SHORT-TERM RENTALS

A WHITE PAPER ON PLANNING AND ECONOMIC CONSIDERATIONS

Prepared for Marin County, California
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# TABLE OF CONTENTS

1 Introduction ................................................................................................................ 4

2 Background .................................................................................................................. 5
   2.1 Marin County ........................................................................................................ 5
   2.2 Sharing Economy .................................................................................................. 5

3 Key Considerations ...................................................................................................... 6
   3.1 Housing Supply and Affordability ........................................................................ 6
       3.1.1 Impact on Supply of Housing ....................................................................... 6
       3.1.2 Impact on Cost of Housing .......................................................................... 8
   3.2 Quality of Life ...................................................................................................... 9
       3.2.1 Sense of Community ................................................................................... 10
       3.2.2 Parking .......................................................................................................... 10
       3.2.3 Life Safety and Noise .................................................................................. 10

4 Inland Area .................................................................................................................. 12
   4.1 Regulatory framework .......................................................................................... 12
       4.1.1 Marin Countywide Plan .............................................................................. 12
       4.1.2 Marin County Development Code ............................................................... 13
   4.2 Case Studies ......................................................................................................... 16
       4.2.1 City of South Lake Tahoe ............................................................................. 16
       4.2.2 Town of Mammoth Lakes ......................................................................... 16
       4.2.3 City of San Francisco ................................................................................. 17
       4.2.4 Sonoma County .......................................................................................... 17

5 Coastal Zone ................................................................................................................ 19
   5.1 Regulatory Framework ......................................................................................... 19
       5.1.1 Coastal Act ................................................................................................... 19
       5.1.2 Marin County Local Coastal Program and Amendments ............................ 20
       5.1.3 Interim Zoning Code ................................................................................... 20
   5.2 Case Studies .......................................................................................................... 21
       5.2.1 Santa Cruz County ....................................................................................... 22
       5.2.2 San Luis Obispo County .............................................................................. 23
       5.2.3 Other Jurisdictions ...................................................................................... 24

6 Conclusion ..................................................................................................................... 26
LIST OF TABLES

Table 3-1 Airbnb Listings for Marin County, CA, October 14-16, 2016, 2 Guests (as Posted September 16, 2016)  7
Table 5-1 Summary of Other STR Regulations in Coastal Zone Jurisdictions  24
1 INTRODUCTION

Short-term rental (STR) online hosting services such as Airbnb, Homeaway, and VRBO enable individuals to rent out real property as temporary lodging. These marketplaces are recognized as part of the sharing economy, which leverages internet applications to make peer-to-peer exchange of goods and services possible. Like other components of the sharing economy, STRs are a recent development, which has caused local governments to consider the costs and benefits of such property use largely in response to neighborhood complaints. Because of its novelty, quantitative data on this topic is limited, and many local governments are exploring the issue to determine a course of action that best serves the public interest. This White Paper has been produced to inform the County of Marin in its consideration on the subject.

STRs occur throughout Marin County, often through the above-referenced online hosting services, which have implications for transient occupancy tax (TOT) revenues, lodging options, housing stock, and sense of community. There is currently no explicit regulation on STRs in Marin County, and since the County’s Development Code does not clearly prohibit STRs, they are technically an allowed use. The issues surrounding STRs were initially brought to the County’s attention by members of the public who were concerned with the potential impacts of these STRs in their communities. The California Coastal Commission (CCC) recognizes the public’s concerns as legitimate and STRs potential impact on the community’s housing stock and affordability as documented through a December 6, 2016 letter from the CCC to Coastal Planning/Community Development Directors. On February 9, 2016, the Board of Supervisors discussed the preparation of STR regulations that would better address these issues. This White Paper discusses key considerations, regulatory frameworks, and relevant case studies, including potential standards that could be adopted for STRs in Marin County.

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2 BACKGROUND

As background for the discussion of STRs, this Section provides a brief overview of Marin County and the sharing economy.

2.1 MARIN COUNTY

Marin County encompasses 828 square miles of coastal and mountainous land directly north of San Francisco. According to Marin County's Local Coastal Program (LCP), much of the County's land is made up of "federal, state, and county parks, which provide habitat protection and opportunities for public recreation". With a population of approximately 260,000 people, it has among the smallest population of any Bay Area county, yet is recognized as the most affluent with a median household income of $91,529\(^2\). Approximately one third of its residents range in age from 40 to 59 years old and, therefore, make up the most dominant age group in the County\(^3\).

2.2 SHARING ECONOMY

The sharing economy is simultaneously a corporate and a grassroots phenomenon. Internet startups and individual providers and customers are estimated to drive the profits of this industry from $15 billion in 2014 to $335 billion in 2025\(^4\). Renting out apartments, automobiles, or even power tools are not novel endeavors, but were difficult for individuals given limited information and high transaction costs\(^5\). Online platforms developed by Airbnb (for lodging), Task Rabbit (household errands and skilled tasks) as well as Uber (for ridesharing) eliminated many of these hurdles and empowered individuals to earn income and enabled those companies to generate profits. Airbnb boasts 129 million annual room-night rentals nationwide by the end of 2016, which would outpace the largest hotel companies\(^6\). However, the untested nature of access, amount and frequency of activity in the sharing economy have raised concerns and presented challenges among local governments, established industries, and neighborhood groups.

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\(^2\) Selected Economic Characteristics, 2010-2014 American Community Survey 5-Year Estimates.

\(^3\) Profile of General Population and Housing Characteristics: 2010.


3 KEY CONSIDERATIONS

As Marin County contemplates regulations for STRs, the following key considerations serve as planning and economic guidelines:

- Housing supply and affordability;
- Quality of life; and
- Enforcement of requirements

The discussion of key considerations is not intended to provide conclusions or resolutions; rather to help the County facilitate a robust and comprehensive discussion and make informed decisions on the planning and economic issues related to STRs. Enforcement is discussed under Inland Area Regulatory Framework in Section 4.1.2.3.

3.1 HOUSING SUPPLY AND AFFORDABILITY

In some communities, concerns have been raised that STRs may negatively impact housing supply and affordability. As discussed in this Section, there are many factors to consider when examining the potential effect of STRs.

3.1.1 IMPACT ON SUPPLY OF HOUSING

The unincorporated area of Marin County includes approximately 24,615 single family homes, 4,399 multi-family homes, and 567 mobile homes, according to Marin County’s 2015-2023 Housing Element. As of 2010, the unincorporated County had only a 1.3% vacancy rate for owner occupied homes; however, countywide trends are also informative and relevant to this discussion. Overall, Marin County has 111,539 housing units.

As of 2014, approximately 7.7% (8,635 units) of the units were considered vacant housing units7, which is among the highest percentage of vacant housing units in any Bay Area county8. According to the Department of Finance9 estimate as of January 2017, the County had 7.8% vacancy rate, or total of 8,320 unoccupied homes. However, only 1,089 are available for rent and 3,078 are for seasonal, recreational or occasional use10. While this percentage may be higher given the County’s large concentration of second homes, it still has nearly doubled since 2000, when the percentage of vacant housing units was only 4.1% (4,340 units). The increase in vacant housing units could be explained by a variety of factors, including, but not limited to: increased housing costs, a

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7 A housing unit is vacant if no one is living in at the time of enumeration, unless its occupants are only temporarily absent. Units temporarily occupied at the time of enumeration entirely by people who have a usual residence elsewhere are also classified as vacant.
8 Selected Housing Characteristics, 2010-2014 American Community Survey 5-Year Estimates.
9 State of California, Department of Finance http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/
10 Search Results American Community Survey (ACS) - U.S. Census Bureau 2011-2015 ACS data
disproportional jobs/housing balance, an increase in the number of second homes purchased, and/or misalignment of the unit types available compared to those in demand. While this trend in increased vacancy rates may mainly impact the incorporated jurisdictions in the County, unincorporated areas may be increasingly affected by this trend in the future.

In terms of rental housing, the County's 2015-2023 Housing Element identifies the following statistics for the unincorporated County:

- 31% of households are renters (8,167 households)
- 5.2% of renter housing units are vacant (450 units)

Furthermore, County Planning Staff stated that there are approximately 4,254 units of multi-family rental housing in the unincorporated County.

STRs include hosted (i.e., the owner resides on the property) and un-hosted rentals. Dwelling units listed as un-hosted rentals might in some cases be otherwise available for full-time rental. This would occur if higher per-night rent, compared to pro-rated per-night rent of a monthly rental, caused property owners to exit the long-term rental market entirely, thus decreasing the number of dwelling units available from the housing stock.

Many jurisdictions have claimed that property owners in their communities are increasingly opting to exit the long-term rental market so that the owner can rent his or her unit on an online hosting service (e.g., Airbnb, Homeaway, VRBO); however this may not always be the case. It is possible that the number of available STRs might not have been part of the available housing stock to begin with (i.e., second properties or vacation homes). Additionally, it is possible that a significant number of available STRs could demand greater-than-affordable rents even in the long-term rental market. For example, consider a recent search on Airbnb with the following parameters:

- Location: Marin County, California,
- Dates: Friday, October 14, 2016 to Sunday, October 16, 2016, and
- Number of Guests: 2.

Table 3-1 shows the results for the above search.

**TABLE 3-1 AIRBNB LISTINGS FOR MARIN COUNTY, CA, OCTOBER 14-16, 2016, 2 GUESTS (AS POSTED SEPTEMBER 16, 2016)**

<table>
<thead>
<tr>
<th>TYPE OF RENTAL</th>
<th>NUMBER OF LISTINGS(^{(1)})</th>
<th>AVERAGE PER-NIGHT RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entire Place</td>
<td>213</td>
<td>$399</td>
</tr>
<tr>
<td>Private Room</td>
<td>176</td>
<td>$139</td>
</tr>
<tr>
<td>Shared Room</td>
<td>6</td>
<td>$76</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>395(^{(2)})</strong></td>
<td><strong>$205</strong></td>
</tr>
</tbody>
</table>

\(^{(1)}\) Not all listings analyzed were necessarily in unincorporated, County land.

\(^{(2)}\) Overlap among rental types and/or previously booked rentals may account for inconsistency in the total number of listings.
It is likely that not all of the 395 units listed on the weekend in question are posted on Airbnb at the expense of Marin County’s housing stock; 176 of these units are hosted private rooms and 6 of these units are shared rooms, which may be in the short-term and long-term rental markets. However, some of the 213 units listed as “entire place” could be at the expense of the County’s housing stock, which could increase renter competition for the long-term units available. Absent further study, it is unclear whether the long-term rental rates of these dwelling units would constitute affordable housing if on the long-term market.

Although Airbnb claims that the majority of listings are hosted, and thus not part of the long-term rental market, in reality it is at the owner’s discretion to decide whether or not a hosted unit (e.g., private room or accessory dwelling unit) is rented long-term. Additionally, research does not support Airbnb’s claim that the majority of units are hosted. In Southern California, 35% of Airbnb revenue comes from users who rent more than one unit\(^\text{11}\) and approximately 67% of units listed in San Francisco were for the entire unit. These figures may indicate such units are not primary residences. However, 86.4% of listings in San Francisco were for a single listing\(^\text{12}\), perhaps providing evidence that residents rent out their own home. From initial research, it is unclear what portion of listings for an entire home are all unoccupied, if the primary resident is on vacation, or if hosts listing a single unit are indeed primary residents.

### 3.1.2 IMPACT ON COST OF HOUSING

Under basic economic principles, scarcity increases the price of a commodity with a fixed (or not easily increased) supply. When the rental housing stock supply decreases, the perceived scarcity of supply encourages landlords to increase rents without fear of reduced demand. Increasing housing costs beyond household affordability leads to economic stress and overcrowding – when families are unable to afford appropriately-sized homes or individuals must move-in with family or friends to reduce housing costs. Additionally, STRs can have implications on the affordable housing market. According to a report by Dayne Lee from Harvard Law & Policy Review, “Airbnb likely reduces the affordable housing supply by distorting the housing market... this decreases the supply of housing and spurs displacement, gentrification, and segregation”. Dayne Lee’s report continues by summarizing the affordable housing problem, by stating “tourists and renters are non-overlapping populations with different needs, traditionally served by non-overlapping markets. But because 64% of its listings are [STRs] for tourists, Airbnb brings an increasing number of the forty-five million tourists who visit Los Angeles each year into direct competition with renters, distorting the housing market”.\(^\text{13}\) Renters must compete with visitors willing to pay higher premiums for short trips with rates in excess of what a monthly renter could afford. For example, as shown in Table 3-1, Airbnb rates in Marin County for a private room average $139 per night (totaling $4,170 per month if rented


\(^{12}\) Carolyn Said, "Window into Airbnb’s Hidden Impact on S.F."

for 30 nights), whereas, according to the Housing Element, the average monthly rental price for a unit in Marin County is $2,102 (as of 2013 adjusted for 2014 dollars).

Conversely, evidence suggests that STRs have an economic benefit to the host and the community. From 2004 to 2013, average rent in Marin County increased over 28% (from $1,483 to $2,066). Additionally, as of 2014, 47% of tenants in Marin County used over 35% of their income to pay for housing\textsuperscript{14}. The U.S. Department of Housing and Urban Development (HUD) states that affordable housing costs should be 30% or less of a household’s income for renters and 40% for homeowners. While STRs may drive up rental costs by removing units from the market, the additional income may increase housing affordability for some owners. Supplemental income from STRs can not only offset costs for owners, but also can make home ownership feasible for some income groups. Additionally, supplemental income from STRs can offset mortgage costs and may enable owners to spend more money in the local economy. However, depending on the jurisdiction, STRs tend to exist most predominantly in more affluent areas. For example, the higher-income North Oakland neighborhood of Oakland has a higher concentration of STRs, which generally could mean that owners in this neighborhood may not be using the supplemental income attained to allow them to afford their mortgage.\textsuperscript{15}

Even though Marin County has seen an increase in vacant housing units over the years (as described in Subsection 3.1.1), the demand for the right type of housing unit remains strong. Marin County rents have increased significantly in the past three years, according to Novato based Real Answers the average rent in 2014 was $2,329, in 2015 it was $2,583 and in 2016 was $2,640“.

### 3.2 QUALITY OF LIFE

The impact of STRs may vary across communities, and between neighborhoods within each community. The impacts, if any, to the County should be considered within the context of the neighborhood in question: impacts to rural areas, coastal areas and suburban centers may differ. Potential impacts to be considered include, but are not limited to:

- Sense of Community;
- Parking; and
- Life Safety and Noise.

According to an estimate by Host Compliance, a privately owned Silicon Valley STR compliance and monitoring consultant, there are approximately 1,126 rentals available in Marin County. While some of these rentals are beneficial to the property owner and the local economy, others may adversely impact their neighborhoods.

\textsuperscript{14} Selected Housing Characteristics, 2010-2014 American Community Survey 5-Year Estimates.

\textsuperscript{15} Dessi Mia Carbajal, The Impact of Short Term Rentals on Affordable Housing in Oakland: A Report and Recommendations, (June 2015), 6.
3.2.1 SENSE OF COMMUNITY

According to the 2007 Marin Countywide Plan, a key goal for Marin is to maintain the "community character, the architectural heritage of its downtowns and residential neighborhoods, and to preserve and enhance the vibrancy of its business and commercial centers". Accordingly, the County should consider how STRs affect existing neighborhoods and conform to desired community attributes and built environments. Maintenance of unique-to-Marin communities is of utmost importance when tackling a new STR regulation.

Because of the attraction of Marin County's Pacific Coastline, coastal communities benefit from and struggle with negative impacts of frequent vacation rental use. The high concentration of vacation rentals on and around the coast leads to steep competition for available housing options and the hollowing out of year-round, sustaining coastal neighborhoods. To combat this issue, some jurisdictions limit the amount of days per year that a STR unit can be rented (e.g., maximum 90 days per year), impose separation requirements (e.g., 200 linear feet or one per street frontage), or prohibit STRs in certain zones.

Concerned with potential alterations to neighborhood character, homeowner associations (HOAs) have restricted the ability of a homeowner to rent or lease the property as a STR. However, California’s Davis-Sterling Act limits the ability of HOAs to impose such restrictions upon members.

3.2.2 PARKING

Highly trafficked areas with heavily used parking can be a nuisance, especially in neighborhoods where locals are faced with limited parking options. With the high nightly turnover rate and varying number of guests staying in STRs, parking supply can be a problem unless appropriately addressed by property owners or local regulation. The case studies in Sections 4.2 and 5.2 provide further detail on how various jurisdictions address parking regulations.

3.2.3 LIFE SAFETY AND NOISE

STRs may present noise and safety concerns, especially in un-hosted STRs where the owner is not present to monitor activity. Some jurisdictions address the safety of the building or unit itself prior to allowing STRs to commence. They may accomplish this through an inspection and an approval process to ensure safety requirement compliance prior to approval of the unit as an STR.

Additionally, the lack of background screening or negligence of the STR owner can lead to nuisance guests. A STR owner often has very minimal contact with the visitor renting, especially if the stay is un-hosted. This can lead to a STR being utilized for any number of potentially excessively loud events or other inappropriate uses. The varying nature of this common neighborhood issue can be addressed by local regulation. For example, some jurisdictions place restrictions on outdoor activities from 10pm to 8am, require a 24-hour local contact to help address complaints, and/or require an event permit for special event/parties, such as weddings. Existing County standards
restrict most loud noises (e.g., radios, loudspeakers, yelling, shouting, etc.) between the hours of 11pm and 7am.
4 INLAND AREA

This Section summarizes regulatory framework and case studies pertinent to the inland area of Marin County. The discussion below is provided to assist the County in making an informed decision on appropriate STR regulations in the Inland County area.

4.1 REGULATORY FRAMEWORK

The following Subsections describe the existing regulatory framework that impacts the inland area of the County. The purpose of this discussion is to identify key relevant information that will inform the creation of a STR regulatory program.

4.1.1 MARIN COUNTYWIDE PLAN

Marin County adopted a Countywide Plan in November 2007, in which all City land use regulations, including the zoning or Development Code must be consistent. The Plan discusses goals that guide the County in maintaining a high quality of life.

The Marin Countywide Plan outlines 11 general goals that “reflect core community values and identify what fundamental outcomes are desired”. These goals help serve as a basis for creating desirable regulations. Several of the goals relate directly to potential positive and negative outcomes of STRs, including:

- **A High-Quality Built Environment**: Marin's community character, the architectural heritage of its downtowns and residential neighborhoods, and the vibrancy of its business and commercial centers will be preserved and enhanced;
- **More-Affordable Housing**: Marin's members of the workforce, the elderly and special needs groups will have increased opportunities to live in well-designed, socially and economically diverse affordable housing strategically located in mixed-use sites near employment or public transportation;
- **A Vibrant Economy**: Marin's targeted businesses will be clean, be prosperous, meet local residents’ and regional needs, and provide equal access to meaningful employment, fair compensation, and a safe, decent workplace; and
- **A Creative, Diverse, and Just Community**: Marin will celebrate artistic expression, educational achievement, and cultural diversity, and will nurture and support services to assist the more vulnerable members of the community.

In addition to the above goals, the Built Environment Element and the Housing Element of the Countywide Plan outline goals that directly relate to the possible positive and negative outcomes of STRs.
Built Environment Element

- **Goal CD-2 - Balanced Communities**: Maintain communities that house and employ persons from all income groups and provide the full range of needed facilities and services.
- **Goal DES-1 – Preservation of Community Character**: Perpetuate the unique character of each community, including the essential design characteristics that make it attractive and livable.
- **Goal HS-2 – Well-Designed Housing**: Maintain and enhance existing housing and blend well-designed housing into existing neighborhoods; ensure that existing affordable housing at risk of conversion to market rates will remain affordable.

Housing Element

- **Goal 1 – Use Land Efficiently**: Use Marin's land efficiently to meet housing needs and implement smart and sustainable development principles.
- **Goal 2 – Meet Housing Needs through a Variety of Housing Choices**: Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, affordability levels, and designs.

