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**ORDINANCE NO.**

**An ordinance of San Bernardino County, State of California, to amend San Bernardino County Code Section 16.0215C of ~~Division 6 of Title 1~~, relating to short-term residential rental program fees; and to amend San Bernardino County Code Chapter 84.28 ~~of Division 4 of Title 8~~, relating to short-term residential rental regulations, ~~all of the San Bernardino County Code.~~**

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

SECTION 1. The San Bernardino County Board of Supervisors ~~of San Bernardino County~~ find~~s~~ that:

- (a) Section 7 of Article XI of the California Constitution authorizes local governments to make and enforce laws not in conflict with California law to protect the health, safety, and welfare of its citizens.
- (b) In 2019, the State Legislature passed, and Governor signed into law, Senate Bill 330 declaring a statewide housing emergency in California. The State Legislature’s findings and declaration regarding the statewide housing emergency are incorporated herein by reference.
- (c) On October 27, 2020, the Board of Supervisors adopted the Countywide Plan. The Countywide Plan includes several project components, including, but not limited to, a Policy Plan which serves as a comprehensive general plan for the unincorporated County. The Policy Plan includes several goals and policies that guide the Board of Supervisors on how it accommodates development and the approval of land uses, including the regulation of short-term residential rentals, in order to achieve the Countywide Vision. Specifically, Policy LU-2.13 provides that the County “enforce[s] appropriate operation standards, maintenance standards, and permitting procedures for the establishment and maintenance of short-term [residential] rentals in the unincorporated areas.” The Policy Plan also includes several goals and policies intended

1 to preserve compatibility, community identity and the residential lifestyle within the  
2 County's Mountain and Desert Regions, including, but not limited to, Goal LU-2, Policies  
3 LU-2.1, LU-2.8 and LU-4.5.

4 (d) The Board of Supervisors finds that the amendments proposed by this  
5 ordinance are reasonable and necessary to protect the health, safety and welfare of its  
6 citizens by ensuring proper operational, maintenance and permitting standards for short-  
7 term residential rentals, while at the same time balancing the desire to preserve the  
8 residential character and identity of the neighborhoods where short-term residential  
9 rentals occur. Further, the Board of Supervisors finds that the amendments proposed by  
10 this ordinance are reasonable and necessary to help address the statewide housing  
11 emergency declared by the State Legislature by providing reasonable restrictions  
12 intended to encourage long-term housing, while at the same time recognizing the role  
13 short-term residential rentals have on San Bernardino County's regional, national, and  
14 international tourist market.

15 (e) The Board of Supervisors also finds that good cause exists for a one-time  
16 fee credit for the installation of a noise monitoring device as part of a short-term residential  
17 rental. The fee credit will serve as a fee waiver or refund that can be applied to an  
18 applicable short-term private home rental permit fees or annual renewal permit only. The  
19 fee credit serves a public purpose by assisting in the mitigation of loud and obnoxious  
20 noise associated with short-term residential rentals that may be detrimental to residential  
21 neighborhoods, as well as assisting San Bernardino County in the enforcement of noise  
22 complaints.

23 (ef) Properly noticed public hearings have been held before the San Bernardino  
24 County Planning Commission and the San Bernardino County Board of Supervisors  
25 pursuant to the Planning and Zoning Law of the State of California and the San  
26 Bernardino County Development Code.

27 (fg) Theis Board of Supervisors finds that this ordinance is not subject to review  
28 under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14

1 California Code of Regulations, Section 15060, subdivision (c)(2) because the activity will  
2 not result in a direct or reasonably foreseeable indirect physical change in the  
3 environment, or is exempt from CEQA pursuant to Section 15061, subdivision (b)(3)  
4 because there is no possibility the activity in question may have a significant effect on the  
5 environment.

6  
7 SECTION 2. Section 16.0215C of the San Bernardino County Code is amended  
8 to read in its entirety as follows:

9 **16.0215C Land Use Services Department - Development Review - Code**  
10 **Enforcement/Fire Hazard Abatement.**

11 (a) Enforcement Fees:

12 (1) Business and special licenses and regulations:

13 (A) Peddler and secondhand dealer..... \$356.00

14 (B) Hotel/Motel Operator:

15 (I) Initial application and license ..... \$106.00

16 (II) Annual renewal ..... \$98.00

17 (C) Rental dwelling unit:

18 (I) Initial application and license ..... \$81.00

19 (II) Annual renewal ..... \$81.00

20 (D) Massage Clinics:

21 (I) Initial application and license ..... \$115.00

22 (II) Annual Renewal..... \$85.00

23 (E) Bingo Games:

24 (I) Traditional Bingo (Initial application and initial license  
25 and annual renewal) ..... \$50.00

26 (II) Remote Caller Bingo:

27 (1) Initial application and license ..... \$115.00  
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- (2) Annual renewal ..... \$85.00
- (F) Adult Business Performers and Non-Performers:
  - (I) Initial application and license ..... \$115.00
  - (II) Annual Renewal..... \$85.00
  - (III) Relocation and/or second location..... \$70.00
- (2) On-site extension bond fee ..... \$328.00
- (3) Permit appeals (Subsections 16.0215C(a)(1) through (2) only) .... \$388.00
- (4) Special use permits:
  - (A) Home occupation:
    - (I) Initial permit application ..... \$594.00
    - (II) Biennial renewal ..... \$423.00
  - (B) Keeping of exotic animals:
    - (I) Initial application ..... \$594.00
    - (II) Annual renewal ..... \$366.00
  - (C) Private kennels:
    - (I) Initial permit application ..... \$594.00
    - (II) Annual renewal ..... \$366.00
  - (D) Special uses (other):
    - (I) Initial application ..... \$594.00
    - (II) Annual renewal ..... \$366.00
  - (E) Short-term private home rental permit:
    - (I) Initial permit application ..... ~~\$600~~67.00
    - (II) Permit fee ..... \$285.00
    - (II) BiennialAnnual renewal ..... ~~\$600~~489.00
    - (III) 50% of Biennial renewal may be submitted annually with a \$23.00 processing fee. Surrounding property owner notification fee ..... \$485.00

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- (V) Noise monitoring device one-time fee credit (credit to be applied to fees in Subsection 16.0215C(a)(4)(E)(I) through (III) only) ..... \$150.00
- ~~(5) Short term private home rental potentially affected property owner notification ..... \$461.00~~
- (65) Public request for vehicle abatement and removal plus actual cost of removal ..... \$370.00
- (76) Special inspection ..... \$312.00/hour
- (87) Emergency abatements ..... Actual cost plus administrative cost
- (b) Demolition/Rehabilitation Program Fees:
  - (1) Demolition/Rehabilitation Enforcement – Case Processing ..... \$630.00
    - (A) Demolition/Rehabilitation Enforcement Inspection ..... \$250.00/hour
    - (B) Demolition/Rehabilitation Enforcement – Annual Maintenance Inspection ..... \$270.00/inspection
- (c) Fire Hazard Abatement Fees:
  - (1) Inspection, Documentation and Processing of Non-Compliant Parcels ..... \$183.00/parcel
  - (2) Contiguous Parcel Abatement – Non-Compliant Parcels ..... \$79.00/parcel
  - (3) Special Inspection or Case Closure Fee ..... \$76.00/parcel
  - (4) Contiguous Parcel Abatement – Request by Owner ..... \$47.00/parcel
  - (5) Abatement fieldwork by County crew:
    - (A) Two-person crew/minimum one hour ..... \$284.00/hour
    - (B) Three-person crew/minimum one hour ..... \$368.00/hour
    - (C) Four-person crew/minimum one hour ..... \$452.00/hour
  - (6) Warrant Procurement and Servicing ..... \$298.00
- (d) Delinquency provisions:

1 (1) Immediately on delinquency, a \$23.00 delinquency fee shall be added to  
2 each of the Code Enforcement fees.

3 (2) Immediately on delinquency, a \$23.00 delinquency fee shall be added to  
4 Fire Hazard Abatement fees.

5 (e) Administrative Service Fees for Code Enforcement:

6 (1) Placement of lien or Notice of Action ..... \$211.00/parcel

7 (2) Escrow Demand Request, Title or property profile search, review,  
8 and notification to interested parties..... \$142.00/hour plus actual cost  
9 of title or property profile report

10 (f) Administrative Services Fees for Fire Hazard Abatement:

11 (1) Placement of lien..... \$211.00/parcel

12 (2) Appeals Hearing Filing Fee..... \$100.00

13 (3) Escrow Demand Request, Title or property profile search, review,  
14 and notification to interested parties..... \$142.00/hour plus actual cost  
15 of title or property profile report  
16

17 SECTION 34. Chapter 84.28 of the San Bernardino County Code is  
18 amended to read in its entirety as follows:

19 **CHAPTER 84.28: SHORT-TERM RESIDENTIAL RENTALS**

20 **Section**

- 21 **84.28.010 Purpose.**
- 22 **84.28.020 Applicability.**
- 23 **84.28.030 Definitions.**
- 24 **84.28.040 Permit Required.**
- 25 **84.28.050 Application Process.**
- 26 **84.28.060 Occupancy Standards.**
- 27 **84.28.070 Conditions of Operation.**
- 28 **84.28.080 Enforcement.**

1           **84.28.090    Suspension of Permit.**

2           **84.28.100    Revocation of Permit.**

3           **84.28.110    Hosting Platform Requirements.**

4           **84.28.010    Purpose.**

5           The purpose of this Chapter is to establish a permit procedure, and maintenance  
6 and operational standards, for the use of legal residential dwelling units located in the  
7 Mountain and Desert Regions as transient occupancies, to ensure the health and safety  
8 of occupants, guests, and the surrounding residential neighborhood, and to minimize  
9 negative secondary effects associated with such use.

10          **84.28.020    Applicability.**

11           Except as otherwise provided, the standards and permit procedures of this  
12 Chapter apply to all persons involved, and at all times, as more fully set forth herein, in  
13 the short-term rental of residential dwelling units as a single housekeeping unit where  
14 allowed in the Mountain and Desert Regions in compliance with Division 2 (Land Use  
15 Zoning Districts and Allowed Land Uses) of this Title or in connection with a legal  
16 nonconforming residential structure located in a non-residential land use zoning district.  
17 “Short-term” means 30 consecutive calendar days or less. The permit procedures of this  
18 Chapter shall not apply to the rental of an alternative shelter.

19          **84.28.030    Definitions.**

20           The definitions in this Section are intended to apply to this Chapter only. Any term  
21 which is not specifically defined herein shall have the definition as provided by Division  
22 10 of the Development Code or elsewhere within the County Code.

23           (a)    ALTERNATIVE SHELTER. Means any shelter, vehicle, or site prepared for  
24 transient occupancy rental other than a legal residential dwelling unit or commercial  
25 lodging facility. Examples of alternative shelters include, but are not limited to, tents,  
26 recreational cabins, and recreational vehicles.

27           (ab)   BOOKING TRANSACTION. Means any reservation or payment service  
28 provided by a person who facilitates an STRshort-term rental unit transaction between a

1 prospective ~~STRshort-term residential rental unit~~ renter and an ~~short-term residential~~  
2 ~~rental unit~~STR owner.

3 (c) DWELLING UNIT. Any building or portion thereof, including, but not limited  
4 to, a manufactured home, that contains living facilities, including provisions for sleeping,  
5 eating, cooking and sanitation as required by the California Building Code, for not more  
6 than one family, including domestic employees of the family. Examples of a dwelling unit  
7 include, but are not limited to, a single-family dwelling unit, condominium, accessory  
8 dwelling unit, guesthouse, or any other accessory residential structure considered a  
9 dwelling unit.

10 (bd) HOSTING PLATFORM. Means a marketplace in whatever form or format,  
11 which facilitates rental of an ~~STRshort-term residential rental unit~~ through advertising,  
12 match-making or any other means, using any medium or facilitation, and from which the  
13 operator of the hosting platform derives revenues from providing or maintaining the  
14 marketplace.

15 (ee) INSPECTIONS—INITIAL. Means any inspection incident to the review of  
16 an application for an initial ~~STRshort-term residential rental unit~~ permit. The responsible  
17 department shall inspect the subject property to ~~determine maximum occupancy and~~  
18 ~~parking capacity for the property, and to~~ verify compliance with the standards of this  
19 Chapter ~~and of other applicable County Code provisions.~~

20 (df) INSPECTIONS—RENEWAL. Means the reinspection, upon the application  
21 for renewal of an ~~STRshort-term residential unit~~ permit, whereby the subject property shall  
22 be inspected to ensure continued compliance with the standards of this Chapter ~~and of~~  
23 ~~other applicable County Code provisions.~~ Notwithstanding anything to the contrary, an  
24 applicant seeking renewal of an ~~STRshort-term residential rental unit~~ permit shall comply  
25 with all applicable standards of this Chapter at the time of renewal.

26 (eg) OCCUPANT. Means a person who will stay overnight in an STR. The  
27 maximum occupancy stated on an STR permit will indicate the maximum number of  
28 occupants approved.

1 (fh) RESPONSIBLE DEPARTMENT. Means the department or subdivision  
2 thereof designated by the Chief Executive Officer of ~~the County of~~ San Bernardino County  
3 to implement this Chapter.

4 (gi) SHORT-TERM RESIDENTIAL RENTAL UNIT (STR). Means ~~a residential~~  
5 a dwelling unit or portion thereof rented or otherwise used for residential transient  
6 occupancy, as defined in § Section 14.0203 (Uniform Transient Occupancy Tax). An  
7 ~~short-term residential rental unit~~STR shall not be used for any commercial activity, which  
8 includes but is not limited to weddings, wedding receptions, corporate retreats, business  
9 meetings or conferences, filming photography shoots, a fraternity party, or any other  
10 similar gathering, unless regulated under an approved County-issued permit. Transient  
11 occupancy generally means occupancy for 30 consecutive calendar days or less.

12 (hj) ~~SHORT-TERM RESIDENTIAL RENTAL UNIT~~STR OWNER. Means the  
13 owner of a property, as defined in § Section 810.01.170 (Definitions, O), with a ~~single-~~  
14 ~~family~~ dwelling unit that is being used as an short-term residential rental unitSTR.; An  
15 Owner may~~can~~ include, but is not limited to, a person, corporation, partnership, a  
16 personal or family trust, limited liability company (LLC), or limited liability partnership  
17 (LLP). any individual or organizationAn agent working on behalf of suchmay act on behalf  
18 of a property owner to manage the STR; ~~or any individual or organization that has the~~  
19 ~~legal right to rent out, or allow the occupancy of a single-family residential dwelling unit~~  
20 ~~as a short-term residential rental unit.~~

21 (ik) ~~SHORT-TERM RESIDENTIAL RENTAL UNIT~~STR RENTER. Means an  
22 individual who enters into an agreement or is authorized by the ~~short-term residential~~  
23 ~~rental unit~~STR owner, regardless of remunerations, ~~the~~to use ~~of~~ property as an short-  
24 ~~term residential rental unit~~STR. Such renter is not considered a tenant or a person who  
25 hires a dwelling unit under Civil Code §sSection 1940.

