

SHORT-TERM RESIDENTIAL RENTAL CODE

§ 84.28.010 Purpose.

The purpose of this Chapter is to establish permit procedures, maintenance and operational standards, and enforcement and administrative processes for the regulation of single family residential structures used for transient occupancies in the unincorporated portions of San Bernardino County.

(Ord. 4011, passed - -2007)

§ 84.28.020 Terms and Definitions.

- (a) Code. The San Bernardino County Code.
- (b) County Administrative Office. The Chief Executive Officer of the County of San Bernardino and that officer's subordinate officers, as identified by this Code §§ 12.0201-12-0212 and any successor provision(s) thereto, and their authorized designees.
- (c) Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. Kitchens and non-habitable spaces shall not be used for sleeping purposes
- (d) Inspections – Initial. Any inspection prior to the approval and issuance of the Short Term Residential Rental Unit Permit. In evaluating an initial application to issue a Short-Term Residential Rental Unit Permit, the responsible Department shall inspect both the interior and the exterior of all improvements on the subject property to determine maximum occupancy, parking capacity for the property, and to verify compliance with standards of this Chapter and with other applicable County codes and ordinances.
- (e) Inspections – Renewal. Upon renewal of the permit, a short-term residential rental structure and property may be re-inspected to ensure continued compliance with required exterior and interior standards of this Chapter and with other applicable County codes and ordinances. The standards for determining when a short-term residential rental structure and property are to be inspected upon permit renewal will be established by the County Administrative Office.
- (f) Owner. For purposes of this Chapter the term “owner” shall refer to the owner of a property with a single-family dwelling unit that is being used as a Short Term Residential Rental, any individual or organization working on behalf of a property owner with a single- family dwelling unit that is being used a Short Term Residential Rental, or any other individual or organization that has the legal right to rent a single-family residential dwelling unit as a Short Term Residential Rental.
- (g) Renter. For purposes of this Chapter the term “renter” shall refer to the primary individual (transient occupant) who entered into an agreement with the owner or owner’s agent for the use of a short-term residential unit for a period of 30 consecutive calendar days or less. Such individual must be at least 18 years of age and is a guest of the owner. The renter is not considered a tenant under California law pursuant to California Civil Code § 1940.
- (h) Short-Term Residential Rental Unit. Any single family residential dwelling unit rented as a tourist home or house for transient occupancy as defined by Section 14.0203 of the San Bernardino County Code
- (i) Short-Term Residential Rental Unit Permit. Permit that is renewed at intervals determined by the County Administrative Office that allows a property owner to rent a single family residential structure for transient occupancies in the unincorporated areas of San Bernardino County. Failure to obtain this permit before renting a single family residential structure as a transient occupancy is a violation of this Chapter and the San Bernardino County Code.
- (j) Uniform Transient Occupancy Tax or TOT. Per Section 14.0203 of the San Bernardino County Code, the tax to be imposed on and collected from transient occupants .

(a) Applications.

Applications for Short-Term Residential Rental Unit permits shall be submitted to the appropriate County Department as determined by the County Administrative Office on a form provided by the same County Department. The contents of that application may be revised from time to time, but at the minimum, the application shall include the following information in order to be considered complete:

1. Property owner name and contact information.
2. Applicant name and contact information, if different from the property owner.
3. Address and Assessor's Parcel Number for the property with the residential rental unit.
4. Total square footage of habitable space in the residential rental unit.
5. Number and square footage of rooms to be used for sleeping purposes.
6. Request for Special Use Permit to exceed maximum occupancy limits and the basis for such request, if applicable.
7. Acknowledgment that the applicant has reviewed, read, and understands this Chapter 84.28 of the San Bernardino County Code.

(b) Notification Requirements.

1. Application Process. There is no notification requirement associated with an application for Short-Term Residential Rental Unit permits unless the application is submitted as a result of the issuance of a Notice of Violation for renting the unit without a Short Term Residential Rental Unit Permit. In cases where an application is made for a Short Term Residential Rental Unit Permit as a result of the issuance of a Notice of Violation, processing the permit application shall include written notification of the of the application to all contiguous property owners including an invitation to comment.
2. After Issuance of Permit. Upon issuance of a Short-Term Residential Rental permit, notice shall be supplied to all contiguous property owners that a permit has issued. This notice shall contain, at a minimum, the following information:
 - A. The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
 - B. The maximum number of occupants – including day use guests – allowed to be in the unit;
 - C. The maximum number of vehicles allowed to be parked on the property; and
 - D. If the unit has been approved to allow on-street parking.

(c) Appeals.

Appeals of the granting or denial of Short Term Residential Rental permit may be filed by the owner applying for a Short Term Residential Rental permit or by contiguous property owners that were invited to comment per section (b)(1), Notification Requirements, above.

1. Appeals of the granting or denial of a Short Term Residential Rental Permit shall be heard in the same manner and by the same individuals as specified in Section 84.28.080 (b) (2) of this Code.

(d) Additional Inspections Fee.

Permit application fees provide for up to two inspections – an initial inspection and one additional re-inspection if necessary to ensure that unit and the property are in compliance with the requirements of this Code. If additional inspections are required to ensure compliance with the requirements of this Code then additional inspection fees may be billed to the owner.

(Ord. 4011, passed - -2007)

§ 84.28.040 Occupancy Standards.

All short-term residential rental units shall be in compliance with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association Standards or regulations, and other relevant laws and codes.

(b) Occupancy Limits.

Occupancy limits per room for all short-term residential rental units will be determined as follows:

1. In order for a room to be considered habitable space for sleeping purposes, it must be a minimum of 70 square feet. A 70 square foot room may sleep one person. Each sleeping room occupied by more than one person shall contain not less than 50 square feet of floor area for each occupant.
2. Kitchens, bathrooms, hallways, and closets are not considered habitable rooms for sleeping purposes, thus the square footage represented by these rooms shall not be used in the calculation for determining the maximum number of occupants.

(c) Maximum Occupancy Limits.

1. Notwithstanding the allowances per (b) above, on parcels of less than one half acre, the maximum occupancy of a short-term residential rental unit – including day use guests - may not exceed 16 occupants.
2. Notwithstanding the allowances per (b) above, on parcels of more than one half acre, the maximum occupancy of a short-term rental unit – including day use guests – may not exceed 20 occupants.

(d) Day Use Guests.

1. Guests of the primary renter of the short-term residential rental may only be on the property from 10 a.m. to 8 p.m.
2. Parking restrictions for the short term rental property may not be exceeded to accommodate day use guests.
3. No more than six (6) day use guests may be at the short-term residential rental at any time.

(e) Parking.

Number and Type of Spaces. Parking shall be provided on-site to meet the occupancy of each short-term residential rental at a ratio of not less than one parking space for each bedroom in compliance with § 83.11.040 (Number of Parking Spaces Required). Parking spaces may include garage, carport, and driveway spaces, and may allow for tandem parking. **On-site parking shall be kept free from any obstructions that would prevent use by renters for parking renter's vehicles.**

(Ord. 4011, passed - -2007)

§ 84.28.050 Conditions of Operation.

The following requirements for short-term residential rentals shall constitute minimum requirements. Units shall be brought into compliance with these requirements and any other applicable County codes and ordinances in order for the use to be allowed.

(a) Use of Property for commercial purposes prohibited.

A short-term residential rental unit or property may not be used for any commercial purpose including without limitation weddings, wedding receptions, business conferences and meetings, or any other gathering that is made for commercial or for-profit purposes.

(b) Advertising.

1. *Unpermitted Uses of Short-Term Residential Rental Properties.* No owner shall advertise any short-term residential rental unit in such a manner as to promote such unit for a use that is not permitted by applicable law, including, without limitation, the use of such unit for weddings, wedding receptions, business conferences and meetings, any other gathering that is made for commercial or for profit purposes and other uses that violate the County of San Bernardino Development Code.
2. *Signage.* Advertisement signs on property to promote short-term residential rentals are prohibited.

3. *Media.* All forms of print and non-print advertisement including real-estate magazines, fliers, newspapers, television or radio commercials, internet pages, or coupons featuring short-term residential rental property or properties shall include the valid County issued permit number.

(c) Posted Notice within Unit.

Each short-term residential rental unit shall have a clearly visible and legible notice posted within the unit, on or adjacent to the front door, containing the following information:

1. The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis.
2. The maximum number of day use occupants including day use guests.
3. The maximum number of occupants allowed to stay overnight in the unit.
4. The maximum number of vehicles allowed to be parked on the property.
5. Whether or not the unit has been approved to allow on-street parking.
6. The contact person or agency for snow removal to allow vehicle access to the property.
7. Notification of the arrangements that the owner has made to allow the renter to properly store and dispose of trash or refuse in accordance with the terms of this code.
8. Notification that failure to conform to the parking and occupancy requirements of the unit is a violation of the San Bernardino County Code subject to enforcement action not limited to reduction of occupancy levels and vehicle parking to permitted levels, removal of the renter and his or her guests from the property, or criminal or administrative citations.
9. Location of utility emergency shut off valves (including how to access valves and/or tool(s) necessary for such purpose).
10. Phone numbers of local emergency medical and law enforcement services.
11. Property boundary map for the purpose of exterior property recreational activities and parking to deter trespassing on other privately owned properties.
12. Warnings that any behavior that results in disturbing the quiet enjoyment of neighboring properties will not be tolerated and will be subject to enforcement.

(d) Call Response.

1. The owner of a short-term residential rental unit shall be personally available by telephone on a 24-hour basis and be maintain the ability to be physically present at the property within one (1) hour in order to respond and remedy calls or complaints regarding the condition or operation of the unit, or the behavior of persons on the property.
2. Responses to calls or complaints about the condition or operation of the unit, or the behavior of the renters or their guests must result in a substantive effort to address the problems referenced by the call or complaint, including, if necessary, the immediate removal from the property all persons who are engaged in nuisance behavior or disturbing the quiet enjoyment of the neighboring properties.
3. Calls or complaints about physical conditions that represent an immediate threat to the public health and safety shall result in corrective action being taken within 24 hours after the complaint was received by the owner.
4. Each owner shall keep a written record of the times and type of complaints received as well as when they were resolved. This written record shall be made available to the County upon request, and shall be retained by the owner or the owner's agent for twenty-four months.

(e) Quiet Enjoyment.

The owner shall make every reasonable attempt to ensure their property management protocols and practices inform renters to abide by the terms of this Code and understand that they are not to disturb the quiet enjoyment

In the event renters of a short-term residential rental are using the property in violation of any section of this Code, including engaging in nuisance behavior that is obviously impacting the quiet enjoyment of neighboring properties or the community as a whole, and the owner, having had an appropriate opportunity per the requirements of this Code to ensure compliance with the requirements of this Code, are either unable or unwilling to ensure that the property is being used in a lawful manner, County staff designated by the County Administrative Office may summarily remove said renters from the short-term residential rental, and recover any and all costs associated with the removal of said renters and their day use guests.

(g) *Sanitation.*

Every short-term residential rental property shall be cleaned after each occupancy change in such a fashion so as to make the rental unit obviously sanitary. If linens are provided for use by renters, said linens will be exchanged for clean linens after each occupancy change.

(h) *Trash*

1. Accumulation of trash and debris on the site or within the unit shall be prohibited.
2. Trash collection receptacles shall be “animal-proofed” as defined in Code section 810.01.030 (pp). Trash cans shall be secured in an upright condition to prevent falling over on their side. Trash can lids shall be secured with self-contained locking handles, bungee cords or other suitable methods.
3. Trash shall be removed from the premises after each occupancy unless commercial trash collection is provided.

(i) *Operation During Application Process.*

A short-term residential rental property where the owner has submitted an application may be used as a short-term residential rental prior to the permit being issued provided that the unit has passed a physical inspection. Application processes may be extended if additional time is required for the County to determine if the owner can manage the short-term residential rental unit in conformance with the requirements of this Code.

(j) *Use of Property for commercial purposes prohibited.*

A short-term residential rental unit or property may not be used for any commercial purpose including without limitation weddings, wedding receptions, business conferences and meetings, or any gathering that is made for commercial or for profit purposes.

§ 84.28.060 Property Maintenance Standards.

(a) *Property Maintenance.*

Short-term residential rental units and their premises shall be maintained in a clean and sanitary condition and free from substandard and unsafe or dangerous conditions as defined by Chapter 6 of Division 3 of Title 6 of the San Bernardino County Code and in compliance with other relevant codes including but not limited to the California Fire Code, California Building Code, California Health and Safety Code, and the National Fire Protection Association Standards.

§ 84.28.070 Enforcement

(a) *General.*

1. Owners and renters of short-term residential units shall comply with the requirements of this Chapter and other applicable section of this Code.

2. Failure to either operate or use a property as a short-term residential rental in accordance with the terms of this Chapter or other applicable sections of this Code, or to obtain a permit from the County of San Bernardino to allow the use of the property as a short-term private residential rental as deemed applicable by Section 84.28.020 of this Code, is unlawful and may result in enforcement action and/or any type of prosecution deemed appropriate by the Chief Executive Officer of the County of San Bernardino or their designee including but not limited to those enforcement actions and prosecution found in Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code.

Failure on the part of an owner to collect Uniform Transient Occupancy Tax may result in the Tax Collector imposing and collecting said tax as allowed by Section 14.0203 of the San Bernardino County Code.

§ 84.28.080 Suspension and Revocation of Permit

(a) *General.*

Staff designated by the County Administrative Office may suspend or revoke any Short-Term Residential Unit Permit, and/or its accompanying Special Use Permit to exceed occupancy limits. The processes and administrative remedies for suspension and revocation described in this section shall apply to all permits issued for short-term residential rental purposes, including special use permits granted to allow for occupancies in excess of the Maximum Occupancy as defined in section 84.28.040 (d) of this Code. A permit does not need to be suspended prior to the initiation of revocation proceedings.

Notice.

1. Health and Safety Violations. Suspensions or revocations of permits for violations pertaining to Health and Safety shall be noticed and served per the requirements of Chapter 6 of Division 3 of Title 6 of the San Bernardino County Code.
2. General Violations. Property owners shall be informed of suspensions or revocations of permits for general violations of this Code in a written notice mailed using both Certified Mail with Return Receipt and First Class service. The notice may also be posted on the property and/or mailed to any additional individuals or companies listed on the permit application.

(b) *Suspension of Permit.*

When a Short-Term Residential Unit Rental Permit is suspended, the property or properties affected by the suspension may not be used as a short-term residential rental until such time as the suspension is lifted. The permit may be suspended for the following reasons:

1. Health and Safety Violations. Any violation of the provisions of Chapter 6 of Division 3 of Title 6 of the San Bernardino County Code that results in the issuance of a Notice of Defect or Notice and Order to Repair. Permits suspended for Health and Safety violations will remain suspended until such time as the Building Official or his or her designee confirms that all violations have been corrected.
2. General Violations. Failure on the part of any property owner, property manager, agent for a property owner, renter, guest, or any person in any way responsible for the management of a short-term residential rental property to obey or respond to any enforcement directive as allowed for by Section 84.28.070 of this Code that are designed to ensure compliance with the requirements of this Code. Permits suspended for General violations will remain suspended until such time as the violations are abated and/or the property owner can reasonably demonstrate substantive changes in the property management practices associated with the use of the of the property as a short-term residential rental unit that would mitigate or correct these violations.

(d) *Appeals of Suspensions of Permit.*

All appeals must be filed within 30 calendar days of the Notice that the suspension of the Short-Term Residential Rental Unit Permit is issued.

1. Health and Safety Violations. An owner may appeal a suspension of a Short-Term Residential Rental Unit Permit for Health and Safety violations for hearing before the Building Appeals Board. The format and process of the appeal shall be as required by Section 63.0107 of the San Bernardino County Code. No suspensions issued for Health and Safety violations may be stayed until either the violations are abated or an appeal of the Notice of Defect or the Notice and Order has been upheld by the Building Appeals Board. Decisions by the Building Appeals Board to uphold or lift the suspension shall be final without further

2. General Violations. An owner may appeal a suspension of a Short-Term Residential Rental Unit Permit for General violations to County staff designated by the County Administrative Office. Suspensions issued for General violations are not stayed if an appeal is filed provided that a hearing is scheduled within 14 calendar days of the appeal being filed. If an appeal hearing cannot be scheduled within 14 calendar days of the appeal being filed or if the hearing is scheduled but not held, due to no fault of the appellant, the suspension must be stayed. The decision by the Chief Executive Officer or designee shall be final.

(e) Revocation of Permit:

Short-Term Residential Rental Unit Permits may be revoked if:

1. The severity of a Health and Safety or Building Code violations necessitated the immediate vacation of the property.
2. The conditions that resulted in suspension of the Permit have not been abated or addressed by a demonstrable change in the business practices associated with the short-term residential rental within 60 days of the suspension being upheld.
3. The conditions or the business practices that resulted in a suspension of a permit re-occur within 12 months of the suspension being upheld.
4. A permit is suspended two (2) times in a consecutive twenty-four (24) month period, where said suspensions either are not appealed or are upheld.

(f) Appeals of Revocation of Permit.

1. Health and Safety Violations. An owner may appeal revocation of a Short-Term Rental Unit Permit caused by the citation of Health and Safety Code or Building Code violations for hearing before the Building Appeals Board. The format and process of the appeal shall be as required by Section 63.0107 of the San Bernardino County Code. All decisions made by the Building Appeals Board to deny or uphold the revocation shall be final.
2. General Violations. An owner may appeal revocation of a Short-Term Rental Unit Permit caused by the citation of General violations of this chapter for hearing before a County Hearing Officer as defined by Sections 12.2701, 12.2702, 12.2703, and 12.2705 of the San Bernardino County Code. All decisions made by the County Hearing Officer to deny or uphold the revocation shall be final.
3. Appeals of revocations caused by the citation of both Health and Safety and General violations shall be heard by the Building Appeals Board in the form and manner defined by Section 63.0107 of the San Bernardino County Code, provided that the attorney member of the Building Appeals Board is on the panel. In the event that is not possible, the hearing shall be before a joint hearing body comprised of members of the Building Appeals Board sufficient to establish a quorum and a County Hearing Officer. The respective hearing authorities shall only render decisions applicable to their position in the hearing, that is the Building Appeals Board shall only take into consideration violations of the Health and Safety Code and the Building Code, and the County Hearing Officer shall only consider General violations of this section of the San Bernardino County Code. All decisions made to deny or uphold a revocation shall be final.
4. No property that is being used as a short-term residential rental that has its permit revoked may be used or submit an application for use as short-term residential rental for twelve (12) months after the revocation is made final.

(g) Suspensions and Revocations of Permits for Multiple Properties:

If it is determined that the business or management practices of a property owner or owner's agent, or a property manager are causing violations of this code to exist on multiple properties, the Short-Term Residential Unit Permits for all of those properties may be suspended and/or revoked at the same time.

(h) Failure to appeal Suspension or Revocation of Permit:

Suspension or Revocation of a Short-Term Residential Rental Permit that is not appealed is deemed to be upheld.