

## ORDINANCE NO. 22-0010

### AN ORDINANCE OF THE CITY OF MANHATTAN BEACH ADDING CHAPTER 4.88 TO TITLE 4 OF THE MANHATTAN BEACH MUNICIPAL CODE REGULATING SHORT-TERM RENTALS AND OTHER TRANSIENT USES WITHIN THE CITY OUTSIDE THE CITY'S COASTAL ZONE

#### RECITALS

1. In 2015, the City Council adopted Ordinance No. 15-0009, to prohibit transient uses, including short-term rentals, in all residential zones in the City, outside the City's Coastal Zone.
2. In an effort to achieve compliance with the Municipal Code, the City Council adopted Ordinance No. 19-0007 in 2019 to strengthen the prohibition against the rental of residential property for periods less than 30 days.
3. On October 18, 2022, the City Council adopted Resolution No. 22-0150, to set aside Ordinance No. 19-0007 pursuant to court order.
4. The City Council wishes to re-adopt the regulations set forth in Ordinance No. 19-0007, but only as to properties outside the City's Coastal Zone.

#### **NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** A new Chapter 4.88 is hereby added to Title 4 (Public Welfare, Morals and Conduct) of the Manhattan Beach Municipal Code to replace the set aside Chapter 4.88 adopted pursuant to Ordinance. No. 19-0007, to read as follows:

#### **“CHAPTER 4.88**

#### **TRANSIENT USES INCLUDING SHORT-TERM RENTALS**

##### **4.88.010 Definitions.**

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

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

#### **4.88.020 Transient Uses prohibited in residential zones.**

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

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

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

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

#### **4.88.030 Hosting platform responsibilities.**

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

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

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

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

#### **4.88.040 Safe Harbor.**

A hosting platform operating exclusively on the Internet, which operates in compliance with subsections (a), (b), and (c) of Section 4.88.030, shall be presumed to be in compliance with this Chapter, except that the hosting platform remains responsible for compliance with the administrative subpoena provisions of this Chapter.

**4.88.050 Consistency with Applicable Laws.**

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

**4.88.060 Violation; nuisance.**

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

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

**SECTION 2. CEQA FINDING.** The City Council finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance and the establishment of the regulations hereby will have a significant effect on the environment. By reinforcing the prohibition of rental of residentially zoned property for less than 30 days, this Ordinance will serve to reduce potential significant adverse environmental effects. The Ordinance is therefore exempt from review under the California Environmental Quality Act, pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

**SECTION 3. INTERNAL CONSISTENCY.** Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

**SECTION 4. SEVERABILITY.** If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

**SECTION 5. SAVINGS CLAUSE.** Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

**SECTION 6. CERTIFICATION.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

ADOPTED November 1, 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
STEVE NAPOLITANO  
Mayor

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk

APPROVED AS TO FORM:

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QUINN M. BARROW  
City Attorney