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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY ADDING CHAPTER 5.77, RELATED  
TO SHORT-TERM RENTALS

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

Section 1. Chapter 5.77 is added to the Long Beach Municipal Code to  
read as follows:

CHAPTER 5.77  
SHORT-TERM RENTALS

5.77.010 Purpose.

The purpose of this Chapter is to establish regulations, standards,  
and a registration process governing the renting or leasing of privately  
owned visitor serving residential dwelling units on a short-term basis in  
order to maintain the long-term rental housing stock in the City; ensure the  
collection and payment of Transient Occupancy Taxes (“TOT”); safeguard  
the residents of the City of Long Beach by ensuring that short-term rental  
activities do not threaten the character of residential neighborhoods; and  
ensuring that such short-term rental activities do not become a nuisance, or  
threaten the public health, safety or welfare of neighboring properties.

5.77.020 Definitions.

A. “Booking transaction” means any reservation and/or payment  
service provided by a person or entity who facilitates a short-term rental

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

2 B. "City" means City of Long Beach.

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

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

7 E. "Host" means the natural person or persons, at least one of  
8 whom is an occupier of the property, who is/are the owner of record of the  
9 property or operates the property, and includes a personal or family trust  
10 consisting solely of natural persons and the trustees of such trust or a  
11 limited liability company and the members of such company.

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

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

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

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

24 J. "Permanent resident" means a natural person, eighteen (18)  
25 years old or older, who occupies a dwelling unit in the Long Beach city limits  
26 as his or her primary residence or for at least sixty (60) consecutive days  
27 with intent to establish that unit as his or her primary residence. A  
28 permanent resident may not be a corporation, limited liability company,

1 partnership, or other business or commercial entity. A permanent resident  
2 may be an owner or a tenant.

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

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

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

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

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

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

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

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

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

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

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

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

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

19  
20 5.77.030 Registration required.

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

28 B. Eligibility requirements. The following requirements must be

1 met at the time of submitting a STR registration application:

2 1. The dwelling unit shall not be a deed restricted  
3 affordable housing unit, in a special group residence, a single room  
4 occupancy, or included on the prohibited buildings list.

5 2. The STR operator shall not operate more than one (1)  
6 primary residence STR and more than two (2) non-primary residence STRs  
7 in the City.

8 3. The number of non-primary residence STRs in multi-  
9 family development projects shall not exceed the number identified in the

10 Table below:

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

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12  
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17 4. The total number of non-primary residence STR  
18 registrations issued shall not exceed one (1) percent of the City's total  
19 number of housing units. The number of total housing units shall be  
20 determined based on an annual housing estimate published on the  
21 California State Department of Finance website.

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

28 6. A signed and notarized property owner consent form

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

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

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

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

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

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

23  
24 5.77.040 Expiration and renewal.

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

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

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

7  
8 5.77.050 Short-term rental regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

16  
17 5.77.060 Short-term rental operator requirements.

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

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

27 C. The operator shall maintain and provide proof of liability  
28 insurance appropriate to cover the short-term rental use in the aggregate of

1 not less than One Million Dollars (\$1,000,000); or conduct each short-term  
2 rental transaction through a platform that provides equal or greater  
3 insurance coverage.

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

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

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

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

19  
20 5.77.070 Hosting platform responsibilities.

21 A. Hosting platforms shall not process or complete any booking  
22 transaction for any STR unless a valid STR registration number has been  
23 issued by the City to an operator.

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

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

7 D. In the event a hosting platform has entered into a platform  
8 agreement, and an operator has assigned the responsibilities for the  
9 collection and remittance of transient occupancy tax to the hosting platform,  
10 then the hosting platform and the operator shall have the same duties and  
11 liabilities, including but not limited to the collection and remittance of  
12 transient occupancy tax to the City in compliance with this Chapter and  
13 Chapter 3.64 (Transient Occupancy Tax) of this Code. The provisions of  
14 this Section shall not apply to a hosting platform whenever it complies with  
15 any Administrative Guidelines issued by the City and approved by resolution  
16 of the City Council that describe how the hosting platform shall satisfy the  
17 hosting platform responsibilities in this Section.

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

22 F. Hosting platforms shall remove any listings for STRs from the  
23 platform upon notification by the City. The City Manager shall develop, by  
24 administrative regulation, processes and procedures for the removal of any  
25 listing.

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

1 5.77.080 Petition to restrict un-hosted short-term rentals within a  
2 geographical census tract.

3 A. The property owners of residential property in any census tract  
4 within the City may petition, using a form provided by the Director, to  
5 prohibit un-hosted STRs within that census tract.

6 B. The petition must include the signatures and printed names,  
7 and addresses of at least two-thirds (2/3) of the property owners of  
8 residential real property within the boundaries of the census tract and the  
9 petition shall in all cases be submitted to the Director within one hundred  
10 and eighty (180) days after the date the California Coastal Commission  
11 certifies the adoption of this Chapter as an appropriate implementation  
12 ordinance for the City's Local Coastal Program. All petition signatures shall  
13 be submitted on a street by street basis inclusive of the street address of  
14 each signer, and shall indicate and set forth the positive desire of all those  
15 signing the petition to prohibit un-hosted stays within the boundaries of the  
16 census tract.

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

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

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

26 F. A restriction on un-hosted STRs shall be in effect for three (3)  
27 years following the effective date of such a restriction. If the property  
28 owners within the restricted census tract desire to extend the term of the

1 restriction beyond the initial period, a new petition shall be filed with the City  
2 following the procedures set forth in this Section.

3 G. Repeal.

4 At any time during the three (3) year restricted period, an un-hosted  
5 STR restriction may be removed by the same petition process utilized to  
6 establish the restriction.

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

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

13  
14 5.77.090 Enforcement.

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

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

20 2. Failure to notify the City when the local contact  
21 information changes;

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

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

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

28 6. Completing a booking transaction in the City without a

1 valid City-issued registration number;

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

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

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

8 B. Unless otherwise described in this Section, enforcement of  
9 this Chapter shall be subject to the processes and procedures in Chapter  
10 1.32 of the Municipal Code.

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

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

28 E. The City hereby finds and declares that repeated violations of

1 this Chapter constitute a public nuisance which may be enjoined under all  
2 applicable laws including Code of Civil Procedure Section 731.

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

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

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

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

24 J. Any person aggrieved by a decision of the Director with  
25 respect to the provisions of this Chapter may appeal the decision to the  
26 Board of Examiners Appeals and Condemnation ("BEAC"). The decision of  
27 the BEAC shall be final, subject to judicial review pursuant to Code of Civil  
28 Procedure Sections 1094.5 and 1094.6.

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

5.77.100 Fees.

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

5.77.110 Administration.

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

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

5.77.120 Operator registration period.

STR operators shall apply for registration pursuant to this Chapter within \_\_\_\_\_ days after the effective date of this Chapter.

5.77.130 Severability clause.

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

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Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_, by the following vote:

Ayes: Councilmembers:

\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor