

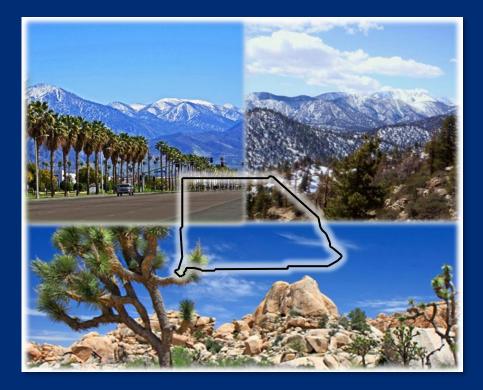
#### Land Use Services Department

# **BOARD OF SUPERVISORS HEARING**

Ordinances Proposed to Increase Penalties on Short-Term Rental Code Violations

Agenda Item #136

Leonard X. Hernandez, CEO Terri Rahhal, Land Use Services Director June 22, 2021



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The County has made it a priority and designated significant resources to address community concerns and public safety in the areas of:

- Illegal Marijuana Cultivation
- Illegal Business Activity
- Illegal Dumping
- Impacts of Community Recreational Activities (Snow/Rec Play)
- Short-Term Rentals

Through the 2021/22 budget process, the Board of Supervisors has allocated \$10.4 million to address significant community concerns requiring immediate action.

- Private home Short-Term Rentals (STRs) are extremely popular for vacations and short getaways.
- Mountain and desert STRs in San Bernardino County are desirable and accessible within driving distance for all of Southern CA.
- Restrictions on travel and commercial lodging during the COVID-19 pandemic intensified STR demand in San Bernardino County.

#### **STR Community Concern:**

 Second homes and cabins in mountain and desert communities that used to be vacant much of the time are now occupied by a steady stream of short-term renters who negatively impact local communities.

# **Community Concerns Regarding Short-Term Rentals**

## Neighborhood impacts caused by STR renters:

- Parties and noise violations
- Improper trash disposal/attracting animals
- Ignorance or disregard of fire hazards
- Not knowing where to park/blocking access
- Wandering onto the wrong property
- Not respecting peace and privacy of local residents
- Change in character/quality of life within the neighborhood

Significant resources are required to investigate and respond to these impacts on neighbors and entire communities.

# **County Organizational Changes**

- The County Administrative Office has established a new approach to address community concerns, including enhanced Short-Term Rental (STR) code enforcement efforts.
- Chief Operating Officer Luther Snoke will lead this Task Force.
- Partners in the Task Force include:
  - Sheriff/Coroner/Public Administrator
  - District Attorney
  - County Counsel
  - Agriculture/Weights & Measures
  - Public Health Environmental Health Services
  - Land Use Services Code Enforcement

#### **Recent Efforts to Improve STR Code Enforcement**

- Code Enforcement has been temporarily moved under our Chief Operating Officer to focus efforts on addressing these various concerns.
- Land Use Services Assistant Director will act as the head of Code Enforcement during the time a recruitment for a new Code Enforcement Chief is completed.
- Code Enforcement staff are being scheduled on weekends during peak STR use.
- Enforcement officers are deployed in key areas to investigate STR complaints.
- Complaints are conveyed to officers in real time to facilitate quick response.
- Late night hotline complaints are investigated in the early morning, if possible.
- Areas with recurring issues are re-visited periodically.

#### Enhancements Funded by the Board in the 2021/22 Budget:

- Code Enforcement will be more visible to residents and STR renters.
- Increased monitoring and penalties will elicit better management by STR owners.

## **Current penalties for non-compliance** with STR regulations and permit requirements

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1st offense: \$1002nd offense: \$2003rd offense: \$500Repeated or hazardous violations may warrant permit suspension or revocation

### Proposed penalty structure (criminal or administrative)

1<sup>st</sup> offense: \$1,000 2<sup>nd</sup> offense: \$2,000 3<sup>rd</sup> offense: \$5,000 Same provisions for permit suspension or revocation

### New category: STR operation without a permit

Criminal Penalties: 1<sup>st</sup> offense: \$1,000 2<sup>nd</sup> offense: \$2,000 3<sup>rd</sup> offense: \$5,000 and/or Administrative Penalties up to \$1,000 per violation per day

Concurrent to the proposed penalty changes, staff will engage in a thorough review and revision of STR regulations in Title 8 of the County Code. Once revisions to Title 8 have been drafted, the ordinance will be presented to the County Planning Commission for review in a public hearing. The County Planning Commission will then forward recommendations to the Board of Supervisors for action.

# Recommendations

- 1. Consider proposed urgency ordinance amending Title 1 of the County Code relating to increased fines and penalties applicable to operation of short-term residential rental units.
  - a. Make alterations, if necessary, to the proposed urgency ordinance.
  - b. Approve introduction of proposed urgency ordinance.
  - c. Read title only; waive reading of entire text and adopt urgency ordinance. (Four votes required.)
  - d. Direct the Clerk of the Board to file a Notice of Exemption.
- 2. Consider proposed ordinance amending Title 1 of the County Code relating to increased fines and penalties applicable to operation of short-term residential rental units.
  - a. Make alterations, if necessary, to the proposed ordinance.
  - b. Approve introduction of proposed ordinance.
  - c. Read title only of proposed ordinance; waive reading of entire text and SCHEDULE FOR FINAL ADOPTION ON TUESDAY, JULY 13, 2021, on the Consent Calendar.
  - d. Direct the Clerk of the Board to file a Notice of Exemption.
- 3. Direct staff to monitor the effect of these ordinances on compliance and to prepare recommendations for amendments to the County Code as needed to alleviate adverse impacts of short-term rental units on unincorporated communities.