

## **Sec. 8175-5.21 – Temporary Rental of Dwellings**

### **Sec. 8175-5.21.1 – Temporary Rental of Dwelling Must Be Expressly Authorized**

Except as expressly authorized by this Section 8175-5.21 (the "Section") or otherwise expressly authorized by this Chapter, no dwelling, property or any portion thereof shall be rented for a term of less than thirty consecutive days in the unincorporated area of Ventura County subject to this Chapter. Renting for periods of less than thirty days pursuant to purported longer-term leases or by other means intended to evade compliance with this Section are prohibited.

### **Sec. 8175-5.21.2 – Definitions**

Refer to Section 8172-1, for the definitions of the terms home exchange, homeshare, short-term rental, and rent as used in this Chapter. For purposes of this Section only, the following definitions shall apply:

- a. Owner – A person with a full or partial fee title ownership interest in the subject property. For a property held in a trust, each trustee (but no trust beneficiary) is considered an owner.
- b. Primary Residence – A *dwelling* which is the owner's main living location as evidenced by the owner's address-of-record for official documents such as the property's title, income tax returns, voter registration, or a current property tax bill.

### **Sec. 8175-5.21.3 – Application**

Unless otherwise specifically stated in this Section, the applicable operational standards of Section 8175-5.21.8 and property management requirements of Section 8175-5.21.9 are automatically imposed and made a part of every permit issued or renewed for a homeshare or short-term rental pursuant to this Section.

### **Sec. 8175-5.21.4 – Permit Requirement**

- a. A valid permit issued by the County pursuant to this Section is required in order for any person that seeks or receives any rent, payment, fee, commission or compensation in any form, to rent, offer for rent, advertise for rent, or facilitate the rental of a homeshare or short-term rental in the unincorporated area of Ventura County.
- b. A temporary rental unit permit authorizing a homeshare or short-term rental shall be issued or renewed by the Planning Director or designee if the standards and requirements of this Section and those of Section 8181-3.1(a) are met.

### **Sec. 8175-5.21.4.1 – Limited Term**

Permits for homeshares and short-term rentals shall be issued or renewed for a maximum term of one year. All permits shall contain the following provision: "This permit shall expire no later than one year after the date of issuance, and is subject to revocation for violation or noncompliance with the requirements of Section 8175-5.21 or any other applicable provision of the Ventura County Ordinance Code."

### **Sec. 8175-5.21.5 – Permit Eligibility**

Permits may only be issued under this Section for homeshares and short-term rentals that meet each of the applicable eligibility requirements stated in this Section 8175-5.21.5.

### **Sec. 8175-5.21.5.1 – Owner Requirements and Limitations**

- a. Permits may only be issued to the owner(s) of the homeshare or short-term rental property, and shall automatically expire upon sale or transfer of ownership of the property, in whole or in part. All permits shall include the following provision: "This permit shall automatically expire upon sale or transfer of the property, in whole or in part, or as stated in Section 8175-5.21.4.1, whichever comes first."
- b. A permit may only be issued for a homeshare or short-term rental property if no owner of the subject homeshare or short-term rental property is also the owner of another homeshare or short-term rental property that is currently permitted under this Section. In addition, if a property contains multiple dwelling units (e.g., a duplex, cottages or apartments), only one dwelling unit on the parcel is eligible for permitting as a homeshare or short-term rental under this Section.

**Sec. 8175-5.21.5.2 – Ineligible Dwellings and Structures**

Except as provided in Sec. 8175-5.21.12, no permit for a homeshare or short-term rental shall be issued for any of the following dwellings:

- a. A *dwelling* that was permitted as a second dwelling unit or an accessory dwelling unit;
- b. A *dwelling* subject to a County-imposed covenant, condition or agreement restricting its use to a specific purpose including but not limited to an affordable housing unit, farmworker housing, a superintendent or *caretaker dwelling*;
- c. A *dwelling* on property subject to a Land Conservation Act (Gov. Code §§ 51200 et seq.) contract;
- d. A *dwelling* on property fully or partially owned by a corporation, partnership, limited liability company, or other legal entity that is not a natural person, except in the event every shareholder, partner or member of the legal entity is a natural person as established by documentation (which shall be public record) provided by the permit applicant. In the event this exception applies, every such natural person shall be deemed a separate owner of the subject *dwelling* and property for purposes of this Section;
- e. A *dwelling* on property owned by six or more owners; or
- f. A *dwelling* or *structure* that has not, if legally required, obtained a full *building* final inspection or been issued a valid certificate of occupancy by the County Building Official.