The main purpose of the Housing Element is "to achieve an adequate supply of decent, safe, and affordable housing for Marin's workforce, residents, and special needs populations, with a particular focus on unincorporated areas of the County". This directly relates to STRs as this use type impacts the supply and affordability of housing. As discussed in Section 3.1, STRs could enable tenants or property owners to stay in their homes by providing a source of supplemental income, or STRs could adversely affect the housing supply by eliminating units from the long-term rental market. Additionally, STRs have the ability, if properly regulated, to increase the "mix of housing types" by adding additional use(s) to a single property, and enable a housing environment that is potentially more accepting of multiple "affordability levels", which would directly satisfy Goal 2.

4.1.2 MARIN COUNTY DEVELOPMENT CODE

The Marin County Development Code serves as a key tool to implement the Countywide Plan. The Code outlines comprehensive standards for development throughout the County and appropriately addresses ways to implement the County's goals.

4.1.2.1 DEVELOPMENT CODE DEFINITIONS

The Marin County Development Code does not directly address STRs, and the County considers STRs an allowed use. STRs do, however, share characteristics with uses directly addressed and defined in the Development Code, below.

**Bed and Breakfast Inns**: This land use consists of providing up to five guest bedrooms for overnight lodging, where the use is clearly secondary and incidental to the use of the property as a single-family residence. County requirements applicable to Bed and Breakfast Inns are in Section 22.32.040..."
(Bed and Breakfast Inns), and applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is not permitted in a residential zoning district. Refer to the definition of “Room Rental” to distinguish between a Bed and Breakfast Inn and room rental in a “boarding house” situation.

**Guest House:** This land use consists of a detached structure that has a bathroom and that contains more than 400 square feet of floor area that is subject to building permit requirements under a residential occupancy code. To be a guest house, the structure cannot contain food preparation facilities.

**Hotel or Motel:** this land use consists of facilities with guest rooms and/or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc. In regards to neighborhood compatibility, hotel uses in neighborhoods are carefully scrutinized and typically prohibited given hotels' commercial nature, high rates of tenant turnover, and imposition of physical structure.

**Room Rental:** This land use consists of the rental of three or fewer individual bedrooms within a dwelling or accessory structure, excluding a guest house, whether or not meals are provided. This use is subordinate to the primary residential use of the property and does not entail on-site advertising.

**Residential Second Unit:** This land use consists of a second permanent dwelling that is accessory to a primary dwelling on the same site. A residential second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, food preparation sanitation, and parking. The primary criterion for defining a second unit shall be the existence of separate food preparation facilities which may include, but are not limited to, stove, oven, hot plate, refrigerator or sink. Additionally, it is important to note that residential second units are considered compatible with most residential zones. Unless referring specifically to existing residential second units or regulations, “accessory dwelling unit” is used in this White Paper consistent with recent State law.

The definition of STRs may seem self-explanatory and simply illustrated by an Airbnb listing; however, for purposes of furthering public discourse and County policymaking, STRs should be defined relative to the similar and regulated uses listed above.

**4.1.2.2 RELATION TO DEVELOPMENT CODE**

Like hotels, STRs generate income for the property owner or primary occupant and may increase neighborhood-wide tenant turnover. However, unlike hotels, STRs retain the neighborhood’s physical character (i.e., operating out of existing dwelling units) and are not necessarily as active as
hotels in terms of frequency of guest turnover and presence of related amenities (e.g., restaurants, gift shops, etc.).

Accessory dwelling units are intended to facilitate meeting the County's projected housing needs, provide diverse housing opportunities, and provide needed income for homeowners. This use type is recognized as being a key source of safe and decent affordable housing. Despite the intention that accessory dwelling units be utilized as part of the permanent housing stock (i.e., a dwelling with an accessory dwelling unit would provide housing for two households), the County's Development Code does not require that accessory dwelling units, or junior accessory dwelling units\textsuperscript{16}, be rented for 30 consecutive days or more. While some accessory dwelling units may be utilized as STRs rather than long-term rentals, it is extremely variable and simply depends on the nature of the property and the property owner. Therefore, to implement the intent of accessory dwelling units, proposed STR regulation could include a requirement that prevents accessory dwelling units from being rented as STRs.

4.1.2.3 ENFORCEMENT

Enforcement of codes is a frequent challenge for jurisdictions considering adequate code enforcement resources. Unlike other provisions of the Municipal Code (e.g., public safety, welfare), zoning compliance is generally not monitored by patrolling officers. Zoning violations are typically communicated by complaints from neighbors and handled by a zoning enforcement officer (i.e., complaint driven enforcement). STRs are typically difficult for code enforcement staff to address because they are temporary in nature and some owners remain anonymous making it hard to track them down.

Given the relative anonymity of online hosting services (e.g., Airbnb, VRBO, and Homeaway), enforcement of ordinances pertaining to STRs may be difficult. Sites like Airbnb often keep listing addresses private until an arrangement is finalized between the provider and a tenant. Further, unlike Uber, which requires its drivers to place the Uber logo visibly in the car; the rental listings on Airbnb do not mark their homes to signify their participation in the marketplace. The number of hosting platforms adds time and expense to the investigation process.

Other Municipal Code standards, such as tax and business license requirements, also govern STRs. Limited transaction data provided by online hosting services creates additional challenges for verification of accurate TOT remittance and auditing. Furthermore, some hosting services have been unwilling to enforce mandates for listing TOT certificate and business license numbers in online unit listings.

\textsuperscript{16} A junior second unit is typically an in-home retrofit of an existing bedroom into an independent rental unit, including an efficiency kitchen. The County is currently allowing these units under the definition of a room rental with a snack bar or wet bar.
4.2 CASE STUDIES

There are several examples of best practices for jurisdictions to consider when crafting a STR regulation. The following case studies highlight various practices which may be applicable to the inland area of Marin County.

4.2.1 CITY OF SOUTH LAKE TAHOE

The City of South Lake Tahoe is a popular tourist destination that has adapted its regulation with the large and recent expansion of the sharing economy. According to the City, South Lake Tahoe has approximately 1,800 vacation home rental properties. Due to the rapid growth of online hosting services, the City had to rethink their regulatory framework, now issuing a STR permit that serves as a discretionary license. The permit/license process includes an initial $545 fee and annual fee which ranges from $150 to $800 based on the maximum unit occupancy. The City’s STR permit/license acts as registration to collect TOT, and the permit/license fees cover enforcement costs of the STR program itself. A separate business license is not required for single family vacation home rentals, but is required for multi-family vacation home rentals.

Additional STR requirements include 300-foot neighbor notification, inspection, mandatory local contact, exterior and interior signage, payment of TOT, STR permit number and maximum occupancy identified in all marketing of the unit, and other specific requirements. While the certain enforcement issues are largely response driven (noise, parking, etc.), the City’s Police Department designated a STR enforcement officer, who is on duty from 4pm to 2am Friday through Monday. Also, a full time STR investigator/TOT auditor conducts investigations.

4.2.2 TOWN OF MAMMOTH LAKES

The Town of Mammoth Lakes is also a popular tourist destination that had a unique struggle with STRs. The controversy became so fierce that it led to the passage of an initiative (Measure Z) in 2015, that does not allow STRs to expand in zones where they are currently prohibited without voter approval. Most residential neighborhoods in Mammoth Lakes are prohibited from renting for fewer than 30 days; therefore, Measure Z severely restricts STRs. Following the approval of Measure Z, the Town adopted STR regulations to address community character type issues. These regulations were adopted as part of Title 5, Business Taxes, Licenses, and Regulations, of the Mammoth Lakes Municipal Code.

The Mammoth Lakes STR regulations require an inspection of the unit before it can be rented on a short-term basis. The Town-approved inspector reviews the unit for life safety items (e.g., smoke alarms, fire extinguishers, structurally sound stairs, clear exits, etc.) and also ensures an in-unit notice that outlines parking standards, trash requirements, an evacuation plan, and noise regulations. Other requirements include occupancy limits, 24-hour contact person, and any advertising of the unit to include the TOT certificate number. A business license and TOT certificate are required for STRs where allowed.
Furthermore, Mammoth Lakes only allows accessory dwelling units when the owner occupies either the primary or secondary unit as a permanent or seasonal residence, and requires a deed restriction to acknowledge and commit to the zoning requirements, including prohibitions on short-term rentals as applicable. With these regulations, the Town is able to better maintain neighborhood character and ensure accessory dwelling units remain on the long-term rental market.

4.2.3 CITY OF SAN FRANCISCO

The City of San Francisco has consistently been on the forefront of grappling with the impacts of the sharing economy. Because of its foundation as a popular online hosting service destination, the City has attempted to require online hosting services, like Airbnb, to concede to City regulations. Conversely, Airbnb is the only Qualified Website Company operating in the City, which authorizes Airbnb to collect and remit TOT on behalf of the San Francisco property owners using Airbnb.

The City's Board of Supervisors has recently voted in favor of new STR regulations, stating now that un-hosted and hosted STR units that are rented out for less than 30-day increments can only be rented out for 60 days in total per year. In addition to the new restriction, the City maintains the requirement that residents pay a $250 registration fee to the Office of Short-Term Rentals every two years. Additional requirements include primary residency requirement, liability insurance, and payment of TOT. This regulatory framework is relatively stringent in comparison to other jurisdictions, especially because hosted units are now included in this new 60 day cap.\textsuperscript{17} San Francisco has obtained cooperation from Airbnb and Homeaway to incorporate registration and other compliance measures into their platforms.

4.2.4 SONOMA COUNTY

Sonoma County recognized the importance of STRs and adopted an ordinance to be compatible with the benefits of this use. The ordinance states that most STRs are beneficial and operate without a problem; however, the largest issues are outlined as "excessive noise, parking, litter, and concerns regarding septic capabilities, security, public safety, and trespass." The ordinance outlines various provisions, including: specific definitions applicable to transient occupancy and vacation rentals, a permit requirement, a TOT license requirement, a designated 24-hour contact, a noise limit (quiet hours between 10:00pm and 9:00am), and specific parking requirements.

Since STRs vary in size and are rented in varying forms (i.e., shared room, private room, entire place), they have varying parking needs. Sonoma County incorporated clear standards that address this, stating that one on-site parking space is required for a rental of up to two guestrooms or sleeping rooms, two on-site parking spaces are required for rentals with three or four guestrooms, and larger rentals must demonstrate adequate parking of at least three spaces. These simple and clear parking

\textsuperscript{17} Bigad Shaban, "SF Limits How Often Hosts Can Rent Out Homes on Airbnb, Other Websites", NBC Bay Area, November 29, 2016.
standards are enforced only by complaint, which may or may not be the most effective enforcement tactic.
5 COASTAL ZONE

This Section summarizes regulatory framework and case studies pertinent to the Marin County Coastal Zone. The discussion below is provided to assist the County in making an informed decision on appropriate STR regulations in this unique and sensitive area of the County.

Coastal communities face additional challenges relative to inland areas of Marin County largely because vacation rentals are more widely used and at higher concentrations. According to data supplied by the County, STRs make up a substantial proportion of the lodging available on the coast\(^1\). County locals have expressed concern with the constant vacation rental presence impacting their neighborhoods and negatively affecting their sense of community. STR regulation for the Coastal Zone must consider the impacted coastal communities, the existing Coastal Zone, CCC, and how Marin County can effectively amend current regulations.

The California Coastal Zone is a specially regulated section of the State. It requires regulations aimed at maintaining the integrity of the coast that other State land does not require. The Coastal Zone stretches north/south along the State's coastline and generally extends inland 1,000 yards. Fifteen counties are included in the Coastal Zone (from north to south): Del Norte, Humboldt, Mendocino, Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, and San Diego.

5.1 REGULATORY FRAMEWORK

The following Subsections describe the existing regulatory framework that impacts the County's Coastal Zone. The purpose of this discussion is to identify key relevant information that will inform the creation of a STR regulatory program.

5.1.1 COASTAL ACT

The California Coastal Act acts as the regulatory framework that governs the CCC's decisions. It outlines standards and regulations that influence development in the Coastal Zone. Any "development" activity in the Coastal Zone requires a Coastal Development Permit from the CCC or local government with a certified LCP. The Coastal Act defines "development" as "the placement or erection of any solid material or structure... change in the density or intensity of use of land... change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility...". According to Steve Kinsey, the Chair of the CCC, "the regulation of [STRs]

\(^1\) Based on a comparison of VRBO Inventory to Overnight Accommodations in the Unit II Coastal Zone, 80% of total lodging establishments are short term rentals. This figure compares the direct number of vacation rentals to the number of Inns, motels, hotels, or similar. However, since the number of available rooms in vacation rentals is normally fewer than the number of available rooms in Inns, motels, or hotels, this number would be lower had the number of rooms been compared.
represents a change in the intensity of use... and thus constitutes development to which the Coastal
Act and LCPs must apply*, therefore regulation imposed through a LCP amendment and/or Coastal
Development Permit appears appropriate.

Additionally, the Coastal Act directly relates to STRs in Section 30213, when stating “the Commission
shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately
owned and operated hotel, motel, or other similar visitor-serving facility located on either public or
private lands; or (2) establish or approve any method for the identification of low or moderate
income persons for the purpose of determining eligibility for overnight room rentals in any such
facilities”. The CCC has not historically supported excessive restrictions on STRs that would unduly
limit visitor serving uses; those restrictions are typically found to be inconsistent with the Coastal
Act. Because of this, Marin County's regulatory options in the Coastal Zone must be treated
differently than the regulatory options in the rest of the County.

5.1.2 MARIN COUNTY LOCAL COASTAL PROGRAM AND AMENDMENTS

The purpose of Marin County's LCP is to "carry out the coastal resource protection policies of the
California Coastal Act of 1976". To implement this, the LCP utilizes the "coastal permit", which is
required by the majority of development activities within the Coastal Zone of the County. The LCP
"takes precedence over other local plans, policies and regulations, including conflicting provisions of
the Countywide Plan, Community Plans and relevant sections of the Marin County Code".

The Marin County LCP Implementation Program Amendments (2015-2016) are currently underway.
The following policy and program statements are included in these amendments:

“C-HS-6: Regulate Short-Term Rental of Primary or Second Units. Regulate the use of residential
housing for short-term vacation rentals.

C-HS-6.a: Vacation Rental Ordinance:

1. Work with community groups to develop an ordinance regulating short-term vacation
   rentals.
2. Research and report to the Board of Supervisors on the feasibility of such an ordinance,
   options for enforcement, estimated program cost to the county, and the legal framework
   associated with rental properties”.

Any new STR regulation applicable to the Coastal Zone would need to be appropriately addressed in
the LCP and approved by the CCC.

5.1.3 INTERIM ZONING CODE

The Interim Marin County Costal Zoning Code provides development standards that implement the
Countywide Plan and LCP. This Code does not explicitly address STRs, but it shares similarities to the
inland Development Code in regards to Relation to Development Code (see Subsection 4.1.2.2) and
Enforcement (see Subsection 4.1.2.3). However, it includes definitions that are unique to the Coastal Zone and therefore differ from the previously mentioned relevant definitions in Development Code Definitions (Subsection 4.1.2.1). As described in Subsection 4.1.2.1, the definition of STRs may seem self-explanatory; however, it is worth noting the following currently defined uses in the Interim Zoning Code.

**Bed and Breakfast (coastal):** means the providing of not more than five guest bedrooms and which may include providing limited meal service such as light breakfasts and late night snacks and other refreshments and which use is clearly secondary and incidental to the use of the property as a single-family residence. Prior to the establishment of any “bed and breakfast” operation, it shall be the responsibility of the operator to secure and/or satisfy all prevailing off-street parking, water supply, waste disposal and fire safety requirements as may be applicable. In those instances where a use permit is required prior to the establishment of a bed and breakfast operation, the county hearing officer shall give particular consideration to the following issues during review of use permit applications: safety of access, privacy of neighbors and environmental review aspects.

**Guest House (coastal):** means living quarters within a detached accessory building located on the same premises with the main building, for use by guests of the occupants of the premises, such quarters having no kitchen or cooking facilities and not rented or otherwise used as a separate dwelling.

**Hotel (coastal):** means any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied, or which may be occupied, whether the compensation be paid directly or indirectly.

### 5.2 CASE STUDIES

There are several examples of STR best practices to consider when crafting a STR regulation for Marin County. The following case studies offer summaries of potentially applicable practices for the Marin County Coastal Zone within the context of the Coastal Act and LCPs.

It is important to note that the CCC is the deciding entity for all LCP amendments. The CCC approved both the Santa Cruz County regulations and the San Luis Obispo regulations, described below. Based on other approved vacation rental LCP amendments (e.g., Humboldt County), the CCC tends to approve proposed vacation rental amendments that are “not to prohibit vacation rentals or to significantly diminish their visitor serving utility, but rather to provide a means and a framework to appropriately regulate their establishment and operation”.

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LISA WISE CONSULTING, INC. | 21
5.2.1 SANTA CRUZ COUNTY

In 2011, Santa Cruz County implemented STR regulations by approving the use of a Vacation Rental Permit. According to the County's LCP amendment, the regulation “does not prohibit, or unduly restrict, the rental of residences to visitors in a manner that will diminish the public's ability to access and recreate on the coast by renting a coastal residence. Rather, [it] provides a means to appropriately regulate vacation rentals in a manner that continues to provide an important overnight visitor function at the same time as protecting coastal resources, including access to recreational opportunities and community character, consistent with the requirements of the LCP's Land Use Plan”. These regulations were amended in 2015 and again by the County in 2016; this Section discusses the current amended regulations.

The Santa Cruz County STR regulations define vacation rentals as the rental of an entire dwelling unit that is not occupied by the owner or owner's agent while it is being rented, and where the rental period is no more than 30 consecutive days. Vacation rentals do not include ongoing month-to-month tenancy granted to the same renter for the same unit, one less-than-30-day period per year, or a house exchange for which there is no payment. Accessory structures and accessory dwelling units may not be used as vacation rentals.

Vacation rentals are allowed in all zones that allow residential use and only require Zoning Administrator approval if the vacation rental has four or more bedrooms. The regulations for vacation rentals require:

- Vacation rental permit;
- Registration and payment of Transient Occupancy Tax (TOT);
- Differentiated requirements for existing vacation rentals, new vacation rentals, and rentals in special designated areas;
- New vacation rentals in “common wall” developments to obtain adjoining property owners authorization;
- Signage identifying a structure as a vacation rental, including the name and phone number of a local contact person responsible for responding to complaints;
- Maximum occupancy limitations;
- Rental rules posted inside the unit;
- Number of vehicles must not exceed the on-site parking spaces by more than two vehicles;
- Amendment to a vacation rental permit if the number of bedrooms in the vacation rental is increased or if the square footage of the vacation rental is increased by more than 50%;
- Dispute resolution process; and
- That the property owner be subject to enforcement provisions.

As described above, the Santa Cruz County example offers both strict and inclusive regulation of the STR market. It defines clearly that vacation rentals are un-hosted units, meaning that any hosted unit need not go through the permitting process. Additionally, as these regulations were amended in 2015 and 2016, it serves as an example of regulatory action that was amended over time.
5.2.2 SAN LUIS OBISPO COUNTY

San Luis Obispo County first adopted a residential vacation rental ordinance in 2003, and amended it in 2013. The amendment was found not to unduly restrict STRs from accessing the coastal area and was therefore approved by the CCC. San Luis Obispo County defines residential vacation rentals as “the use of an existing residence, or a new residential structure that has been constructed in conformance with all standards applicable to residential development, as a rental for transient use”. Some of the most pertinent regulations for residential vacation rentals are as follows:

- **Permit requirements:** Zoning clearance, business license, and TOT registration is required for each residential vacation rental.