26 (l) SURROUNDING PROPERTY OWNER. Means the owner of property that  
27 is located within the applicable distance from the STR as set forth in Table 85-2 of  
28 §Section 85.03.080 (Notice of Pending Land Use Decisions).

1 **84.28.040 Permit Required.**

2 ~~(a)~~ A ~~short-term residential rental unit~~property owner may use a ~~single-family~~  
3 ~~dwelling unit~~ as an ~~short-term residential rental unit~~STR only if said owner has a current  
4 valid ~~short-term residential unit~~STR permit and complies with the requirements of this  
5 Chapter and other applicable provisions of the County Code. A separate permit shall be  
6 required for each dwelling unit used as an ~~short-term residential rental~~STR ~~unit~~ when  
7 there is more than one legal ~~single-family~~ dwelling unit ~~or a duplex~~ on the parcel.

8 ~~(1) An accessory dwelling unit, primary dwelling unit, guesthouse,~~  
9 ~~casita, or other residential accessory structure may be permitted as a short-term~~  
10 ~~residential rental unit when at least one of the dwelling units (primary dwelling, accessory~~  
11 ~~dwelling unit, or caretaker dwelling) is occupied by the property owner or legal agent. This~~  
12 ~~owner occupancy requirement shall not apply to a parcel two acres or greater. A~~  
13 ~~maximum of two legal dwelling units per parcel of land may be approved for separate~~  
14 ~~individual short-term residential rental unit permits. an owner or agent. A maximum of~~  
15 ~~two STRs permits may be issued~~permitted for a parcel 2 acres or greater. For parcels  
16 less than two acres, A maximum of one STR permit may be issuedpermitted for a parcel  
17 less than 2 acres.

18 ~~(2) An individual unit, such as an apartment or condominium, located~~  
19 ~~within a multi-family residential project, is not eligible for an~~ ~~short-term residential rental~~  
20 ~~unit~~STR permit.

21 ~~(1)(3) Short-term timeshare occupancy of a condominium unit may be~~  
22 ~~authorized by the condominium owners' association or other governing body having~~  
23 ~~jurisdiction over the timeshare complex, provided enforcement of such occupancy~~  
24 ~~requirement is performed by the same association or governing body. Such occupancy~~  
25 ~~shall not be subject to an STR permit.~~

26 (b) ~~Short-term residential unit~~STR renters are subject to the uniform transient  
27 occupancy tax of ~~§Section~~ 14.0203 (Uniform Transient Occupancy Tax).

28 (c) ~~A short-term residential rental unit~~An STR permit ~~shall not be~~ is

1 transferrable, ~~to the new owner of the rental unit in question, provided that the new owner~~  
2 ~~informs the County of its desire to assume the responsibilities of holding the short-term~~  
3 ~~residential rental unit permit in question within 30 days of taking title to the property. Within~~  
4 ~~30 calendar days of taking title to the property, the~~ A new owner that desires to use the  
5 property as a STR of the property shall apply for an new STR permit. ~~is also responsible~~  
6 ~~to provide the County with the information necessary to satisfy the requirements of §§~~  
7 ~~84.28.050(a)(1) through (7), so that the County may be assured that the new owner~~  
8 ~~understands its duties and responsibilities as the owner of a short-term residential rental~~  
9 ~~unit. The County may also charge a fee for changing the permit record, as set forth in the~~  
10 ~~schedule of fees in Division 6 of Title 1 of the County Code.~~

11 (d) An alternative shelter advertised as STR shall not be eligible for an STR  
12 permit. Rental of an alternative shelter may be permitted as a campground use.

13 **84.28.050 Application Process.**

14 (a) Application. An application for an n short-term residential rental unit STR  
15 permit shall be submitted to the responsible department on a pre-approved form. The  
16 required content of the form may be revised from time to time, but at a minimum shall  
17 require the following:

18 (1) Property owner name and contact information.

19 (2) Applicant name and contact information, if different from the property  
20 owner.

21 (3) Address and Assessor's parcel number for ~~the property containing~~  
22 ~~the single-family dwelling unit, accessory dwelling unit or other permitted structure~~ to be  
23 used as an n short-term residential rental unit STR.

24 (4) Total square footage of the ~~single-family dwelling unit, accessory~~  
25 ~~dwelling unit or other permitted structure~~ to be used as an n short-term residential rental  
26 unit STR.

27 (5) Total ~~square footage of habitable space~~ number of bedrooms to be  
28 used for overnight sleeping purposes.

1 (6) The name of the managing agency, agent, or property manager, if  
2 different from the property owner, and a telephone number at which that party may be  
3 immediately reached on a 24-hour basis.

4 (7) Acknowledgment that the permittee understands and agrees to  
5 operate the ~~short-term residential rental unit~~STR in compliance with the regulations and  
6 requirements set forth in this Chapter.

7 (8) A fee amount to cover ~~an initial inspection and one additional~~  
8 ~~inspection~~the application and permit fee, as set forth in the ~~schedule of fees in Division 6~~  
9 ~~of Title 1 of the San Bernardino County Codes~~schedule of fees. If ~~further~~ additional  
10 inspections or enforcement actions are required, then the owner or applicant ~~shall~~may be  
11 required to pay for the additional ~~inspection fees~~services.

12 (b) Notification Requirements.

13 (1) The responsible department shall provide notice of the  
14 application to all ~~potentially affected~~surrounding property owners. ~~in the following~~  
15 ~~circumstances:~~(A) The application is submitted as a result of the issuance of a notice of  
16 ~~violation due to the advertising of a dwelling unit for short-term residential rental use or~~  
17 ~~use of a property as a short-term residential rental unit without a short-term residential~~  
18 ~~rental unit permit.~~

19 ~~(B) During the processing of the application, the responsible~~  
20 ~~department is made aware of circumstances that would lead it to reasonably believe that~~  
21 ~~the property has been used in violation of this Chapter, including but not limited to that~~  
22 ~~the property was used as a short-term residential rental unit without a short-term~~  
23 ~~residential rental unit permit.~~

24 ~~(2) If there are additional costs to the County in providing notice to all~~  
25 ~~potentially affected property owners, the cost of the permit application shall be changed~~  
26 ~~to allow the County to recover those costs.~~ The notice shall provide that comments may  
27 be submitted to the responsible department up to 20 calendar days after the date of said  
28 notice.

1           (32) The responsible department shall notify the applicant if the  
2 application is approved or denied, with including the applicable appeal provision.  
3 Notwithstanding Section 86.06.020 (Effective Date of Permits), the effective date of the  
4 STR permit will be the first business day following a 30-day appeal period identified in  
5 sSubsection (e). ~~at the applicant's mailing address as shown on the most recent~~  
6 ~~application or otherwise filed with the responsible department. Within ten calendar days~~  
7 ~~of the issuance or renewal of a short-term residential rental permit, t~~he responsible  
8 department shall also send notice to all ~~potentially affected~~surrounding property owners  
9 informing them that a permit was issued including with the applicable appeal provision.  
10 This notice to surrounding property owners shall contain, at a minimum, the following  
11 information:

12                           (A) The name of the managing agency, agent, property manager,  
13 or owner of the dwelling unit, and a telephone number at which that party may be  
14 immediately reached on a 24-hour basis;

15                           (B) The phone number of the County's 24/7 short-term rental  
16 complaint line;

17                           (C) The maximum number of occupants allowed in the dwelling  
18 unit;

19                           (D) The maximum number of vehicles allowed to be parked on the  
20 property; and

21                           (E) A web link to on-line information regarding STR permits.

22                   ~~(3) The responsible department shall post the information mailed to~~  
23 ~~surrounding property owners on the STR property.~~

24           (c) Operation During Application Process. Notwithstanding ~~§~~ Section  
25 84.28.040 (Permit Required), while a new application for an STR~~short-term residential~~  
26 ~~rental unit~~ permit is pending, a dwelling unit may be used as an STR~~short-term residential~~  
27 ~~rental unit~~ provided that the dwelling unit has been permitted by a previous owner, there  
28 are no outstanding violations, and the new owner has applied for a permit within 30 days

1 ~~of taking title to the property pursuant to §Subsection 84.28.040(cd), passed a physical~~  
2 ~~inspection by the County and otherwise complies with the requirements of §§ 84.28.060~~  
3 ~~and 84.28.070 and any applicable requirements set forth in Chapter 1 of Division 3 of Title~~  
4 ~~6 and Chapter 19 of Division 3 of Title 6 of the County Code and other law.~~

5 (d) Application Denial. An application for an ~~STR~~ STR permit or renewal of a permit under this Chapter shall be denied by the  
6 responsible department upon one or more of the following grounds:  
7

8 (1) The application is incomplete or the applicant has otherwise failed to  
9 comply with the requirements of this Chapter.

10 (2) The applicant or permittee provided material information that ~~was~~  
11 ~~knowingly incorrect~~ is false, or ~~provided material information that~~ which the applicant  
12 ~~reasonably~~ should have ~~reasonably~~ known ~~wasto be~~ incorrect, in the application for a  
13 permit under this Chapter.

14 (3) The ~~STR~~ STR or property is not in  
15 compliance with the standards of this Chapter or other applicable County Code provisions  
16 and has failed to pass the initial or renewal inspection.

17 (e) Applicant Appeals. An applicant may appeal the denial or conditional  
18 acceptance of an application for an ~~STR~~ STR permit. Such appeal  
19 must be in writing and submitted to the responsible department within ~~ten~~ 30 calendar  
20 days ~~following~~ the date of the notice provided pursuant to ~~§ Subsection~~  
21 ~~84.28.050(b)(32)~~. When the ~~tenth~~ 30<sup>th</sup> day is not a County business day, the time frame  
22 is extended to the ~~second consecutive~~ next County business day following the ~~tenth~~ 30<sup>th</sup>  
23 day. The appeal shall follow the procedure set forth in ~~§ Subsection~~ 84.28.090(c)(2).

24 (f) ~~Affected Property Owners' Non-Applicant~~ Appeals. ~~Potentially affected~~  
25 ~~property owners~~ Non-applicants may appeal the granting of a new ~~STR~~ STR  
26 permit. All such appeals must be submitted to the responsible department  
27 within ~~ten~~ 30 calendar days ~~following~~ the date of the notice provided pursuant to ~~§~~  
28 ~~Subsection~~ 84.28.050(b)(32). When the ~~tenth~~ 30<sup>th</sup> day is not a County business day, the

1 time frame is extended to the ~~second consecutive~~next County business day following the  
2 ~~tenth-30<sup>th</sup>~~ day. The grounds for such appeal ~~is~~are limited to the claim that past use of the  
3 property as an ~~an short-term residential rental unit~~STR has not complied with one or more  
4 requirements of ~~§§ Subsections~~ 84.28.060(b) through (~~cd~~), or ~~§ Section~~ 84.28.070, or  
5 that, based on competent evidence, any prospective use for such purpose will likely not  
6 comply with one or more of such requirements. Such appeal shall be heard in the same  
7 manner as specified in ~~§ Subsection~~ 84.28.090(c)(~~2~~). The applicant shall be provided  
8 notice of the hearing. If the ~~potentially affected property owner~~appellant prevails in the  
9 appeal, then the applicant's application shall be deemed to be denied and such decision  
10 shall be the final decision of the County. No further appeal shall be available at the  
11 administrative level.

12 (g) Permit Renewal. ~~An The short-term residential rental unit~~STR permit shall  
13 be renewed ~~bienniannually~~annually. Permit renewal shall be approved if the current conditions of  
14 operation and other standards in this Chapter have been met, the subject property passes  
15 the renewal inspection, and the applicable renewal ~~and permit fees~~and permit fees as set forth in the San  
16 Bernardino County Code schedule of fees ~~is~~are paid. Renewal payments submitted after  
17 permit expiration are subject to a delinquent fee pursuant to the schedule of fees.  
18 Continued use of an ~~an short-term residential rental unit~~STR is prohibited following permit  
19 expiration until renewal payment, including any delinquent fee, has been received by the  
20 County. Failure to submit renewal payment within 45 ~~calendar~~calendar days of permit expiration,  
21 including any delinquent fee, shall result in ~~closure~~expiration of the ~~short-term residential~~  
22 ~~rental unit~~STR permit. The ~~short-term residential rental unit~~STR owner shall be required  
23 to submit a new application, pay the applicable new permit application fee, and be subject  
24 to the application process ~~as set forth beginning in S~~as set forth beginning in ~~Subsection~~division (a) above.

#### 25 **84.28.060 Occupancy Standards.**

26 (a) Compliance with Uniform Codes and Other Laws. At the time of issuance  
27 of an ~~an short-term residential rental unit~~STR permit and thereafter, the ~~short-term residential~~  
28 ~~rental unit~~STR owner shall be ~~responsible for in~~responsible for compliance with the California Fire Code,

1 California Building Code, the National Fire Protection Association Standards or  
2 regulations, and any other applicable uniform codes, as adopted by ~~the County of San~~  
3 Bernardino County, and other applicable laws and codes.

4 (b) Occupancy Limits. Occupancy limits ~~per room for an short-term residential~~  
5 ~~rental unit~~STRs shall be determined as follows:

6 (1) Occupancy limits shall be determined based on the number of  
7 bedrooms in the STR, allowing ~~In order for a room to be considered habitable space for~~  
8 ~~overnight sleeping purposes, it must be a minimum of 70 square feet. a maximum of two~~  
9 people per bedroom. The number of bedrooms will be verified using County Assessor  
10 data and County building records. Example occupancies:

11 (A) Two-bedroom STR: four occupants

12 (B) Three-bedroom STR: six occupants

13 (C) Four-bedroom STR: eight occupants

14 (D) Five-bedroom STR: ten occupants

15 (2) In addition to the occupancy limits determined based on the number  
16 of bedrooms, up to two minor children under the age of 18 may be added to the calculation  
17 of STR occupancy but in no case shall the total occupancy exceed 12 persons of any  
18 age.

19 (23) Kitchens, bathrooms, toilet rooms, living rooms, dens, dining areas,  
20 halls, closets, storage or utility spaces, and similar areas are not considered ~~habitable~~  
21 ~~rooms for sleeping purposes, thus the square footage represented by these bed~~rooms  
22 and shall not be used in the calculation for determining the maximum number of  
23 occupants.

24 (45) Occupancy Cap. Notwithstanding the allowances based on the  
25 number of bedrooms, per Subdivision (b) above, on parcels smaller than one-half acre,  
26 the maximum occupancy of any short-term residential rental unitSTR shall not exceed 12  
27 occupants, including children.