**Sec. 8175-5.21.6 – Pre-Permitting Inspection**

Prior to the initial issuance and each renewal of a permit under this Section, the County Building Official or designee shall conduct an inspection to determine the number of bedrooms within the unit and ensure the dwelling and site comply with the provisions of this Section and other applicable building and zoning codes and regulations regarding parking, access, fire, and other relevant health and safety standards. If any violation is identified during the inspection, no permit shall be issued under this Section until the violation(s) is abated.

**Sec. 8175-5.21.7 – Permit Application, Processing and Fees**

- a. Applications for the initial issuance and renewal of permits under this Section shall meet the form and content requirements as established by the Planning Director or designee pursuant to Sections 8181-5 and 8181-

5.2. As part of each application, the applicant shall submit documentation, as specified by the Planning Director or designee, needed to determine permit eligibility and compliance with all other requirements of this Section.

- b. Each application shall include a site plan depicting the location and describing the use of all existing structures.
- c. Each application shall include an affidavit in a form provided by the Planning Director or designee, signed by each owner of the subject property, agreeing to comply with the operational standards of Section 8175-5.21.8 and the property management requirements of Section 8175-5.21.9 should the permit be issued. The affidavit form shall also include the following statement: "The County considers the temporary rental of dwellings to be businesses that are operated in residential zones. Temporary rentals are not a by-right use. Instead, they are only allowed if operated in strict compliance with the rules and requirements of this Section. Violations are grounds for permit revocation, fines, and/or criminal prosecution."
- d. For a homeshare only, annually provide to the Planning Division proof of a homeowner's exemption from the County Assessor and a fully-executed statement that the property is owner occupied.
- e. An annual permit fee authorized by the fee schedule applicable to the Planning Division may be collected upon the filing of an application to cover the County's costs of administering this Section.
- f. Prior to permit issuance under this Section, the applicant shall: (i) pay all applicable County fees; (ii) submit a code compliance deposit in accordance with Section 8175-5.21.10.2; (iii) provide contact information for the owner of a homeshare, or designate and provide contact information for one or two property managers of a short-term rental, pursuant to Section 8175-5.21.9.1; (iv) provide a fully-executed affidavit pursuant to Section 8175-5.21.7(b); (v) provide proof of compliance with the business tax and licensing, and transient occupancy tax, requirements pursuant to Section 8175-5.21.9.5; (vi) for a homeshare only, proof of a homeowner's exemption and statement that property is owner occupied pursuant to Section 8175-5.21.7(d); (vii) provide proof of insurance pursuant to Section 8175-5.21.9.6; and (viii) provide the fully-executed defense and indemnification agreement pursuant to Section 8175-5.21.9.7.
- g. Notwithstanding any other provision of this Article, no public hearing shall be conducted regarding permit applications under this Section. Decisions of the Planning Director or designee on permit applications are final when rendered and are not subject to appeal.

#### **Sec. 8175-5.21.8 – Operational Standards**

The following minimum operational standards apply to all homeshares and short-term rentals. All owners, renters, occupants and visitors of homeshares and short-term rentals shall comply with the operational standards. The owner(s) and permittee(s) of homeshares and short-term rentals are ultimately responsible for ensuring compliance with, and are liable for violations of, these operational standards.

**Sec. 8175-5.21.8.1 – Occupancy Limits**

- a. Short-term rental overnight occupancy shall be limited to a maximum of two persons per bedroom occupying up to five bedrooms, plus two additional persons, up to a maximum of ten persons.
- b. Homeshares shall have a maximum of two bedrooms available for rental. Overnight occupancy shall be limited to a maximum of five rental guests.
- c. Inclusive of the owner(s) in the case of homeshares, the maximum number of total persons allowed on the property at any time shall not exceed the maximum overnight occupancy plus six additional persons. No person who is not staying overnight at the homeshare or short-term rental shall be on the property during the quiet hours stated in Sec. 8175-5.21.8.3.
- d. Homeshares and short-term rentals shall not be rented to more than one group at a time; no more than one rental agreement shall be effective for any given date.

**Sec. 8175-5.21.8.2 – Parking Requirements**

- a. Parking shall be provided on the property as follows: a minimum of one parking space for short-term rentals in a studio or with one bedroom; a minimum of two parking spaces for homeshares and short-term rentals with two to four bedrooms; and a minimum of three parking spaces for homeshares and short-term rentals with five bedrooms.
- b. Permitted garages and driveways on the property shall be unobstructed and made available for renter parking, if such location(s) are needed to satisfy the parking requirements of subpart a.

**Sec. 8175-5.21.8.3 – Noise**

- a. No use or activity associated with a homeshare or short-term rental shall at any time create unreasonable noise or disturbance.
- b. Quiet hours shall be observed from 10:00 p.m. to 7:00 a.m.
- c. No outdoor amplified music/sound shall be allowed during quiet hours when a property is being rented as a homeshare or short-term rental.

**Sec. 8175-5.21.8.4 – Events and Activities**

Unless allowed under an approved Conditional Use Permit, no homeshare or short-term rental property shall be rented or used for any event or activity attended by more persons than are allowed on the property pursuant to Sec. 8175-5.21.8.1, that violates any noise standard of Section 8175-5.21.8.3, or that violates any other standard or requirement of this Section or any other local, state or federal law.

**Sec. 8175-5.21.8.5 – Refuse**

Adequate waste collection facilities and services shall be provided for a homeshare or short-term rental at all times. Waste bins and refuse shall not be left within public view, except in proper containers for the purpose of collection on the scheduled collections day(s). The waste collection schedule and information about recycling and green waste separation and disposal shall be included in the rental agreement and posted conspicuously in the rental unit.

**Sec. 8175-5.21.9 – Property Management Requirements**

The following minimum property management requirements apply to all homeshares and short-term rentals.

**Sec. 8175-5.21.9.1 – Owner/Property Manager Requirements**

- a. At all times a homeshare is rented out, a homeshare owner shall be onsite between the hours of 10:00 p.m. and 7:00 a.m., and within forty miles of the property at all other times, to ensure compliance with the standards and requirements of this Section.
- b. At all times a short-term rental is rented out, the short-term rental shall have one or two designated property managers available twenty-four hours per day, seven days per week, and who shall be within forty miles of the property, to ensure compliance with the standards and requirements of this Section. An owner may serve as the property manager.
- c. Each application under this Section shall include the name, address, and telephone number(s) at which the property manager(s) can be reached at all times, along with the signature of each property manager. Any requested change to a designated property manager shall be made through a formal written request to the Planning Director or designee, and shall include the signature of the proposed property manager and the desired effective date of the change. No change to a short-term rental's designated property manager shall take effect unless and until approved in writing by the Planning Director or designee.

**Sec. 8175-5.21.9.2 – Posting Outside of Units; Permit Notification**

- a. At all times a dwelling is in use as a short-term rental or homeshare, the designated property manager's contact information and the contact information for the County Resource Management Agency's Code Compliance Division ("Code Compliance Division") shall be printed legibly on a sign no larger than 8.5 x 11 inches and posted on an outside wall readily visible from the main entrance to the dwelling, or adjacent to the main entry gate where property access is limited.
- b. The Planning Division shall provide a mailed notice of permit issuance, and of each permit renewal, in accordance with Section 8181-6.2.1. At a minimum, the notice shall include: (i) a copy of this Section; (ii) the name and contact information for the designated property manager of a short-term rental, or owner of a homeshare; and (iii) contact information for the Code Compliance Division.

**Sec. 8175-5.21.9.3 – Information in Rental Agreements, Advertisements and Listings**

- a. Each rental agreement, advertisement, and online listing for a short-term rental or homeshare shall prominently display the following information:
  - (1) The permitted occupancy and guest limits for both day and night;
  - (2) Notification that quiet hours shall be observed between 10:00 p.m. and 7:00 a.m.;
  - (3) Notification that no outdoor amplified music or sound is allowed during quiet hours;
  - (4) Notification that the property cannot be used for events that exceed the applicable occupancy or guest limits, or that violate the quiet hours, noise standards or any other standard or requirement of this Section;
  - (5) The available number of onsite parking spaces, and notification discouraging use of on-street parking;

- (6) The County-issued land use permit number authorizing the homeshare or short-term rental under this Section;
- (7) The current County-issued Business License Tax Certificate identification number, if a Business Tax Certificate is required for the operation.
- (8) All advertisements for homeshares shall state that the unit is an owner-occupied dwelling, and the owner shall be present in the home.

b. No advertisements or notices regarding the availability of a dwelling for homeshare or short-term rental use shall be posted on the property.