- **Location:** Each listed San Luis Obispo County coastal community has different locational requirements that attempt to prevent high concentrations of vacation rentals on the coast. For example, Cambria does not allow residential vacation rentals within 200 linear feet of a parcel on the same side of the street as a vacation rental, 200 linear feet of the parcel on the opposite side of the street from the vacation rental, and 150-foot radius around the vacation rental. However, in Avila Beach, residential vacation rentals are simply not allowed within 50 feet of another parcel with a residential vacation rental and/or visitor-serving accommodation. Unless approvals from the County have term limits, these types of locational requirements can create concerns with first-come, first-served policy.

- **Vacation rental tenancy:** A residence shall not exceed four individual tenancies per calendar month. This cap limits a large neighborhood character issue: high nightly turnaround rate, but may pose enforcement challenges.

- **Number of occupants allowed:** The maximum number of occupants shall not exceed the number of occupants that can be accommodated consistent with on-site parking requirements, and shall not exceed two persons per bedroom plus two additional persons.

- **Appearance, visibility and location:** To maintain a cohesive neighborhood character, residential vacation rentals shall not change the residential character of the outside appearance of the building (e.g., colors, materials, lighting) or by the emission of noise, glare, flashing lights, vibrations or odors.

- **Signs:** The availability of the rental unit to the public shall not be advertised on site, which is quite different than the signage requirements of Santa Cruz County, where a physical sign with contact information is required on-premises. In other jurisdictions, concerns have been raised in regards to signage on vacation rentals. Often, HOAs do not allow exterior signage, which would complicate the process. Additionally, identified vacation rentals could be targeted for theft.

- **On-site parking required:** All parking associated shall be entirely on-site, in the garage, driveway or otherwise out of the roadway. Tenants shall not use on-street parking.

- **Local contact person:** Similar to Santa Cruz County, all residential vacation rentals shall designate a local property manager that is available 24 hours a day to respond to tenant and neighborhood questions or concerns.
As described above, the San Luis Obispo County example offers clear and unique regulations that vary depending on the specific characteristics of each unincorporated coastal community. Additionally, it serves as an example of regulations that evolved to be compatible with the sharing economy trend and the Coastal Act.

5.2.3 OTHER JURISDICTIONS

As indicated earlier, the CCC tends to approve STR regulations that continue to allow STRs in the Coastal Zone with reasonable regulation. Table 5-1 summarizes various LCP amendments and whether or not they were approved in identified Coastal Zone jurisdictions.¹⁹

<table>
<thead>
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<th>JURISDICTION</th>
<th>SUMMARY</th>
<th>APPROVED?</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Trinidad</td>
<td>Addresses licensing of STRs as “vacation dwelling units”; includes various other requirements and restrictions (e.g., signage, parking, occupancy limitations, restrictions on water use to avoid overtaxing septic system capacity)</td>
<td>Yes (2011); however, a moratorium was enacted in 2015 and extended in 2016 due to community concerns</td>
</tr>
<tr>
<td>County of Humboldt</td>
<td>Proposed STRs in specific area only</td>
<td>Yes (2005) (but County did not accept CCC modifications; expired)</td>
</tr>
<tr>
<td>City of Pismo Beach</td>
<td>Proposed a ban on STRs in all residential zones</td>
<td>No (2011)</td>
</tr>
<tr>
<td>City of Dana Point</td>
<td>Allows STRs in all zones where residential uses are allowed subject to certain criteria</td>
<td>Yes (2016)</td>
</tr>
<tr>
<td>City of Encinitas</td>
<td>Allows for STRs in specific area adjacent to the coast</td>
<td>Yes (2006) (but City did not accept CCC modifications; expired)</td>
</tr>
</tbody>
</table>

¹⁹ California Coastal Commission, Sample of Commission Actions on Short Term Rentals, (July 19, 2016), 1-3.
| City of Solana Beach | Permits STRs in all residential zones but specifies a 7-day minimum stay | Yes (2012) |
| City of Imperial Beach | Defines “short-term rental” as the renting of residential property for less than 30 days; adds short-term rentals as a permitted use in two commercial and one mixed use overlay zones; also adds new definition of “time share” | Yes (2004) |
6 CONCLUSION

STRs are, and will continue to be, a controversial topic in Marin County and elsewhere. As stated in a guidebook from the Sustainable Economics Law Center, “sooner or later, nearly every city will need to address the rapid spread of short-term rentals.”20 The considerations, regulatory frameworks, and case studies described in this White Paper are intended to assist the County in making the most informed decision possible regarding this potential regulatory program. As noted, the key problem with crafting beneficial STR regulations is doing so with a lack of consistent and timely data due to the novel nature of the sharing economy. This White Paper is meant to supply the County with a general understanding of the potential impacts STRs can have on the community and to inform the County’s direction and next steps in developing STR regulations through case studies.

SHORT TERM RENTAL REGULATORY ALTERNATIVES

This memorandum is intended to work in conjunction with the white paper on short term rentals prepared by Lisa Wise Consulting Inc. to report to the Board of Supervisors on possible approaches to regulating short term rentals in the unincorporated portion of Marin County. The feasibility of such regulations as well as options for enforcement and estimated program costs are presented to provide information to the Board. The program cost estimates include the research and development costs to establish the program, ongoing enforcement costs, and potential revenue sources associated with the program. Provided below is a discussion of key issues and a preliminary range of alternatives for the Board's consideration.

Background

There are both potentially positive and potentially negative consequences to the growth of short term rentals in the unincorporated portions of Marin County. Among the benefits are providing more lodging for visitors to the coastal areas and national parks in Marin and providing home owners of modest means the ability to partially offset the cost of mortgage payments by renting out rooms on the property where they live. However, the negative impacts include reducing housing opportunities for local residents and inconveniencing neighbors with the effects of additional traffic, parked cars, noise and other effects of having a continual stream of visitors in residential neighborhoods.

Crafting common sense regulations could help take advantage of the potential benefits while reducing the potential negative effects of short term rentals. However, regulatory frameworks are only as good as the enforcement mechanisms behind them. The Community Development Agency's normal enforcement mechanism is most effective in addressing illegal development. Once code enforcement staff receives a complaint, they can investigate that complaint by visiting a property during normal business hours, ascertain whether illegal development has occurred, and then take any steps necessary to address the case.

The normal code enforcement approach would not be effective for short term rentals for a number of reasons. First, it is often not possible to easily discover whether a unit is being used as a short term rental. Short term rental companies such as Airbnb, VRBO, and Homeaway have been reluctant to provide the addresses of their rentals to public agencies, and often do not provide the address of the rental until after the customer has reserved and paid for the rental. For a code enforcement case to be successful, evidence must show that the County has caught the renter in the act of a short term rental, which often occurs outside of regular business hours.

Planning staff considered two basic frameworks for regulating short term rentals: (1) zoning restrictions; (2) a registration and licensing program. Zoning restrictions can be effective in some instances, but they also result in a number of potential problems, including the following:

- Zoning restrictions are prospective; existing short term rentals would be considered legal non-conforming and could not be regulated.
• Zoning restrictions may require a permit, but the fee for that permit is charged on a one time basis only, and does not offset the ongoing costs associated with impacts, administration, or enforcement.

• Zoning law contains provisions such as mandatory timelines, which are not necessary for short term rentals.

In comparison, an ongoing licensing requirement would allow the County to collect revenues to offset impacts and costs associated with the administration and enforcement of the short term rental rules. Further, there is a much greater degree of local control when it comes to establishing licensing programs because they are not governed by normal planning laws.

Therefore, planning staff recommends relying on a licensing program rather than zoning restrictions if the Board decides to create a regulatory framework for short term rentals.

However, this is not intended to mean that the creation of short term rentals in the Coastal Zone would necessarily remain exempt or excluded from Coastal Permit requirements. The Coastal Commission has indicated that “the regulation of [Short Term Rentals] represents a change in use... and thus constitutes development to which the Coastal Act and LCPs must apply.” Therefore, short term rentals should be addressed in a future LCP amendment. It should also be noted, however, that the Coastal Act requires visitor serving uses in the Coastal Zone. Therefore, excessive restrictions on short term rentals in the Coastal Zone would conflict with the Coastal Act.

**Alternatives for Reporting, Registration, and Licensing Requirements**

Provided below are alternatives for regulating short term rentals along for the Board’s consideration.

Short Term Rental (STR) Reporting. Require that all companies facilitating the marketing and rental of STRs report all of their host properties to the County. This is an evolving area of law, but there seems to be some movement on the part of STR companies to meet this requirement (e.g. Airbnb in San Francisco).

Registration. Require that all property owners who wish to establish STRs register their properties with the CDA. Registration would require a fee and could include the requirements listed below.

1. *Property Status Determination.* Require that every potential STR license holder first obtain a property status determination from the County verifying that the development and activities on the property are in good legal standing, and that there are no unresolved code enforcement cases open against the property.

2. *Health and Safety.* Require that a third-party housing inspection report be provided, verifying that the rental space meets fire code and basic safety requirements.

3. *Signage.* Require that each STR have a sign posted inside that notifies renters of applicable rules. Require that a small sign outside identify the residence as a short term rental when it is being rented and provide a direct phone number to contact the owner.
4. **Business License.** Require that STR hosts obtain a business license from the Department of Finance.

**Annual License.** Allow registered STRs to be rented for less than 30 days subject to the requirements listed below.

1. **Owner Occupancy.** Require that the property contains the primary residence of the license holder, and that the license holder maintains their homeowner's exemption for the property.

2. **Rental Limits.** Limit the number of nights that a license holder can rent an entire home on a short term basis to a maximum of 90 per year.

3. **Accessory Dwelling Units.** Prohibit STRs in Accessory Dwelling Units, including Junior Accessory Dwelling Units.

4. **TOT.** Require that hosts pay their Transient Occupancy Tax.

**Programmatic Cost Estimates**

The basic assumption for pricing the STR registration and license fees are that the cost of the STR program should not be subsidized by the taxpayers and should not affect net County costs over the long term. To ensure these goals are met, the registration and licensing fees should be set high enough to amortize payment of the costs of research and development over a maximum period of 10 years from the inception of the program. Precise cost projections for the costs of research, development, and initial implementation, as well as ongoing implementation and enforcement are not possible given the data currently available. However, estimates of the costs associated based on previous experience and discussions with potential consultants are provided below. These estimates assume that all of the alternatives discussed above are implemented.

**Research, Development, and Initial Implementation**

*Time Period: 2 years*

*Total Estimated Cost: $265,000*

1. **Program Management.** County staff will need to be employed to guide and manage the research and development of the STR program.

   Cost estimate: $20,000 to $30,000

2. **Ordinance Preparation.** Planning consultants will research various approaches, conduct limited public outreach, and draft a stand-alone STR ordinance based on the direction of the Board. They will present the draft ordinance to the Board and prepare the final ordinance based on the Board’s direction.

   Cost estimate: $25,000 to $45,000

3. **Legal Review.** Legal review of the STR ordinance will need to be provided by the County Counsel’s office or outside attorneys.

   Cost Estimate: Unknown
4. **Infor.** A new module will need to be created in our permit tracking system to register and license STRs.

Cost estimate: $15,000

5. **LCP Amendment.** Based on the consultant’s initial work, long range planning staff will need to engage with stakeholders and the public, prepare an LCP Amendment, and take it through the hearing process.

Cost estimate: $95,000- $100,000

6. **Initial Implementation.** Once the ordinance becomes effective, there will be a high number of applicants for STR licenses. Given the high number of applicants, the CDA will not have the institutional capacity to process all of the applications. Therefore, an outside consulting firm will need to be hired to process the initial batch of applications.

Cost estimate: $50,000- $75,000 (assuming 1,000 applications within the first six months)

**Ongoing Program Implementation**
*Time Period: 8 year amortization period*
*Annual Estimated Cost: $235,000*

1. **Program Management.** County staff will need to be employed to manage the STR program and bring code enforcement cases to an administrative law judge hearing.

Cost estimate: $50,000 per year (1/2 FTE code enforcement and assistance from County Counsel)

2. **Tracking STRs.** An outside consulting firm will need to be hired to find and track STRs. One such firm is Host Compliance. Host Compliance estimated that there were approximately 1,126 unique STR listings in the unincorporated areas of Marin County on November 17, 2016. Based on this estimate, Host Compliance would be able to offer the following services to assist the County with the STR program: (1) address identification, (2) compliance monitoring, (3) rental activity marketing, and (4) 24/7 dedicated hotline.

Cost Estimate: $75,000 per year

3. **Enforcement.** The illegal operation of STRs will need to be investigated both inside and outside of normal business hours using non-traditional practices such as sting operations to collect evidence. Therefore, an outside consulting firm will need to be hired to conduct code enforcement investigations before County staff can bring a case to an administrative law judge hearing.

Estimated Cost: $110,000 per year
Conclusion

Assuming that (1) the total number of STRs in the unincorporated County remains stable at 1,126, (2) that the full costs of the program will be amortized over 10 years, and (3) that registration costs will be negligible, then the average cost of an STR license could be up to approximately $240.00 per year. This could be adjusted based on inflation, initial registration costs, and whether a whole home or just part of a home is being rented on a short term basis. Increases in the number of short term rentals would reduce the cost of single licenses because the initial outlay of funds for research and development of the program would be spread over more licensees.
Short Term Rental in Unincorporated Marin

The Marin County Board of Supervisors is considering rules for short term rentals.

All Registered Responses sorted chronologically

As of July 6, 2017, 4:08 PM
Short Term Rental in Unincorporated Marin

The Marin County Board of Supervisors is considering rules for short term rentals.

As of July 6, 2017, 4:08 PM, this forum had:
Attendees: 281
Registered Responses: 86
All Responses: 247
Hours of Public Comment: 12.4

This topic started on May 26, 2017, 1:50 PM.
Short Term Rental in Unincorporated Marin
The Marin County Board of Supervisors is considering rules for short term rentals.

Responses

Do you live in an unincorporated area of Marin County? (e.g. Kentfield, Strawberry, Nicasio, Point Reyes Station)

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Where do you live?

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<td>area of east Marin</td>
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<td>(e.g. Kentfield,</td>
<td></td>
<td></td>
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<tr>
<td>Strawberry)</td>
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<tr>
<td>In west Marin</td>
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<td>(e.g. Nicasio, Point</td>
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<td>56</td>
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<td>Reyes Station)</td>
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Do you own property in an unincorporated area of Marin County?

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Have you stayed in a short term rental in Marin?

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<td>Have you owned a short term rental in Marin?</td>
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<th>Count</th>
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<td>Do you think that short term rentals often inconvenience neighbors?</td>
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<td>yes</td>
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<td>39.5%</td>
<td>34</td>
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</table>

<table>
<thead>
<tr>
<th>Question</th>
<th>%</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you think that short term rentals help many homeowners cover mortgage costs that they may otherwise have trouble paying?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>yes</td>
<td>76.5%</td>
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</tr>
<tr>
<td>no</td>
<td>23.5%</td>
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<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Do you think that short term rentals substantially reduce long term rental housing available in Marin County?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>yes</td>
<td>61.6%</td>
<td>53</td>
</tr>
<tr>
<td>no</td>
<td>38.4%</td>
<td>33</td>
</tr>
</tbody>
</table>
## Short Term Rental in Unincorporated Marin

The Marin County Board of Supervisors is considering rules for short term rentals.

### Do you think that short term rentals often fray the social fabric of small communities?

<table>
<thead>
<tr>
<th></th>
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<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
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<td>51</td>
</tr>
<tr>
<td>no</td>
<td>40.0%</td>
<td>34</td>
</tr>
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</table>

### Do you think that Marin County should regulate short term rentals of whole homes?

<table>
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<tr>
<th></th>
<th></th>
<th>Count</th>
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<td>69.4%</td>
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</tr>
<tr>
<td>no</td>
<td>30.6%</td>
<td>26</td>
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</table>

### Do you think that Marin County should regulate short term rentals of rooms or portions of homes?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Count</th>
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<tr>
<td>yes</td>
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</tr>
<tr>
<td>no</td>
<td>53.5%</td>
<td>46</td>
</tr>
</tbody>
</table>
December 6, 2016

TO: Coastal Planning/Community Development Directors

SUBJECT: Short-Term/Vacation Rentals in the California Coastal Zone

Dear Planning/Community Development Director:

Your community and others state and nationwide are grappling with the use of private residential areas for short-term overnight accommodations. This practice, commonly referred to as vacation rentals (or short-term rentals), has recently elicited significant controversy over the proper use of private residential stock within residential areas. Although vacation rentals have historically been part of our beach communities for many decades, the more recent introduction of online booking sites has resulted in a surge of vacation rental activity, and has led to an increased focus on how best to regulate these rentals.

The Commission has heard a variety of viewpoints on this topic. Some argue that private residences should remain solely for the exclusive use of those who reside there in order to foster neighborhood stability and residential character, as well as to ensure adequate housing stock in the community. Others argue that vacation rentals should be encouraged because they often provide more affordable options for families and other coastal visitors of a wide range of economic backgrounds to enjoy the California coastline. In addition, vacation rentals allow property owners an avenue to use their residence as a source of supplemental income. There are no easy answers to the vexing issues and questions of how best to regulate short-term/vacation rentals. The purpose of this letter is to provide guidance and direction on the appropriate regulatory approach to vacation rentals in your coastal zone areas moving forward.

First, please note that vacation rental regulation in the coastal zone must occur within the context of your local coastal program (LCP) and/or be authorized pursuant to a coastal development permit (CDP). The regulation of short-term/vacation rentals represents a change in the intensity of use and of access to the shoreline, and thus constitutes development to which the Coastal Act and LCPs must apply. We do not believe that regulation outside of that LCP/CDP context (e.g., outright vacation rental bans through other local processes) is legally enforceable in the coastal zone, and we strongly encourage your community to pursue vacation rental regulation through your LCP.

The Commission has experience in this arena, and has helped several communities develop successful LCP vacation rental rules and programs (e.g., certified programs in San Luis Obispo and Santa Cruz Counties going back over a decade; see a summary of such LCP ordinances on our
website at: https://documents.coastal.ca.gov/assets/la/Sample_of_Commission_Actions_on_Short_Term_Rentals.pdf. We suggest that you pay particular attention to the extent to which any such regulations are susceptible to monitoring and enforcement since these programs present some challenges in those regards. I encourage you to contact your local district Coastal Commission office for help in such efforts.

Second, the Commission has not historically supported blanket vacation rental bans under the Coastal Act, and has found such programs in the past not to be consistent with the Coastal Act. In such cases the Commission has found that vacation rental prohibitions unduly limit public recreational access opportunities inconsistent with the Coastal Act. However, in situations where a community already provides an ample supply of vacation rentals and where further proliferation of vacation rentals would impair community character or other coastal resources, restrictions may be appropriate. In any case, we strongly support developing reasonable and balanced regulations that can be tailored to address the specific issues within your community to allow for vacation rentals, while providing appropriate regulations to ensure consistency with applicable laws. We believe that appropriate rules and regulations can address issues and avoid potential problems, and that the end result can be an appropriate balancing of various viewpoints and interests. For example, the Commission has historically supported vacation rental regulations that provide for all of the following:

- Limits on the total number of vacation rentals allowed within certain areas (e.g., by neighborhood, by communitywide ratio, etc.).
- Limits on the types of housing that can be used as a vacation rental (e.g., disallowing vacation rentals in affordable housing contexts, etc.).
- Limits on maximum vacation rental occupancies.
- Limits on the amount of time a residential unit can be used as a vacation rental during a given time period.
- Requirements for 24-hour management and/or response, whether onsite or within a certain distance of the vacation rental.
- Requirements regarding onsite parking, garbage, and noise.
- Signage requirements, including posting 24-hour contact information, posting requirements and restrictions within units, and incorporating operational requirements and violation consequences (e.g., forfeit of deposits, etc.) in rental agreements.
- Payment of transient occupancy tax (TOT).
- Enforcement protocols, including requirements for responding to complaints and enforcing against violations of vacation rental requirements, including providing for revocation of vacation rental permits in certain circumstances.

These and/or other provisions may be applicable in your community. We believe that vacation rentals provide an important source of visitor accommodations in the coastal zone, especially for larger families and groups and for people of a wide range of economic backgrounds. At the same time we
also recognize and understand legitimate community concerns associated with the potential adverse impacts associated with vacation rentals, including with respect to community character and noise and traffic impacts. We also recognize concerns regarding the impact of vacation rentals on local housing stock and affordability. Thus, in our view it is not an ‘all or none’ proposition. Rather, the Commission’s obligation is to work with local governments to accommodate vacation rentals in a way that respects local context. Through application of reasonable enforceable LCP regulations on such rentals, Coastal Act provisions requiring that public recreational access opportunities be maximized can be achieved while also addressing potential concerns and issues.

We look forward to working with you and your community to regulate vacation rentals through your LCP in a balanced way that allows for them in a manner that is compatible with community character, including to avoid oversaturation of vacation rentals in any one neighborhood or locale, and that provides these important overnight options for visitors to our coastal areas. These types of LCP programs have proven successful in other communities, and we would suggest that their approach can serve as a model and starting place for your community moving forward. Please contact your local district Coastal Commission office for help in such efforts.

Sincerely,

[Signature]

STEVE KINSEY, Chair
California Coastal Commission
Margaret Kettunen Zegart

118 Highland Lane, Mill Valley, CA 94941  415-383-2771

June 26, 2017

Dear Jeremy:

Could you send me material / e-mail access to view “white paper” published last month from Lisa Wise Consulting that explores how short term rentals are regulated in cities throughout the state as well as the staff report for short term and over night rental options in Marin that are prepared for the supervisors at a meeting on July 18. These are some critical issues to examine and resolve, I believe.

Planners and Supervisors:
When discussing and creating short term rental occupancy policy, particularly in southern Marin, please consider:

**Marin has minimal public transportation and visiting tourists/ guests generally rent cars.**

**Terrain.** Parking on hilly, curving and narrow streets and lanes that do not or are unable to provide easily accessible on site parking should have special attention. As you consider regulations for weekend or overnight paying “guests”, topography of unincorporated Marin vary and should have special attention. For an affordable housing incentive, there was to be an exemption of an on-site parking space when a converted bedroom or extra room with an accessed bathroom and minimum cooking appliances, for a lower rent unit. This is not realistic for available on-street parking in the hilly, curving or narrow streets in The Tamalpais Planning Area (Almonte, Tamalpais Valley or Muir Woods Park). On narrow non-county maintained streets’ parcels homes built prior to WWII homes often have one on site parking space. Parking needs excess most homes’ planned on site parking; have inconvenient driveway accessed spaces so vehicles park on both sides of narrow or curving streets, causing a single vehicle width. Passage is often too narrow for two cars and pedestrians or for large delivery, refuse, construction vehicles and Marin Access vans and emergency service of ambulance and fire vehicles. More recent Marin Communities’ are on flat land areas with unincorporated County road maintenance and sidewalk. These areas adapt more easily to short term rentals.

**Emergency access plan.** Almonte has no County enabled emergency access plan that includes imperative pedestrian egress ad access for earthquake, fire and tsunami events although mapped access ways (paths, deteriorated steps and lanes) exist. Marin County publicity states that its unincorporated areas have county created emergency routes. The cities of Sausalito and Mill Valley mapped at similar times (e.g., Tamalpais Land and Water Company; Little Farms) have upgraded and shall nmaintain their emergency access ways.
No exemption of on-site parking space requirement for short term rentals. Do not count on site Tandem parking which may appear easily accessible on a paper plan but is not often used for homes’ parking, particularly on our early mapped Tamalpais Planning area’s driveways on curving and hilly streets.

Rental fee registration that includes contacts for hosts and “guests”; posting of conformance to standards, emergency resources and procedures - escape routes for earthquake, tsunami and fire events and restrictions including noise, traffic with frequent and routine sheriff monitoring for parking compliance* and any liability and fines’ processing.

Community character. Establish allowable ratio of full time residencies to permitted short term rentals. Less than 30% in Marshall, West Marin are year long residences. Albert Strauss notes that this causes adverse loss of community identity and benefits.*

Owner occupation for short term rental a requirement? This has been effective in the Tamalpais Planning Area for second unit ordinances in zoned single family resident areas.

On street parking permits required and issued for the parcel street frontage of owner, his guest and maintenance worker and registered short term renter. Contracted work requiring permits to be issued for week day street parking temp permits with address; workers pool rides from transit or area parking sites in addition to parcel on-site parking. Permit fees for renovation; new building to augment work vehicles to augment parking on parcel/home site. Should include parking provision.

Create / require small community overflow parking pods in new developments; parcel divisions.

Thank you and sincerely,

Margaret Kettunen Zegart

*Jim Wood, “CONVERSATIONS”[with Albert Strauss] Marin July 2017, p. 33*. I’m concerned that very few people can afford to live and work in West Marin anymore. In Marshall less than 30 percent of the homes are occupied by full time residents; most are short term rentals or weekend homes, so there’s less and less of a community.”
Re: Marin County Short Term Rental

Dear Mr. Tejirian,

I am writing to provide my voice and share my first-hand experience on this issue.

I have been a resident of Marin County for 33 years, first moved to Marin County in 1984, and owned the home at 43 Tweed Terrace for 16 years. In June of 2000 I purchased, as my primary residence, the floating home at 32 Liberty Dock in Sausalito, parcel #901-020-31. I sold my floating home *Tranquility Base*, in July of 2014. I currently live at 74 Del Oro Lagoon, in Bel Marin Keys.

During the 14 years I lived on Liberty Dock I experienced first-hand the destruction of community that was a direct result of VRBO and AirBnB providing a lucrative commercial platform to rent single family homes. One of the primary attractions of Liberty Dock in the summer of 2000 was the immediate sense of community that was evident in interactions with my neighbors. It did not take long before I knew the names of almost every resident of the 67 floating homes on Liberty Dock. There was a shared value in knowing your neighbors, watching out for each other, cooperating to make sure that life on the Dock was a positive experience for all.

During The Great Recession that began to change. There is never a single causal factor to any societal shift, but in this shift the over-whelming force of change was AirBnB and VRBO. It started out slowly. First Carter’s boat and his plea that he lost his job, without a share rental he would default. The community was generally sympathetic and supportive. But then it was Michele Affronte, converting her boats from long term rentals to AirBnB rentals (in violation of the WPH Lease), then others followed the easy path of lucrative STR money. Soon, sales of houseboats to investors with zero connection to the community, in sole purpose of profits.

When wide-eyed and clue-less tourists trundling wheelies down the dock on Friday afternoon became a weekly occurrence, I knew that our Liberty Dock community was being destroyed. I left my Tranquility Base. When a Marin County resident invests in the purchase of a single family home in a neighborhood, it is unacceptable for STR companies to facilitate the destruction of community for the sole pursuit of profits. STR is a commercial enterprise and should be regulated as any other business.

Regards,

Matthew Feldmeir

Novato, CA

PS: I also completed the survey.
Hi Jeremy,

I know Marin County is deciding on regulations for STRs soon and wanted to offer any help I could.

My company DwellWell ([https://getdwellwell.com/](https://getdwellwell.com/)) does safety certifications for short-term rentals. We make sure rentals have been verified as a safe space for guests by testing for mold, allergens, water, fire safety, carbon monoxide and do evacuation planning.

We also work with cities to help them with any questions they have regarding legislation to find a solution where everyone has the chance to win.

I've attached a whitepaper on STR Safety and would love to talk more if you have time.

Thanks for your time and look forward to talking.

Best,

--

Randy Jensen
CEO/Founder DwellWell
[http://getdwellwell.com](http://getdwellwell.com)
Short-Term Rental Permits

A Safety Guide for Government Legislation

Safety
Accountability
Community
Introduction

Short-Term Rental legislation is a challenging topic. The process of establishing Short-Term Rental permits is a subject affecting big cities, small towns, and everything in between. Attainable and enforceable legislation relies on three categories: Safety, Accountability, and Community. This white paper offers key Safety guidelines for Short-Term Rental permits (additional white papers shall address the issues of Community and Accountability).

Mollie Harstad  
DwellWell CCO  
Program Manager, overseeing all inspections, inspectors, and associated training. In addition to being a certified home and mold inspector, Mollie has a deep background in training and project management. Prior to co-founding DwellWell, Mollie was Vice President of Solution Design for Campbell Alliance, a global consulting firm.

Randy Jensen  
DwellWell CEO  
Manages DwellWell operations and partnerships, as well as the technical and design side. In addition to being the founder of DwellWell, Randy brings over 15 years of technical expertise and experience to the STR space.
Background

Safety may seem like straightforward issue, but most people are surprised to find that Short-Term Rental platforms don’t require any basic safety guidelines such as smoke and carbon monoxide alarms. While such practices are encouraged and expected in traditional hotels, the truth is that unless required by the local government, Short-Term Rentals lack any kind of basic safety standards, guidelines, or inspections.

With Short-Term Rental issues like zoning, taxes, noise ordinances, parking permits, and neighborhood protection continuing to drive legislation, the only way to standardize and enforce Short-Term Rental safety is at the local level. Additionally, any required safety inspection must consider the Fourth Amendment and the potential argument of illegal searches.
The Problem

The internet is filled with stories of safety hazards plaguing Short-Term Rentals, including carbon monoxide poisoning, outside hazards, and toxic mold. Lack of regulation is certainly a driver when it comes to STR safety, but even communities with established legislation encounter challenges - primarily because the inspections of old do not fit the new sharing economy.

Kyle Macey  @itskylemacey · Apr 27
This is the worst @Airbnb I've ever stayed in, and I've been in one during a house fire.

Kyle Macey  @itskylemacey

Replying to @itskylemacey @Airbnb

We've been advised not to drink the tap water, which is what I assume is causing all the black mold in the bathroom

9:06 AM - 27 Apr 2017
1. Traditional Home Inspections

Traditional home inspections can address some safety issues, but if the only tool you have is a hammer, everything looks like a nail. Traditional home inspections are expensive, cumbersome, and do not adequately address the key safety issues of a Short-Term Rental. Old-fashioned home inspections focus on the transfer of property as opposed to the safety of short-term guests.

