any period less than thirty consecutive days.

Section 5. APPLICABILITY. This ordinance applies to short term rentals as defined in Section 4. The following do not qualify as a privately owned residential dwelling as used herein, and therefore do not need to obtain a short term rental certificate: any hotel, motel, studio hotel, rooming house, dormitory, public or private club, bed and breakfast inn, cottage inn, or country inn; a camping site, recreational vehicle, or park model; a hospital, sanitarium, medical clinic, convalescent home, rest home,

home for aged people, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any asylum, jail, prison, orphanage or other facility in which human beings are detained and housed under legal restraint; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families, any fraternity or sorority house or similar facility occupied exclusively by students and employees of such educational institutions and officially recognized and approved by it; any housing operated or used exclusively for religious, charitable or educational purposes; any housing owned by a governmental agency and used to house its employees or for governmental purposes; any camp as defined in the Labor Code or other housing furnished by an employer exclusively for employees or employees and their families; and any second unit. No guest quarters, as defined in Riverside County Ordinance No. 348 section 18.18, shall qualify as a short-term rental unless the privately owned residential dwelling on the lot is also being rented or leased as a short-term rental to the same renter or lessee.

Section 6. SHORT TERM RENTAL CERTIFICATE.

- A. In addition to any land use entitlement required by Riverside County Ordinance No. 348, the operator shall obtain a short term rental certificate pursuant to Sections 6 and 7 herein from the Riverside County Planning Department before renting or advertising for rent any short term rental.
- B. No short term rental certificate is required if a Temporary Outdoor Event permit has been obtained, for the duration of the Temporary Outdoor Event permit only.

Section 7. SHORT TERM RENTAL CERTIFICATE REGISTRATION FEE AND APPLICATION.

- A. An operator shall submit to the Planning Department a short term rental certificate application provided by the County along with a first-time registration fee of \$250. The short term rental certificate shall be valid for one year from the date of issuance.
- B. A short term rental certificate shall be renewed on an annual basis based on the anniversary of the original certificate issuance by submitting to the Planning Director a short term rental certificate application and a renewal registration fee of \$100.
- C. The short term rental certificate shall expire automatically when the short term rental changes ownership, and a new initial application and first-time registration fee will be required. A new application and first-time registration fee shall also be required for any short term rental that had its short term rental certificate revoked or suspended.
- D. The registration fees may be used to cover any County costs for administering or enforcing this ordinance, including the use of an outside management company retained for such purpose.

Section 8. SHORT TERM RENTAL OPERATIONAL REQUIREMENTS.

- A. The operator shall ensure that the short term rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a short term rental.
- B. The short term rental shall be occupied for not less than two (2) days and one (1) night.
- C. A short term rental shall not change the residential character of the outside appearance of the residence including color, material, lighting or any advertising mechanism.
- D. Guests of the short term rental shall comply with Riverside County Ordinance No. 847 Regulating Noise, including quiet hours between the hours of 10 PM and 7 AM.
- E. The operator shall post the following information in a prominent location within the short term rental:
 - 1. Operator name and number;
 - 2. Local contact person name and number;

3. The telephone number for the sheriff's department and for code enforcement;
 4. The maximum number of parking spaces available onsite;
 5. Trash pick-up day and applicable rules and regulations;
 6. A copy of Riverside County Ordinance Nos. 847 and 927;
 7. A copy of the good neighbor brochure; and
 8. Notification that a guest, local contact person, responsible person or owner may be cited or fined by the County in accordance with this ordinance and Riverside County Ordinance No. 725.
- F. While a short term rental is rented, the operator or local contact person shall be available twenty-four hours per day, seven days a week for the purpose of responding within sixty (60) minutes to complaints regarding the condition, operation or guests' conduct of the short term rental.
- G. Prior to occupancy of a short term rental, the operator shall do the following:
1. Obtain the name, address and copy of a valid government identification of the responsible person;
 2. Provide a copy of the good neighbor brochure to the responsible person;
 3. Require the responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance by all guests of the short term rental with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term rental; and
 4. Maintain the information required herein, including copies of the notices provided, for a period of three (3) years and make it available upon request by any officer of the County responsible for enforcement of any provision of this ordinance or any other applicable law, rule or regulation pertaining to the use and occupancy of the short term rental.
- H. The owner, operator or local contact person shall respond within sixty (60) minutes of being notified that the responsible person or guest of the short term rental created unreasonable noise, engaged in disorderly conduct or committed violations of any applicable law, rule or regulation and halt or prevent the recurrence of such conduct. The owner, operator or local contact person shall be subject to all administrative, legal and equitable remedies available to the County for failing to respond within 60 minutes.
- I. Trash and refuse shall not be left stored within public view, except in proper containers for purposes of collection by the County's authorized waste hauler.
- J. The operator shall include the current short term rental certificate number on or in any advertisement appearing in any newspaper, magazine, brochure or internet website that promotes the availability of the short term rental.
- K. An application may be denied if the applicant has had a prior short term rental certificate revoked for the same dwelling within the past twelve calendar months.
- L. If there is a deed restriction on a property that prohibits the use of a residential dwelling as a short-term rental, then that deed restriction shall control. The County shall not enforce said deed restriction.

Section 9. TRANSIENT OCCUPANCY TAX. The operator shall comply with all the requirements of Riverside County Ordinance No. 495, the Uniform Transient Occupancy Tax Ordinance. For the purposes of Riverside County Ordinance No. 495 only, a short term rental shall qualify as a "hotel." The Treasurer Tax-Collector shall be responsible for the enforcement of the provisions of this section and Ordinance No. 495 and shall have no other enforcement duties related to this ordinance beyond these responsibilities.

Section 10. NOTIFICATION AND COMPLAINTS.

- A. Written notice will be provided to all dwellings located within 100 feet of the short term rental's property line that a short term rental certificate was

obtained for the short term rental. Such notification shall also include the operator's and local contact person's contact information.

- B. Complaints related to the operation of the short term rental including, but not limited to, unreasonable noise and disorderly conduct shall be initially directed to the local contact person. If the local contact person is unavailable or fails to respond, the complaint shall be made to the Riverside County Sheriff dispatch service.
- C. Complaints related to the issuance of a short term rental certification and compliance with this ordinance shall be directed to the Riverside County Code Enforcement Department.

Section 11. ENFORCEMENT, VIOLATIONS, FINES AND PENALTIES.

- A. In addition to any other remedies provided by law, violations of this ordinance shall be enforced as authorized in Riverside County Ordinance No. 725. Each day a violation is committed or permitted to continue shall constitute a separate offense. Violations of this ordinance shall be treated as a public nuisance and strict liability offense regardless of intent.

After an administrative hearing has been held in accordance with Section 10 of Riverside County Ordinance No. 725, a violation of any provision of this ordinance by any of the guests, owners or operators shall constitute grounds to suspend or revoke a short term rental certificate.

Section 12. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance of the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 13. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

JOHN J. BENOIT, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **January 26, 2016**, the foregoing Ordinance consisting of thirteen (13) sections was adopted by said Board by the following vote:

AYES: Tavaglione, Washington, Benoit and Ashley
NAYS: Jeffries
ABSENT: None

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant