

ORDINANCE NO.

AN ORDINANCE ADDING CHAPTER 44 TO THE MOUNTAIN VIEW CITY CODE
RELATED TO SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. The Mountain View City Code is hereby amended to add Chapter 44,
Short Term Rental of Residential Property, to read as follows:

“CHAPTER 44
SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY

SEC. 44.1 - Purpose.

The purpose of this Chapter 44 is to allow limited short-term rental of residential property, while preserving housing stock and the residential character of neighborhoods, through the use of registration, regulations and standards, in order to reduce potential impacts on adjacent properties and to ensure the collection of transient occupancy taxes under Chapter 33 of the Mountain View City Code.

SEC. 44.2 - Definitions.

For purposes of this Chapter 44, the following definitions shall apply:

a. **Adjacent properties.** Any property contiguous to a property on which a short-term rental unit is located.

b. **Dwelling unit.** As defined in Chapter 36 of the Mountain View City Code.

c. **Host.** Any person, as defined in Chapter 33 of the Mountain View City Code, Transient Occupancy Tax, who is the owner of record of residential real property, or the lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers that dwelling unit, or portion thereof, for short-term rental either through a hosting platform or individually.

d. **Hosting platform.** A marketplace, in whatever form or format, which facilitates short-term rentals through advertising, matchmaking or any other means, using any medium of facilitation, and from which the operator of the hosting platform

derives revenue, including booking fees or advertising revenue, from providing or maintaining the marketplace.

e. **Hosted short-term rental.** A short-term rental where the host remains in the dwelling unit throughout the short-term renter's stay. A host may rent out a private portion of a residential dwelling unit; however, the rental of an entire dwelling unit may not be classified as a "hosted short-term rental."

f. **Short-term rental.** The use or possession of, or the right to use or possess, any room or rooms, or portions thereof, in any residential dwelling unit for residing, sleeping or lodging purposes for thirty (30) or fewer consecutive calendar days. Portions of days shall be counted as full calendar days.

g. **Short-term renter.** A person who exercises occupancy, or is entitled to occupancy as a short-term rental, by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) or fewer consecutive calendar days. Portions of days shall be counted as full calendar days.

SEC. 44.3 - Violation of chapter.

No person shall host or rent any residence in violation of the provisions of this chapter.

SEC. 44.4 - Operating standards of a short-term rental.

The following operating standards shall apply to all short-term rentals:

a. **Legal dwelling.** Short-term rentals are permitted only within legal conforming and legal nonconforming residential dwelling units.

b. **Annual limit.**

1. Where the host is present, the dwelling unit may be occupied as a short-term rental for an unlimited number of days per calendar year.

2. Where a host is not present, the dwelling unit may be occupied as a short-term rental no more than ninety (90) days per calendar year.

c. **Local contact person.** For short-term rentals, hosts shall provide the city, all short-term renters and all occupants of adjacent properties, the name and contact information of a local individual who shall be available twenty-four (24) hours per day, seven (7) days per week, during the term of the unhosted stay. The owner or designated local contact person shall:

1. Respond on-site within sixty (60) minutes to complaints regarding a condition or operation of the short-term rental or the conduct of the short-term renters; and

2. Take remedial action to resolve any and all complaints.

d. **Parking.** Parking shall comply with residential parking standards, but no designated parking is required beyond other city code requirements.

e. **Trash and recycling.** The appropriate level of trash and recycling services should be maintained so there is no overflow of trash and recycling on the property.

f. **Special events.** Weddings, corporate events, commercial functions, large parties and other similar events which have the potential to cause traffic, parking, noise, or other impacts to the neighborhood are prohibited on the property during short-term rentals.

SEC. 44.5 – Registration application requirements.

a. **Initial application.** Prior to advertising or use of a short-term rental, the host shall register the dwelling unit as a short-term rental with the City of Mountain View and obtain a valid City of Mountain View business license. All short-term rental hosts must register the short-term rental on or before July 1, 2019.

b. **Requirements for application.** The registration shall be submitted on a city-approved form. The applicant shall provide the name and contact information of the host; the address of the dwelling unit to be used as a short-term rental; a valid City of Mountain View business license, as applicable, per Chapter 18 of the Mountain View City Code; the anticipated frequency of the short-term rental; contact information for the local contact person; an acknowledgement of compliance with the requirements of the Mountain View City Code; and other information as requested. Failure to submit all information required on the application will result in denial of the registration.

c. **Fee.** The host shall pay a registration fee in an amount established by resolution of the city council, and as updated from time to time. Failure to submit the required fee will result in denial of the registration.

SEC. 44.6 - Citation, compliance order, denial, revocation.

For a property that is the subject of an active administrative citation or compliance order from the city, or denial or revocation of a short-term rental application in the

preceding twelve (12) months, registration of the short-term rental on the property will be denied.

SEC. 44.7 - Term of registration.

Registration of a short-term rental shall be on a calendar-year basis. Fees shall be prorated for any approved registration on a quarterly basis. Approved registrations shall be personal to the host, are not assignable or transferable and shall automatically expire upon sale or transfer of the property on which the short-term rental is located.

SEC. 44.8 - Annual renewal.

A short-term rental registration shall be renewed annually upon payment of registration renewal fees, remittance of all required transient occupancy tax associated with the short-term rental, proof of a current City of Mountain View business license and as set forth in registration application requirements, Sec. 44.5(b), Requirements for application, above. The host shall also submit such information as may be required to enable the tax collector to verify the amount of tax paid. Failure to submit for renewal prior to December 15 of each calendar year will result in expiration of the registration.

SEC. 44.9 - Requirements not exclusive.

The approval of a short-term rental registration shall not relieve any host of the obligation to comply with all other provisions of the Mountain View City Code applicable to the use and occupancy of the property.

SEC. 44.10 - Administrative regulations and standards.

The city manager or designee is hereby authorized to promulgate administrative rules, regulations and interpretations to implement this chapter. Said rules and regulations may include, but are not limited to, revisions to the application process, requirements of operations, etc.

SEC. 44.11 - Transient occupancy tax (TOT).

Transient occupancy taxes shall be collected for short-term rentals and paid to the City of Mountain View, pursuant to Chapter 33 of the Mountain View City Code. Collection is the responsibility of the host. If a hosting platform is used, and the city has a voluntary collection agreement, or equivalent, with that hosting platform, TOT may be collected and remitted directly to the city by the hosting platform. Short-term rentals shall owe transient occupancy tax as of January 1, 2019.

SEC. 44.12 - Enforcement.

a. Revocation of registration. A short-term rental registration approved pursuant to this chapter may be revoked for any of the following reasons: fraud, misrepresentation or false statement contained in the application for, or in the operation of, the short-term rental.

b. Other remedies. In addition to remedies provided in the Mountain View City Code, a short-term rental registration may be revoked for any violation of any provision of this chapter, the Mountain View City Code or any state or federal law.

SEC. 44.13. - Records of compliance.

The host shall retain records documenting the compliance with this chapter for a period of three (3) years after each period of short-term rental, including, but not limited to, records showing payment of transient occupancy taxes by a hosting platform on behalf of a host. Upon reasonable notice, the host shall provide any such documentation to the City of Mountain View upon request for the purpose of inspection or audit.”

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. This ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because

it has no potential for resulting in physical change to the environment, directly or indirectly).

LMD/2/ORD
016-10-09-18o