For example, in the Summer of 2016, four people were injured in the UK when a balcony collapsed and fell two floors into the basement of an Airbnb rental. Was that the fault of a poorly inspected or uninspected balcony, or was the balcony only rated to hold the equivalent of two adults? A traditional home inspector might deem the balcony safe for a one-bedroom flat, assuming no more than two people would occupy that balcony at once. However, if an inspector had looked at that balcony knowing the flat was listed as a short-term rental, advertising that it could sleep up to four people, the lens changes drastically.

A good inspector would have reported that the balcony was indeed safe, but only for an occupancy of two adults. Same inspection, different viewpoint.

2. Certificates of Occupancy Inspections

Certificate of Occupancy inspections for Short-Term Rentals can be, and have been, deemed unconstitutional under the Fourth Amendment. Aside from the legality, they simply miss the mark when it comes to identifying standard safety issues for guests staying under thirty days. The purpose of most Certificate of Occupancy inspections is to ensure compliance with applicable building codes and permits. These dated inspection models not only fail to provide adequate Short-Term Rental safety standards, many of these types of inspections rely on an already overburdened city and county staff. Wait times for city/county inspections can be lengthy, and there is usually little to no standardization for the inspection process.
The Solution

When Traditional Home Inspections and Certificate of Occupancy Inspections both miss the mark, it’s time to bring a new type of inspection to the proverbial mountain. Short-Term Rental Inspections need to look at a property from new and different viewpoints. For example:

- Guests may be sleeping in non-traditional sleeping areas like the living room or the basement, creating a need for more smoke and carbon monoxide alarms
- Guests may be from out of the country and unaware of 911 or other emergency procedures, establishing a need for clearly documented and available emergency instructions and evacuation planning
- Guests may be utilizing an unfamiliar kitchen, increasing the need for accessible fire extinguishers
- Guests may have young children, increasing the need for pool safety and child locks
- Guests may be elderly or disabled, increasing the importance of identifying trip hazards or narrow stair treads
- Guest may be prone to medical issues like asthma or allergy attacks, creating a need for rental mold and/or allergen testing (especially depending on length of stay)

When these factors are taken into consideration, a new and modern style of home inspection is born. Furthermore, inspections that are tailored to Short-Term Rentals are of benefit to the hosts, offering tangible safety measures that protect property and person. This is especially true for hosts who reside on or near the rental property. When required inspections bring value to the owner, the argument of illegal searches under the Fourth Amendment become a non-issue.

While every community is different, the list below offers a set of baseline safety standards that should be incorporated into any kind of Short-Term Rental legislation.
A New Legislative Formula

Any modern short-term legislation should start with the following baseline and grow from here:

A. Smoke Alarms
A smoke alarm shall be placed in each sleeping area, outside each sleeping area, and on each floor, including the basement; each smoke alarm shall be hardwired or powered by a long-life lithium battery.

B. Fire Extinguisher
A multipurpose (class ABC) fire extinguisher shall be provided for each 3,000 square feet of the rental area (or fraction thereof), and/or on every floor; extinguisher(s) should be mounted in a common area or kitchen.

C. Carbon Monoxide Alarms
Any Short-Term Rental unit with an attached garage and/or a fossil fuel burning appliance must have state-approved carbon monoxide alarms; alarms must be placed outside of each sleeping area and on every floor.

D. Egress Windows/Doors
All sleeping rooms must provide egress (window or door):
- An egress window must be a minimum of 5.7 square feet with a minimum opening of 20"x24", and no more than 44" off the floor
- An egress door must be single-hinged and at least 3'x6'8"
- Egress doors should have a deadbolt turning mechanism from the inside; if the deadbolt is double-keyed, than a key must be within the lock for a guest’s entire stay.
- Egress windows and/or doors that are equipped with bars must have a quick release mechanism; the quick release mechanism shall be accessible from the inside, and require no special tools or knowledge to operate.

E. GFCI
Around-fault circuit-interrupters shall be in working order and located in the following areas if used by an Short-Term Rental guest: bathrooms, garages, outdoors, unfinished basements and crawl spaces, kitchens, utility, and wet bar sinks, and pool/spa areas.
F. Gas Shut-Off Valve
Gas shut-off valve(s) must be accessible and clearly marked on the Short-Term Rental's required evacuation map.

G. Evacuation Map
Each Short-Term Rental must post an evacuation map in the unit's common area; the map shall note the address of the rental and the location of emergency exits, fire extinguishers, and the gas shut-off valve.

H. Mold
Each Short-Term Rental shall be tested annually for dangerous levels of mold:
- A visual inspection of the rental, which may include humidity readings and infrared cameras, shall not show visible signs of mold infestation
- Indoor spore counts (as taken from common area) shall not exceed outdoor counts; spore traps shall be analyzed by third-party lab

I. Additional requirements may include:
- Minimum requirements for stairways, decks, and balconies
- Pool inspections (if applicable)
- Parking requirements
- Electrical inspection
- Water testing
- Radon testing
- Documentation of trip hazards, combustible materials, and annealed glass
Accountability and Community

As mentioned above, attainable and enforceable legislation relies on three categories: Safety, Accountability, and Community. With safety standards met by a new style of inspection, the remainder of the Short-Term Rental permitting process must include accountable factors, such as insurance and transient occupancy taxes, and the buy-in of the surrounding community. Future white papers shall address these other factors; however, safety is the starting point with which all city governments should start.

Safety nourishes accountability, and accountability promotes community support. When these three pillars stand tall, legislation and associated permits become a helpful tool instead of a hindered nuisance.

Audrey Joseph @AudreyJoseph · 8 Nov 2016
@Airbnb I am in one of your units now cant get a hold of you I need to leave the place has mold - how do I reach you - this is ridiculous
Conclusion

This sharing economy is new, and like everything new, success is sometimes a trial-and-error process. However, common threads like flexibility, data management, and stakeholder buy-in continue to weave their way through most project strategies. This is especially true as Short-Term Rental legislation develops and grows.

Legislation must be flexible, there must be processes in place to collect and manage data (including transient occupancy taxes), and it must provide benefits to the hosts, the guests, and the government. Adopting an attainable set of Short-Term Rental safety standards is a significant step towards achieving these goals of the new economy.

---

**Geek Girl Diva** 🌐 @geekgirldiva · 15 Sep 2016
I think my AirBNB may have black mold.

The host is super nice but her persistent cough & my sudden allergies are totally not helping.

🔗 4  ⬇️ 3
Contact Information

Mollie Harstad  
Co-founder, CCO  
mollie@getdwellwell.com

Randy Jensen  
Founder, CEO  
randy@getdwellwell.com

DwellWell provides safety certifications for Short-Term rentals.

What Next

Short-Term Rental legislation does not have to be a daunting, community-splitting issue. DwellWell is the industry leader in Short-Term Rental Safety Certification. We know that safety inspections not only benefit the guests, the hosts enjoy a safer home, increased bookings, and higher reviews. When safety inspections are paired with insurance and background checks, noise awareness, and points of contact, Short-Term Rentals legislation becomes a middle ground all sides can agree upon.

DwellWell has worked with communities to help create positive legislation. If you need insight or if you just don't know where to start, reach out to us for a free consultation.

Contact DwellWell now for a free one-hour phone consultation - contact@getdwellwell.com
References

http://www.huffingtonpost.com/entry/the-dark-side-of-airbnb_us_55a3c019e4b080bf74f0422a
http://www.eGRESSwindows.com/its-the-law
http://osfm.fire.ca.gov/strucfireengineer/pdf/bml/Frequently%20asked%20questions%20on%20Carbon%20Monoxide.pdf
http://www.dir.ca.gov/title8/1922.html
http://iac2.org/soc/

Dear Mr. Tejirian,

On Section 4.2.3, Page 17 of the White Paper, your consultants (Lisa Wise Consulting, Inc) wrote that San Francisco's Board of Supervisors "had recently voted in favor of new STR regulations, stating now that un-hosted and hosted STR units that are rented out for less than 30-day increments can only be rented out for 60 days in total per year." They further state in that paragraph that this "regulatory framework is relatively stringent in comparison to other jurisdictions, especially because hosted units are now included in this new 60 day cap."

While the San Francisco Board of Supervisors did vote in favor of such a restriction, it was subsequently vetoed by the Mayor. Since that Board of Supervisors did not have the requisite votes to override the veto, the restriction was never enacted and never came into effect, as reported in the San Francisco Examiner.

Thus this section of the White Paper describing the regulations in San Francisco gives the false impression that the 60 day restriction is the current law ("this new 60 day cap") and has the approval of San Francisco, a jurisdiction that the White Paper describes as being "on the forefront of grappling with the impacts of the sharing economy"

The citizens of Marin County have a right to fair and accurate information about important issues soon to come before their Board of Supervisors.

The citizens of the City and County of San Francisco ought to be able to count on its neighboring County not to have their laws misrepresented, however intentionally or unintentionally.

I hope you and your consultants will issue and promulgate a correction to this section of the White Paper.

Yours sincerely,

Peter Kwan
Co-chair, Home Sharers Democratic Club.

--
"Share your knowledge. It is a way to achieve immortality."
— Dalai Lama XIV
Tejirian, Jeremy

To: Lai, Thomas
Subject: FW: short term rentals

From: Ron Baum [mailto:marinron@comcast.net]
Sent: Monday, June 12, 2017 9:19 AM
To: Sears, Kathrin
Subject: short term rentals

Supervisor Sears:

I believe that homeowners (including condo owners) should have the right to rent their homes/units to anyone that they can strike a deal with for however long they want at whatever rental rate they want.

It is a property owner’s right to do so (subject to previously agreed to CC&Rs) without any government interference. The continuous erosion of individual rights that were assumed to be as assured to us is what helped create the disaster that currently resides at 1600 Pennsylvania Avenue.

As you most likely know, many of the residents of this county are either seniors, or are rapidly approaching retirement. Taking additional income from us by creating obstacles for the legal use of our own property borders on a government taking of private property. Please don’t allow additional regulation to become law.

Ron Baum

BAUM & ASSOCIATES
Ronald Baum, MAI
307 Deertrail Lane
Mill Valley, CA 94941
415.389.6261