28 ~~(5) Notwithstanding the allowances per Subdivision (b) above, on parcels one-half acre~~

1 ~~to one acre, the maximum occupancy of a short term residential rental unit shall not~~  
2 ~~exceed 15 persons.~~

3 ~~(6) Notwithstanding the allowances per Subdivision (b) above, on parcels~~  
4 ~~greater than one acre, the maximum occupancy of a short term residential rental unit shall~~  
5 ~~not exceed 20 persons.~~

6 ~~(57) Notwithstanding the allowances per Subdivisions (b) and (c)(1)~~  
7 ~~through (6) above, the~~for ~~maximum occupancy of a short term residential rental unit, the~~  
8 ~~use of an STR shall be limited by the not exceed the occupancies supported by~~  
9 ~~the capacity of on-site parking spaces, pursuant to the minimum parking standards as~~  
10 ~~required by Subsection (d) below.~~

11 ~~(d) Parking. All vehicles of short term residential rental unit~~STR  
12 ~~renters occupants and their guests~~ must be parked on the ~~short term residential rental~~  
13 ~~unit~~STR property. Parking spaces may include garage, carport, and driveway spaces,  
14 and may allow for tandem parking. On-site parking areas shall be kept free from any  
15 obstructions, including, but not limited to, excessive amounts of snow, which would  
16 prevent use for vehicle parking. Only the approved parking areas/spaces pursuant to the  
17 short term residential rental unitSTR permit shall be used for vehicle parking. No vehicle  
18 related to the STR of renters shall be parked on neighboring properties or on public or  
19 private roadswithin the transportation right-of-way, or in any manner that would create an  
20 obstruction. ~~Parking shall be provided on-site at a ratio of not less than one parking space~~  
21 ~~for every four renters. Short term residential rental properties with occupancy limits of~~  
22 ~~two renters shall be limited to two vehicles. Parking spaces may include garage, carport,~~  
23 ~~and driveway spaces, and may allow for tandem parking. On-site parking areas shall be~~  
24 ~~kept free from any obstructions, including but not limited to excessive amounts of snow,~~  
25 ~~which would prevent use for vehicle parking. Only the approved parking areas/spaces~~  
26 ~~pursuant to the short term residential rental unit permit shall be used for vehicle parking.~~  
27 Pursuant to §Subsection 84.28.080(a)(2), violations of the parking requirements of this  
28 Chapter may result in vehicles being towed without notice.

1 **84.28.070 Conditions of Operation.**

2 The following are minimal requirements for ~~short-term residential rental units~~STR  
3 operation. These are in addition to any other applicable requirements of this Chapter,  
4 other applicable provisions of the County Code, or other law.

5 (a) Prohibited Uses of Property. ~~An short-term residential rental unit may~~STR  
6 shall not be used for any ~~transient~~ occupancy other than the purposes described in ~~the~~  
7 ~~definition of short-term residential rental unit set forth in § 84.28.030(i), and in conformity~~  
8 ~~with the requirements of~~ this Chapter. ~~An short-term residential rental unit~~STR shall not  
9 be used for any commercial activity, which includes but is not limited to weddings,  
10 ~~wedding~~ receptions, corporate retreats, business meetings or conferences, filming,  
11 photography shoots, ~~a fraternity parties~~y, or any ~~other~~-similar ~~gathering activities~~s, unless  
12 regulated under an applicable approved County-issued permit.

13 (b) Minimum Rental Period. A two-night minimum rental period shall be  
14 required for STR bookings on Fridays and Saturdays except for an STR that is owner-  
15 occupied STRs.

16 (bcd) Record Keeping. The property owner or property manager shall maintain  
17 records sufficient to prove compliance with this Chapter and other applicable laws. These  
18 records shall be maintained so that they can be readily provided to the County, and  
19 provided in such a manner that establishes that the property owner or property manager  
20 is routinely maintaining such records.

21 (ed) Registration. The ~~short-term residential rental unit~~STR owner ~~as defined in~~  
22 ~~§ 84.28.030(g)~~, shall administer registration prior to allowing occupancy of the ~~rental~~  
23 ~~unit~~STR. The registration shall include review of the ~~short-term residential rental unit~~STR  
24 regulations with at least one adult renter ~~of the rental unit~~STR. At the time of such  
25 registration, the renter shall be provided a complete written or digital copy of the ~~rental~~  
26 ~~unit rules and regulations~~requirements of the STR permit and applicable regulations, as  
27 well as disclosure of the penalties associated with violations. The registration material  
28 shall advise the renter of the occupancy and vehicle/parking limitations, responsibility to

1 avoid nuisance behavior, and ~~that the use of the rental unit for~~prohibition of commercial  
2 activity, as described in SsSubsection (a) above.~~which includes, but is not limited to~~  
3 ~~weddings, wedding receptions, corporate retreats, business meetings or conferences,~~  
4 ~~fraternity parties, or any other similar gatherings shall be prohibited unless authorized by~~  
5 ~~a County-issued permit.~~ The registration material shall ~~contain a space for~~include an  
6 acknowledgement to be signed by the renter and retained in the STR owner's records. ~~as~~  
7 ~~having read, understood and agreed to all provisions.~~ Registration materials shall be  
8 preserved for the term of the ~~short-term residential rental unit~~STR permit, and shall be  
9 provided to the County, when requested, to confirm compliance with ~~short-term residential~~  
10 ~~rental unit~~STR permit conditions of operation and regulations set forth in this Chapter. If  
11 the owner fails to provide adequate directions to the dwelling unit or fails to confirm  
12 acknowledgement and understanding of the ~~rental unit rules and~~ STR regulations, the  
13 conditions of operation of the ~~short-term residential rental unit~~STR permit may be  
14 amended by the County to require in-person registration.

15 (dfe) Advertising.

16 (1) Advertising that promotes an STR for  
17 a use that is not permitted ~~or could not be permitted by this code or other law~~, is prohibited.

18 (2) All advertising, including real-estate magazines, fliers, newspapers,  
19 television or radio commercials, internet pages, or web-based ads or rental  
20 platformscoupons, that promote the use of an STR prior  
21 to approval of an STR permit pursuant to § 84.28.040(a) or  
22 while the STR permit is suspended or revoked, shall be prohibited to the extent provided  
23 by law. All advertisements featuring a permitted ~~short-term residential rental unit~~STR  
24 shall specify the maximum permitted number of occupants, guests and vehicles ~~for the~~  
25 ~~rental unit~~permitted on the STR property.

26 (egf) Posted Notices within Unit. The County-issued ~~short-term residential rental~~  
27 ~~unit~~STR permit shall be posted inside the unit on or adjacent to the front door, along with  
28 an exit/emergency evacuation map. In addition, each ~~short-term residential rental~~

1 ~~unit~~STR shall have a clearly visible and legible notice posted in a prominent location within  
2 the unit, containing the following information:

3 (1) The address of the ~~short-term residential rental unit~~STR.

4 (2) The name of the managing agency, agent, property manager, or  
5 owner of the unit, and a telephone number at which that party may be immediately  
6 reached on a 24-hour basis.

7 (3) The maximum number of occupants permitted to stay overnight in  
8 the unit.

9 (4) The maximum number of vehicles allowed to be parked on the  
10 property.

11 (5) The contact person or agency, and phone number for snow removal.

12 (6) ~~Notification of the arrangements that the owner has made to allow~~  
13 ~~the renter to properly store and~~Instructions for disposal of trash ~~or refuse~~ in accordance  
14 with the requirements of this Chapter.

15 (7) Notification that failure to comply with the requirements of this  
16 Chapter, including parking and occupancy standards, as well as public and private  
17 nuisance standards, is a violation of the County Code, and that such violation may result  
18 in enforcement actions to address the violation. Enforcement ~~These~~ may include ~~actions~~  
19 ~~to abate the nonconformity, the institution of~~ criminal, civil, or administrative actions, or,  
20 ~~under certain circumstances,~~ the calling of law enforcement for the removal of guests and  
21 their vehicles from the property to the extent authorized by law. The notification shall  
22 state in a prominent format that users of the dwelling unit are prohibited from disturbing  
23 the peace of the surrounding neighborhood and that doing so is a violation of this Chapter  
24 and the rental agreement.

25 (8) Location of utility service connections, including how to access  
26 service connections and instructions and any tools necessary to disconnect the  
27 ~~STR~~short-term residential rental unit from utility services in the event of an emergency.

28 (9) Phone numbers of local emergency medical and law enforcement

1 services.

2 (10) Property boundary map for the purpose of deterring trespassing on  
3 other privately owned properties and identification of the approved parking area(s).

4 (hg) Good Neighbor Information. In addition to the required posted notices, the  
5 STR owner shall provide a brochure or document intended to remind renters that the STR  
6 is located in a neighborhood. The information should promote respect for residents of the  
7 neighborhood, including their rights to expect peace, quiet, privacy and security.

8 (fh) Call Response.

9 (1) The ~~short-term residential rental unit~~STR owner or agent shall be  
10 personally available by telephone on a 24-hour basis and maintain the ability to make  
11 contact by phone within 30 minutes and be physically present at the property within one  
12 hour in order to respond to and remedy ~~calls or~~ complaints regarding the condition or  
13 operation of the dwelling unit or the behavior of persons on the property in violation of this  
14 Chapter or other law.

15 (2) On a 24-hour basis, within one hour of receiving a report of a call or  
16 a complaint report, the ~~short-term residential rental unit~~STR owner must confirm whether  
17 or not the complaint is valid. If the complaint is valid, the ~~short-term residential rental~~  
18 unitSTR owner shall immediately take corrective action within the lawful authority of the  
19 STR owner to abateresolve the violation, or ~~to cause~~stop the nuisance behavior that  
20 disturbs the peace ~~of the neighboring properties to stop~~, for the entire duration of the  
21 occupancy of the person causing or allowing such violation or nuisance behavior. ~~Such~~  
22 Corrective action may require ~~necessarily include, under certain~~  
23 circumstances, immediate eviction of STR renters and ~~the~~ contacting ~~of~~ law enforcement,  
24 if necessary, County officials, or other appropriate officials for the removal of renters,  
25 guests and their vehicles from the property to the extent authorized by law.

26 (3) Calls or complaints about physical conditions or circumstances that  
27 constitute an immediate threat to the public health and safety shall obligate the STR  
28 owner to immediately contact the appropriate law enforcement, fire, or other authority.

1 (4) Each STR owner shall keep a written record of the times and type of  
2 complaints received, what response was undertaken by the STR owner, and when such  
3 complaints were resolved. This written record shall be made available to the County upon  
4 request, and shall be retained by the owner for the term of the ~~short-term residential rental~~  
5 ~~unit~~STR permit.

6 (gji) Responsibilities of STR Owner to Prevent Nuisance Behavior and Maintain  
7 Neighborhood Peace and Quiet. The STR owner shall take all lawful action necessary to  
8 ensure that renters and occupants abide by the terms of this Chapter and other applicable  
9 provisions of the County Code and law. The STR owner must inform renters and  
10 occupants that they are not to violate any noise standards, parking standards, or  
11 otherwise create a public or private nuisance.

12 (hki) Loud and Disturbing Noise.

13 (1) It is unlawful for any owner, renter, occupant, or guest located at an  
14 ~~STR~~~~short-term residential rental unit~~ to make, ~~cause to be made~~, or allow to be made,  
15 ~~either willfully or through failure to exercise control~~, any loud, excessive, ~~impulsive~~, or  
16 intrusive noise that disturbs the peace ~~or quiet~~ or that causes discomfort or annoyance to  
17 any reasonable person of normal sensitivities in the area. Such ~~types of noises or actions~~  
18 ~~causing noises~~ may include, but are not limited to, ~~yelling~~, shouting, ~~hooting~~ loud laughter,  
19 whistling, singing, playing a musical instrument, ~~emitting or transmitting any playing~~ loud  
20 music or noise from ~~any mechanical or electrical~~ sound making or sound amplifying  
21 devices, and ~~the habitual barking dogs, howling, or crowing of animals~~.

22 (2) The standard for enforcement of this ~~sSSubsection~~ division is the  
23 “reasonable person” standard. The inquiry is whether the noise would disturb the peace  
24 ~~or quiet~~ or cause discomfort or annoyance to a reasonable person under ~~the same or~~  
25 similar circumstances.

26 (3) Factors that may be considered in determining whether a violation of  
27 this SubsSection ~~division~~ has been committed include, but are not limited to, the following:

28 (A) The level of noise;

1 (B) The level and intensity of ~~the background~~ (ambient) noise, if  
2 any;

3 (C) The proximity of the noise to the ~~residential unit in~~  
4 ~~question~~ reporting party;

5 (D) The time of day or night the noise occurs;

6 (E) The duration of the noise;

7 (F) Whether the noise is constant, recurrent, or intermittent; and

8 (G) Whether the noise is produced by a mechanical or electronic  
9 device.

10 (~~kk~~) Safety.

11 (1) Solid fuel burning outdoor fireplaces, chimineas, barbeques, and fire  
12 pits are prohibited in the Mountain Region.

13 (2) The interior and exterior of the ~~short-term residential rental unit~~ STR  
14 shall be kept free of hazardous conditions at all times.

15 (3) Spas/hot tubs shall be covered and locked when not in use.

16 (~~jm~~) Sanitation.

17 (1) Every ~~short-term residential rental unit~~ STR shall be cleaned after  
18 each occupancy change in order to make the unit sanitary.

19 (2) If linens are provided for use by renters, said linens will be  
20 exchanged for clean linens after each occupancy.

21 (3) The exterior of the ~~short-term residential rental unit~~ STR shall be  
22 maintained and kept free of debris.

23 (4) Spas/hot tubs shall be maintained and cleaned as frequently as  
24 needed to preserve sanitary conditions.

25 (~~kn~~) Trash/Refuse. Trash shall be deposited in approved trash collection  
26 containers on the ~~short-term residential rental unit~~ STR property. Trash containers shall  
27 be kept closed when not in use, never be permitted to overflow, and kept in a clean  
28 condition ~~without excessive build-up of encrusted wastes in or on the container.~~

1 (1) In the Mountain Region, ~~short-term residential rental unit~~STR owners  
2 shall use animal-proof trash containers (unless discouraged by the County-approved  
3 refuse collection hauler) and procure trash collection service from the County-approved  
4 refuse collection hauler when said service is available. Pull-out trash service shall also  
5 be established with the County approved refuse collection hauler when said service is  
6 available. A sufficient number of trash containers based on permitted occupancy ~~levels~~  
7 of the ~~rental unit~~STR shall be procured.

8 (2) In the Desert Region, ~~short-term residential rental unit~~STR owners  
9 shall procure trash collection service and trash collection containers from the County-  
10 approved refuse collection hauler when said service is available except trash collection  
11 service and containers are optional if the STR owner resides on the STR property and  
12 removes trash promptly. A sufficient number of containers based on occupancy levels of  
13 the rental unit shall be procured.

14 (3) Trash shall be removed from the premises after each occupancy  
15 unless routine commercial trash collection is provided to the premises.

16 ~~(len)~~ Animals.

17 (1) License. No person shall have, keep, or maintain any dog on the  
18 property of a ~~n~~ ~~short-term residential rental unit~~STR unless he or she is able to provide  
19 proof of a current license ~~or license tag~~ issued by the County or other ~~applicable~~-municipal  
20 dog licensing agency.

21 (2) Control of Animals. No person owning or having control of any  
22 animal shall permit such animal to stray or run at large upon any unenclosed area on or  
23 off the ~~short-term residential rental unit~~STR property. No person may lawfully bring his  
24 or her dog off a ~~STR~~~~short-term residential rental~~ property unless the dog is restrained by  
25 a leash and the person is competent to restrain the dog, or the dog is properly restrained  
26 and enclosed in a vehicle, cage, or similar enclosure.

27 (3) Noise. It shall be unlawful for any person owning or having control  
28 of any animal to ~~be allowed~~ the animal to create excessive noise in violation of

1 ~~§~~Subsection~~division~~ (h) of this ~~section~~Section.

2 **84.28.080 Enforcement.**

3 (a) General.

4 (1) Owners and renters of ~~an short-term residential rental units~~STR shall  
5 comply with the requirements of this Chapter and all other applicable sections of the  
6 County Code and other law. A hosting platform shall comply with the requirements of ~~§~~  
7 Section 84.28.110 (Hosting Platform Requirement) and all other applicable sections of  
8 the County Code and other law.

9 (2) In addition to any enforcement action and remedy authorized by this  
10 Chapter, a violation of any requirement of this Chapter may result in remedial action by  
11 appropriate members of County staff or any enforcement officer as defined in Chapter 2  
12 of Division 1 of Title 1 of the County Code without notice if providing notice is not  
13 reasonable considering the need for immediate remedial action, and/or if prior notice to  
14 the property owner or the renters, either verbal or written, has not resulted in appropriate  
15 remedial action by the property owner. If the violation ~~consists of a violation of~~pertains to  
16 any of the parking requirements of this Chapter, ~~then~~ the remedy may, to the extent  
17 permitted by law, include ~~the~~ towing of the vehicle or vehicles causing the violation of the  
18 parking requirement. Remedial actions taken under this Section, other than any criminal  
19 citations, are subject to appeal pursuant to Chapter 2 of Division 1 of Title 1 of the County  
20 Code or other applicable provision, but no request for appeal shall stay the remedial  
21 actions taken pursuant to this Section.

22 (b) Uniform Transient Occupancy Tax—Failure to Pay. Failure by the owner,  
23 or when applicable, a hosting platform to collect and remit to the Tax Collector the Uniform  
24 Transient Occupancy Tax may result in the Tax Collector pursuing any remedy against  
25 the owner or hosting platform, including imposing and collecting said tax from the owner  
26 or hosting platform, authorized under Chapter 2 of Division 4 of Title 1 of the County Code  
27 or other applicable law. Notwithstanding the duty imposed by ~~§~~ SubSection  
28 84.28.110(a), the use of a hosting platform to facilitate the rental of a short-term residential

1 rental unit shall not relieve an owner of liability for violations of this ~~SubSection~~ division.

2 (c) Administrative Subpoena. The County may issue and serve an  
3 administrative subpoena as necessary to obtain specific information identified in §  
4 SSection 84.28.110 (Hosting Platform Requirement) regarding ~~short-term residential~~  
5 ~~rental unit~~ STR listings located in the unincorporated areas of San Bernardino County. Any  
6 subpoena issued pursuant to this ~~SSubsection~~ division shall not require the production of  
7 information sooner than 30 calendar days from the date of service. A person that has  
8 been served with an administrative subpoena may seek judicial review during that 30-day  
9 period.

10 **84.28.090 Suspension of Permit.**

11 (a) Suspension of Permit. An ~~an short-term residential rental unit~~ STR permit may  
12 be suspended for the following reasons:

13 (1) Substandard Building or Property or Unsafe Building or Structure.  
14 Any violation of the requirements of ~~Chapter 1 of Division 3 of Title 6 or Chapter 19 of~~  
15 ~~Division 3 of~~ Title 6 of the County Code ~~that may~~ results in suspension of the STR permit  
16 ~~the and~~ issuance of a notice of defect or notice and order to repair. Notice of such  
17 suspension shall be provided pursuant to the requirements of Chapter 1 of Division 3 of  
18 Title 6 of the County Code.

19 (2) General Violations. Any failure to comply with, or respond to, any  
20 notice of violation or other notice from the County requiring compliance with one or more  
21 requirements of this Chapter or other applicable provision of the County Code or other  
22 law may result in suspension of the STR permit. Property owners shall be informed of  
23 such suspension in a written notice mailed using both certified mail with return receipt  
24 and first class service. In addition, although not required, the notice may also be posted  
25 on the property and/or mailed to any additional individuals or companies listed on the  
26 permit application.

27 (b) Use of Property During Suspension and Stays.

28 (1) When an ~~an short-term residential rental unit~~ STR permit is suspended

1 ~~or stayed pending outcome of an appeal~~, the property ~~or properties~~ affected by the  
2 suspension shall not be used as ~~an short-term residential rental~~STR until such time as  
3 the suspension ~~is~~or ~~stayed~~ ~~or is~~ lifted.

4 (2) Permits suspended pursuant to ~~§~~ SubSection 84.28.090(a)(1) will  
5 remain suspended until such time as the Building Official or his or her designee confirms  
6 that all violations have been corrected or the Building Appeals Board has ruled in favor of  
7 the appellant.

8 (3) Permits suspended for general violations, i.e., those under ~~§~~  
9 SubSection 84.28.090(a)(2), will remain suspended until such time as the violations are  
10 abated, or the property owner can reasonably demonstrate substantive changes in the  
11 property management practices that would mitigate or correct these ~~se~~ violations, or a  
12 hearing officer has ruled in favor of the appellant. If an appeal hearing for a general  
13 violation cannot be scheduled within 14 calendar days after an appeal was filed or if the  
14 hearing is scheduled but, through no fault of the appellant, not held within 30 calendar  
15 days after the appeal was filed, the suspension ~~must~~will~~shall~~ be stayed through the date  
16 a ruling on the appeal is issued.

17 (c) Appeals of Suspensions. An appeal must be filed no later than ten calendar  
18 days ~~of~~after the date the notice of suspension is issued. When the tenth day is not a  
19 County business day, the time frame is extended to the ~~second consecutive~~next County  
20 business day following the tenth day.

21 (1) The suspension of a permit pursuant to ~~S§~~ Subsection  
22 84.28.090(a)(1) may be appealed for a hearing before the Building Appeals Board. The  
23 format and process of the appeal shall be as required by S§ Section 63.010~~57~~. A decision  
24 by the Building Appeals Board shall be final and no further appeal within the County shall  
25 be available.

26 (2) The suspension of a permit for a general violation may be appealed  
27 to a County-designated hearing officer. The decision by the hearing officer shall be final  
28 and no further appeal within the County shall be available. The hearing procedure shall

1 include the following:

2 (A) At least ten calendar days written notice of the hearing shall  
3 be given to the permit holder prior to the hearing date. The hearing date may be  
4 postponed or continued by stipulation of the parties. If the permit holder does not respond  
5 or appear, no further hearing procedure shall be required.

6 (B) Witnesses shall swear or affirm to tell the truth. The oath or  
7 affirmation shall be taken by the hearing officer. The County shall present its case first,  
8 with oral testimony and documentary evidence or other evidence. The County shall have  
9 the right of cross-examination. The permit holder shall have the right to be represented  
10 and shall have the right of cross-examination. ~~The permit holder may present his or her~~  
11 ~~response after the County has presented its case. Both parties may thereafter present~~  
12 ~~argument.~~

13 (C) No determination or order shall be based solely on hearsay  
14 evidence. The hearing officer shall make his or her determination within five working days  
15 ~~of the end of~~ following the hearing, ~~unless a party requests a greater period of time.~~ The  
16 determination shall be in writing, and shall state the findings upon which the determination  
17 is made. The decision by the hearing officer shall be final and no further appeal within  
18 the County shall be available.

19 (3) The failure to appeal a suspension in a timely manner shall render  
20 the action to suspend final and no further appeal within the County shall be available.

21 **84.28.100 Revocation of Permit.**

22 (a) Revocation of Permit. ~~A short-term residential rental unit STR~~ permit may  
23 be revoked for the following reasons:

24 (1) The severity of a violation of a requirement of ~~Chapter 1 of Division~~  
25 ~~3 of Title 6 or Chapter 19 of Division 3 of~~ Title 6 of the County Code necessitated the  
26 immediate vacation of the property.

27 (2) The conditions or actions that resulted in the suspension of the  
28 permit have not been abated, or addressed by a demonstrable change in the business

1 practices associated with the ~~short-term residential rental unit, STR~~ within 60 calendar  
2 days of the suspension being upheld on appeal or otherwise deemed final.

3 (3) The condition or the business practice that resulted in the suspension  
4 of the permit re-occurs within 12 months effollowing the date the suspension was upheld  
5 on appeal or otherwise deemed final.

6 (4) A permit is suspended two times in a consecutive 24-month period,  
7 where said suspensions are either upheld on appeal or otherwise deemed final.

8 (5) The permit was obtained through fraud or deceit.

9 (6) The permit was issued in error.

10 (b) Appeals of Revocation of Permit.

11 (1) The revocation of a permit based on substandard building conditions  
12 or other violations of Title 6 of the County Code pursuant to § 84.28.100(a)(1) may be  
13 appealed for a hearing before the Building Appeals Board. The format and process of  
14 the appeal shall be as required by § SectionSection 63.01057. A decision by the Building  
15 Appeals Board shall be final and no further appeal within the County shall be available.

16 ~~—(2) The revocation of a permit pursuant to §§ 84.28.100(a)(2), (a)(3), or (a)(4), where~~  
17 ~~the underlying violation or violations are based on a failure to comply with the~~  
18 ~~requirements of Chapter 1 of Division 3 of Title 6 or Chapter 19 of Division 3 of Title 6 of~~  
19 ~~the County Code, may be appealed for a hearing before the Building Appeals Board. The~~  
20 ~~format and process of the appeal shall be as required by § 63.0107. A decision by the~~  
21 ~~Building Appeals Board shall be final and no further appeal within the County shall be~~  
22 ~~available.~~

23 (32) The revocation of a permit pursuant to §§ SubsectionSections  
24 84.28.100(a)(2), (a)(3), or (a)(4), where the underlying violation or violations are general  
25 violations, or pursuant to § SubsectionSections 84.28.100(a)(5) or (a)(6), may be  
26 appealed for a hearing before a County appointed hearing officer as defined by §§  
27 SSections 12.2701, 12.2702, 12.2703, and 12.2705. The procedure for such hearing is  
28 set forth in §§ SubsectionSection 84.28.090(c)(2)(A) through (C) and (c)(3). A decision

1 by the hearing officer shall be final and no further appeal within the County shall be  
2 available.

3 ~~—(4) The revocation of a permit pursuant to §§ 84.28.100(a)(2), (a)(3), or (a)(4), where  
4 the underlying violations include a general violation or violations and a violation or  
5 violations based on a failure to comply with the requirements of Chapter 1 of Division 3  
6 of Title 6 or Chapter 19 of Division 3 of Title 6 of the County Code, shall be heard by the  
7 Building Appeals Board in the form and manner defined by § 63.0107. A decision by such  
8 body shall be final and no further appeal within the County shall be available.~~

9 (c) New Application After Revocation of Permit. No application for a permit  
10 shall be permitted within 12 months after a revocation is made final.

11 **84.28.110 Hosting Platform Requirement.**

12 (a) For purposes of this Chapter a hosting platform shall be responsible for  
13 collecting all applicable uniform transient occupancy tax required by ~~§ SSection~~ 14.0203  
14 and remitting the same to the County. The hosting platform shall be considered an agent  
15 of the ~~short-term residential reSTR nta~~ owner for purposes of transient occupancy tax  
16 collections and remittance, as set forth in ~~§ SSection~~ 14.0203, if the hosting platform  
17 collects payment for the rental. If a hosting platform does not collect payment for rentals,  
18 the ~~short-term residential rental unitSTR~~ owner is solely responsible for the collection of  
19 all applicable transient occupancy taxes.

20 (b) Subject to applicable laws and procedures provided in ~~§ SubsectionSection~~  
21 84.28.080(c), when requested by the County, a hosting platform shall disclose, in a  
22 commonly used electronic format, the address of each ~~STRshort-term residential rental~~  
23 ~~unit~~ within the unincorporated San Bernardino County listed on the hosting platform, the  
24 names of the persons responsible for each such listing, the address of each such listing,  
25 the length of stay for each such listing and the price paid for each stay.

26 (c) ~~A hosting platform shall display the County STR permit number for any STR~~  
27 ~~listing located in the unincorporated San Bernardino County.—~~

28 (ed) A hosting platform operating exclusively on the internet, which operates in

1 compliance with Sub~~sections~~divisions (a), ~~(b)~~ and (~~bc~~) above, shall be presumed to be in  
2 compliance with this Chapter, except that the hosting platform remains responsible for  
3 compliance with the administrative subpoena provisions of this Chapter.

4 (~~de~~) The provisions of this ~~Section~~Section shall be interpreted in accordance  
5 with otherwise applicable state and federal laws and will not apply if determined by the  
6 County to be in violation of, or preempted by, any such laws.

7  
8 SECTION ~~43~~. The Board of Supervisors declares that it would have adopted this  
9 ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the  
10 fact that any one or more sections, subsections, clauses, phrases or portions of it be  
11 declared invalid or unconstitutional. If for any reason any portion of this ordinance is  
12 declared invalid or unconstitutional, then all other provisions of it shall remain valid and  
13 enforceable.

14  
15 SECTION ~~54~~. This ordinance shall take effect thirty (30) days from the date of  
16 adoption

17  
18 \_\_\_\_\_  
CURT HAGMAN, Chairman  
Board of Supervisors

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

22 LYNNA MONELL, Clerk of the  
23 Board of Supervisors

24  
25  
26  
27  
28

1 STATE OF CALIFORNIA )  
2 ) ss.  
3 SAN BERNARDINO COUNTY )

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of ~~the~~ San Bernardino  
5 County, State of California, hereby certify that at a regular meeting of the Board of  
6 Supervisors of said County and State, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at  
7 which meeting were present Supervisors: \_\_\_\_\_

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to  
9 wit:

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal  
14 of the Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2022.

15 LYNNA MONELL, Clerk of the  
16 Board of Supervisors of ~~the~~  
17 San Bernardino County,  
18 State of California

19 \_\_\_\_\_  
20 Deputy

21 Approved as to Form:

22 TOM BUNTON  
23 County Counsel

24 By: \_\_\_\_\_  
25 JOLENA E. GRIDER  
26 Deputy County Counsel

27 Date: \_\_\_\_\_  
28