**Sec. 8175-5.21.9.4 – Posting Inside of Dwellings**

The following information, as well as all information required by Section 8175-5.21.9.3, shall be posted in a conspicuous location inside the dwelling within six feet of the main entrance of the homeshare or short-term rental:

- a. The name and contact information for the designated property manager of a short-term rental or owner of a homeshare, and the telephone number(s) at which the person can be reached at all times;
- b. The waste collection schedule and information about recycling and green waste separation and disposal;
- c. Notification that the property owner, renter, and occupants are subject to criminal citation and fines, civil penalties and/or permit revocation for violations of the unit's occupancy limits, noise standards and other operational standards.

**Sec. 8175-5.21.9.5 – Business License; Business Taxes; Transient Occupancy Tax**

To the extent required by applicable County ordinance, the owner of a short-term rental or homeshare shall acquire and maintain a valid County business license, timely pay annual business taxes evidenced by a business tax certificate, and/or obtain and maintain a valid County transient occupancy tax registration certificate and timely pay all required County transient occupancy taxes.

**Sec. 8175-5.21.9.6 – Insurance**

The owner shall maintain an insurance policy that includes coverage for commercial/business general liability with a minimum limit of \$500,000 per occurrence for claims of personal injury or property damage. Proof of such insurance coverage shall be provided with each permit application under this Section, and shall be made available to the Planning Director or designee upon request.

**Sec. 8175-5.21.9.7 – Defense and Indemnification**

All owners of a homeshare or short-term rental shall be jointly and severally responsible to defend and indemnify the County and all of its officials, employees and agents from and against all third-party claims, causes of actions, fines, damages and liabilities of whatever nature arising from or related to the processing and issuance of a permit under this Section and/or from the operation of the homeshare or short-term rental. Upon submittal of a permit application under this Section, all owners of the homeshare or short-term rental shall execute a written agreement on a form provided by the Planning Director or designee implementing this defense and indemnification requirement.

### **Sec. 8175-5.21.9.8 – Record-Keeping**

The owner of a homeshare or short-term rental shall keep and preserve all records as may be necessary to demonstrate compliance with the standards and requirements of this Section. These records shall include but are not limited to all rental agreements entered into, advertisements and online listings. The records shall be maintained during the term of the permit issued under this Section, and shall be made available in electronic format for the County's review upon request of the Planning Director or designee.

### **Sec. 8175-5.21.10 – Inspection and Monitoring**

#### **Sec. 8175-5.21.10.1 – Inspections**

In addition to the pre-permitting inspection of a homeshare or short-term rental pursuant to Section 8175-5.21.6, upon reasonable notice, County staff shall be given access to the dwelling and site to conduct an inspection during the term of the permit to ensure continued operation of the homeshare or short-term rental in compliance with the provisions of this Section and other applicable building and zoning codes and regulations regarding parking, access, fire, safety, and other relevant issues.

#### **Sec. 8175-5.21.10.2 – Monitoring**

County monitoring shall be required for each homeshare and short-term rental operation issued a permit. The permittee shall be responsible for all monitoring costs associated with the operation. Each application request for an initial permit under this Section shall be accompanied by payment of a code compliance review deposit in the amount stated in the Planning Division Fee Schedule. If the County bills against the deposit, the permittee shall replenish the deposit within seven calendar days after the County's written request to the permittee.

