Chapter 4.88 TRANSIENT USES INCLUDING SHORT-TERM RENTALS

Sections:

4.88.010 Definitions.

Hosting platform: A person who participates in the home-sharing or vacation rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

Transient use: The rental or lease of a single-family dwelling unit or multi-family dwelling unit for a period of less than thirty (30) days.

(Ord. 19-0007, § 1, eff. May 16, 2019; Ord. 22-0010, § 1, eff. December 2, 2022)

4.88.020 Transient uses prohibited in residential zones.

It shall be unlawful for any person or entity to do any of the following in residential zones, except with respect to properties located within the City's Coastal Zone:

A. Offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days.

B. Occupy a residential dwelling, a dwelling unit, or a room in a dwelling for less than thirty (30) consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration.

C. Maintain any advertisement of a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days.

(Ord. 19-0007, § 1, eff. May 16, 2019; Ord. 22-0010, § 1, eff. December 2, 2022)

4.88.030 Hosting platform responsibilities.

Subject to applicable laws and only with respect to properties outside the City's Coastal Zone, hosting platforms:

A. Shall disclose to the City on a regular basis each residential property listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.

B. Shall not complete any booking transaction for any residential property at the time the hosting platform receives a fee for the booking transaction.

C. Shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to a residential property rental, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.

(Ord. 19-0007, § 1, eff. May 16, 2019; Ord. 22-0010, § 1, eff. December 2, 2022)

4.88.040 Safe harbor.

A hosting platform operating exclusively on the Internet, which operates in compliance with subsections A., B., and C. of Section 4.88.030, shall be presumed to be in compliance with this chapter, except that the hosting platform remains responsible for compliance with the administrative subpoena provisions of this chapter.

(Ord. 22-0010, § 1, eff. December 2, 2022)

Ord. 22-0010, § 1, effective December 2, 2022, renumbered § 4.88.040 as § 4.88.060.

4.88.050 Consistency with applicable laws.

The provisions of this chapter shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, any such law(s).

(Ord. 22-0010, § 1, eff. December 2, 2022)

4.88.060 Violation; nuisance.

A. Any violation of this chapter is unlawful, is hereby declared a public nuisance, and constitutes a misdemeanor punishable as set forth in Manhattan Beach Municipal Code Section 1.04.010. At the discretion of the City Prosecutor, a violation of this chapter may be prosecuted as an infraction or misdemeanor. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Pursuant to Municipal Code Chapter 1.06, the City may issue an administrative citation for any violation of this chapter. Such administrative remedy may be exercised in place of, or in addition to, any administrative, criminal, civil, or equitable remedy allowed by law. The amount of the fine associated with the administrative citation will be assessed according to a schedule of fines adopted by the City Council.

B. The City may issue and serve administrative subpoenas as necessary to obtain specific information regarding residential rental listings located in the City, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay. Any subpoena issued pursuant to this section shall not require the production of information sooner than thirty (30) days from the date of service. A person that has been served with an administrative subpoena may seek judicial review during that thirty-day period.

(Ord. 19-0007, § 1, eff. May 16, 2019; Ord. 22-0010, § 1, eff. December 2, 2022)

Editor's note(s)—See editor's note, § 4.88.040.