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**URGENCY ORDINANCE NO.**

**An urgency ordinance of the County of San Bernardino, State of California, to amend Section 11.0206(a)(1) and Section 11.0208(e)(1) of Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code, relating to increased fines and penalties for short-term residential rental units.**

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of the County of San Bernardino finds that:

(a) At just over 20,000 square miles, San Bernardino County (County) is the largest county in the nation which includes world renowned tourist destinations within its mountain and desert communities. Due to the unique landscape and prestige of the area, the County’s mountain and desert communities offer unique living and vacation opportunities.

(b) According to the 2016 American Community Survey, the population in San Bernardino County was 2,035,210, with 85.4 percent of residents living in cities and towns and 14.6 percent of county residents living in unincorporated areas. Moreover, according to the California Department of Finance as of 2016, 18.8 percent of San Bernardino County housing units are in unincorporated areas (111,073 out of 506,601). The same survey concluded that the vacancy rate of the unincorporated area was 27.4 percent, with the highest vacancy rates in the mountain and desert regions where there are numerous second homes, seasonal rentals, and short-term residential rentals.

(c) On October 9, 2019, Governor Newsom signed into law Senate Bill (SB) 330, entitled the Housing Crisis Act of 2019. As part of the legislative findings of this bill, the Legislature declared, among other things, that California is experiencing a housing supply crisis, with housing demand far outstripping supply. The Legislature

1 declared that California needs an estimated 180,000 additional homes annually to keep  
2 up with population growth. As part of SB 330, the Legislature also enumerated many  
3 reasons as to why the housing crisis harms families across California, severely impacts  
4 the state's economy and harms the environment. As such, the Legislature declared a  
5 statewide housing emergency, to be in effect until January 1, 2025.

6 (d) On March 3, 2020, Governor Newsom declared the existence of a state of  
7 emergency for the State of California in response to the novel coronavirus (COVID-19);  
8 on March 10, 2020, the Chairman of the Board of Supervisors issued a proclamation  
9 declaring a local state of emergency due to the outbreak of COVID-19; and on March  
10 13, 2020, the President of the United States declared that the outbreak of COVID-19 in  
11 the United States constitutes a national emergency.

12 (e) Tourism has increased dramatically during the COVID-19 pandemic in the  
13 mountain and desert regions of the County, resulting in a surge of new short-term  
14 residential rental listings and extraordinary short-term occupancy rates in  
15 unincorporated areas of these regions. The increase in short-term residential rentals  
16 has further increased the housing shortage for long-term occupancy demands in the  
17 mountain and desert regions of the County. Further, with the high increase in short-  
18 term occupancy rates, the County has received a record high number of complaints  
19 associated with the behavior of short-term residential rental guests, ranging from such  
20 things as noise, parties, events, over-occupancy and parking issues. Limited public  
21 resources are severely taxed by the proliferation of illegal short-term residential rental  
22 units, which impacts the health and safety of the surrounding communities where that  
23 illicit activity occurs. Conditions have worsened so quickly for these communities that  
24 immediate action is urgently needed.

25 (f) In order to enhance the quality of life for our residents and protect the  
26 public health, safety and welfare, the County desires to preserve the residential  
27 character of neighborhoods in the mountain and desert communities where short-term  
28 residential rental units have increased, as well as preserve the availability of housing to

1 fulfil the growing demand for long-term housing needs required by current and future  
2 residents. However, existing enforcement mechanisms, such as fines and penalties, do  
3 not adequately penalize offenders that are either operating a short-term residential  
4 rental unit without a valid permit, or operating in a manner inconsistent with regulations  
5 that are designed to achieve the desires above. This urgency ordinance provides for  
6 increased fines and penalties to deter violators and make enforcement actions more  
7 impactful in eradicating the illegal activity. Absent this urgency ordinance, new and  
8 existing short-term residential rental units will continue to operate illegally and further  
9 degrade the residential character of neighborhoods and continue to contribute to the  
10 loss of available long-term housing.

11 (g) Accordingly, consistent with Government Code section 25123, subdivision  
12 (d), the Board of Supervisors find that an increase in fines and penalties for violations of  
13 the County's short-term residential rental regulations are necessary for the immediate  
14 preservation of the public peace, health and safety of the residents of the County.

15 (h) This ordinance is not subject to review under the California Environmental  
16 Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations,  
17 sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably  
18 foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3)  
19 (there is no possibility the activity in question may have a significant effect on the  
20 environment). In addition to the foregoing general exemptions, the Board of  
21 Supervisors further finds that the ordinance is categorically exempt from review under  
22 CEQA under the Class 8 Categorical Exemption, 14 California Code of Regulations  
23 section 15308 (regulatory activity to assure protection of the environment). There are  
24 no unusual circumstances under CEQA Guidelines 15300.2, subdivision (c) that would  
25 render these exemptions inappropriate. Each exemption stands as a separate and  
26 independent basis for determining that this ordinance is not subject to CEQA.

27  
28 SECTION 2. Section 11.0206(a)(1) of the San Bernardino County Code is

1 amended to read:

2 **11.0206 Criminal Actions.**

3 (a) Criminal Penalties for Violations. It is unlawful for any person to violate  
4 any provision of this Code, or to violate any provision of any permit issued pursuant to  
5 this Code, or the conditions of approval for such permit granted pursuant to this Code.  
6 Unless otherwise specified in another part of this Code, any person committing such  
7 violation shall be deemed guilty of a misdemeanor.

8 (1) Misdemeanor Violations. Except as indicated below, Upon  
9 conviction of a misdemeanor, or upon a plea of nolo contendere (commonly called “no  
10 contest”), the penalty shall be a base fine of not less than \$500.00 and not more than  
11 \$1,000.00, or by imprisonment in the County jail for a period of not more than six  
12 months, or by both such base fine and imprisonment. Any court costs that the court  
13 may otherwise be required to impose pursuant to applicable State law or local  
14 ordinance shall be imposed in addition to the base fine.

15 (A) Violations of Chapter 84.28. Any person violating any  
16 provision of Chapter 84.28 is guilty of a misdemeanor. Notwithstanding the foregoing, a  
17 misdemeanor violation may be cited, charged, and prosecuted as an infraction. Upon  
18 conviction of a misdemeanor, or upon a plea of nolo contendere (commonly called “no  
19 contest”) involving misdemeanor violations of Chapter 84.28, the penalty shall be as  
20 follows:

21 (I) Any person convicted of a misdemeanor for operating  
22 a short-term residential rental unit without a valid permit in violation of Chapter 84.28  
23 shall be punished by a base fine of up to \$1,000.00 upon a first conviction, by a base  
24 fine of up to \$2,000.00 for a second conviction, by a base fine of up to \$5,000.00 upon a  
25 third or subsequent conviction, or by imprisonment in the County jail for a period of not  
26 more than six months, or by both such base fine and imprisonment;

27 (II) Any person convicted of a misdemeanor for operating  
28 a permitted short-term residential rental unit in violation of Chapter 84.28 shall be

1 punished by a base fine of up \$1,000.00 upon a first conviction, by a base fine of up to  
2 \$2,000.00 upon a second conviction for violations occurring within a twelve-month  
3 period, by a base fine of up to \$5,000.00 upon a third or subsequent conviction for  
4 violations occurring within a twelve-month period, or by imprisonment in the County jail  
5 for a period of not more than six months, or by both such base fine and imprisonment.

6  
7 SECTION 3. Section 11.0208(e)(1) of the San Bernardino County Code is  
8 amended to read:

9 **11.0208 Administrative Citation Actions.**

10 ...

11 (e) Administrative Penalties and Costs.

12 (1) Unless otherwise provided in this Code or indicated in subsection  
13 (e)(1)(aA) below, the amount of penalty to be imposed for a violation of this Code and  
14 assessed by means of an administrative citation shall be \$100.00 for the first  
15 occurrence of a violation; \$200.00 for the second occurrence of the same violation  
16 within one year; and \$500.00 for the third and each subsequent occurrence of the same  
17 violation within one year. The maximum fines imposed in this Section are based upon  
18 the provisions of Government Code section 25132 and will be increased automatically  
19 and without amendment to this Section upon any amendment to Government Code  
20 section 25132 increasing the amount of fines permitted.

21 (A) If the violation concerns a short-term residential rental  
22 subject to Chapter 84.28, the following fines shall apply:

23 (I) Any person operating a short-term residential rental  
24 without a valid permit in violation of Chapter 84.28, the citation fine amount shall be  
25 \$1,000.00 per violation per day accruing until the violator indicates, and Code  
26 Enforcement confirms, the violation has been abated;

27 (II) Any person operating a permitted short-term  
28 residential rental in violation of Chapter 84.28, the citation fine amount shall be

1 \$1,000.00 for a first citation, \$2,000.00 for a second citation for violations occurring  
2 within a twelve-month period, and \$5,000.00 upon a third or subsequent citation for  
3 violations occurring within a twelve-month period.;  
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5 SECTION 4. The Board of Supervisors declares that it would have adopted this  
6 ordinance and each section, sentence, clause, phrase, or portion of it, irrespective of  
7 the fact that any one or more sections, subsections, clauses, phrases or portions of it be  
8 declared invalid or unconstitutional. If for any reason any portion of this ordinance is  
9 declared invalid or unconstitutional, then all other provisions of it shall remain valid and  
10 enforceable.  
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12 SECTION 5. This ordinance shall take effect immediately upon its adoption.  
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14 \_\_\_\_\_  
15 CURT HAGMAN, Chairman  
16 Board of Supervisors

17 SIGNED AND CERTIFIED THAT A COPY  
18 OF THIS DOCUMENT HAS BEEN DELIVERED  
19 TO THE CHAIRMAN OF THE BOARD

20 LYNNA MONELL, Clerk of the  
21 Board of Supervisors  
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