### **Sec. 8175-5.21.11 – Complaint and Violations**

#### **Sec. 8175-5.21.11.1 – Complaints**

- a. Complaints regarding the condition, operation or conduct of the renters, occupants or visitors of a homeshare or short-term rental shall be directed to the short-term rental property manager or homeshare owner for investigation and resolution. The property manager or owner shall be available by phone at all times the dwelling is rented out as a homeshare or short-term rental.
- b. Upon receipt of a complaint that any renter, occupant or visitor of a homeshare or short-term rental has created unreasonable noise or disturbance and/or potentially violated any other operational standard of this Section, the property manager or owner shall take all necessary actions to promptly resolve the issue, including by initially contacting the renter to correct the problem within thirty minutes, or within fifteen minutes during the quiet hours between 10:00 p.m. and 7:00 a.m., after the complaint is first received.
- c. Within twenty-four hours after first receiving a complaint pursuant to subsection (b) above, the property manager or owner shall complete the online reporting form provided by the Planning Director or designee to: (1) report and describe the complaint, including the time the complaint was first received; (2) describe all actions taken to resolve the issue, including the time each action was taken; and (3) describe the resolution or current status.

- d. A property manager's or owner's failure to promptly resolve a complaint pursuant to subsection (b) above, or to timely and fully report the complaint to the Planning Director or designee on the online reporting form, shall each constitute a separate violation of this Section.

**Sec. 8175-5.21.11.2 – Violations**

Each of the following acts or omissions related to the operation or use of a homeshare or short-term rental is unlawful and constitutes a violation of this Section. Owners are jointly and severally responsible and liable, along with any other responsible person, for each violation committed with respect to their homeshare or short-term rental. Each day a violation occurs constitutes a separate, additional violation:

- a. Engaging in an act in violation of the permitting requirement of Section 8175-5.21.4(a);
- b. Failure to comply with an operational standard of Section 8175-5.21.8;
- c. Failure to comply with a property management requirement of Section 8175-5.21.9;
- d. Failure to comply with the complaint investigation, resolution and/or reporting requirements of Section 8175-5.21.11.1; and
- e. Failure to timely remit to the County any cost or fee pursuant to this Section.

**Sec. 8175-5.21.12 – Legal Nonconforming Short-Term Rentals and Homeshares**

This Section 8175-5.21.12 governs the continuation of legal nonconforming short-term rentals and homeshares, as defined below. Article 12 shall not apply to this Section.

- a. For purposes of this Section, a legal nonconforming short-term rental or homeshare is one that meets each of the following requirements:
  - (1) A dwelling that was operating and rented as a short-term rental or homeshare as of the effective date of this Section, and has continued to operate as such to the present; and
  - (2) The short-term rental or homeshare does not conform to the permit eligibility requirements of any or all of the following: (i) Section 8175-5.21.5.1(b), or Section 8175-5.21.5.2, subdivisions (a), (c), (d), or (e).
- b. Except as specified in this Section 8175-5.21.12, a legal nonconforming short-term rental or homeshare shall be subject to and comply with all standards and requirements of this Section that apply generally to short-term rentals and homeshares.
- c. Applicants seeking a permit to operate a legal nonconforming short-term rental or homeshare shall comply with all general permitting requirements of this Section except for the permit eligibility requirements identified in Section 8175-5.21.12(a)(2) with which the owner or dwelling does not conform. As part of the permitting process, applicants shall: (a) submit documentation as specified by the Planning Director or designee establishing that the dwelling qualifies for legal nonconforming status pursuant to this Section 8175-5.21.12; and (b) state all permit eligibility

requirements identified in Section 8175-5.21.12(a)(2) with which the short-term rental or homeshare does not conform.

- d. A legal nonconforming short-term rental or homeshare shall be permitted to operate for a maximum of two years from the effective date of this Section ("Grace Period"), or until the sale or transfer of the property in whole or part, whichever occurs first, provided that the permit is not otherwise revoked for cause pursuant to Section 8183-7. After expiration or revocation of the permit, no person who seeks or receives any rent, payment, fee, commission, or compensation in any form from the subject legal nonconforming homeshare or short-term rental shall rent, offer for rent, advertise for rent, or facilitate the rental of the subject legal nonconforming homeshare or short-term rental.
- e. After expiration or revocation of the permit authorizing a legal nonconforming short-term rental or homeshare, no person who seeks or receives any rent, payment, fee, commission, or compensation in any form from the subject legal nonconforming homeshare or short-term rental shall rent, offer for rent, advertise for rent, or facilitate the rental of the subject legal nonconforming homeshare or short-term rental.

(ADD.ORD.4522-06/12/18)