

## Santa Monica Municipal Code

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For purposes of this Chapter, the following words or phrases shall have the following meanings:

(a) **Home-Sharing.** An activity whereby the residents host visitors in their homes, for compensation, for periods of thirty consecutive days or less, while at least one of the dwelling unit's primary residents lives on-site, in the dwelling unit, throughout the visitors' stay.

(b) **Hosting Platform.** A marketplace in whatever form or format which facilitates the home-sharing or vacation rental, through advertising, match-making or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

(c) **Vacation Rental.** Rental of any dwelling unit, in whole or in part, within the City of Santa Monica, to any person(s) for exclusive transient use of thirty consecutive days or less, whereby the unit is only approved for permanent residential occupancy and not approved for transient occupancy or home-sharing as authorized by this Chapter. Rental of units within City approved hotels, motels and bed and breakfasts shall not be considered vacation rental. (Added by Ord. No. 2484CCS § 1, adopted 5/12/15)

**6.20.020 Home-sharing authorization.**

(a) Notwithstanding any provision of this Code to the contrary, home-sharing shall be authorized in the City, provided that the home-sharing host complies with each of the following requirements:

- (1) Obtains and maintains at all times a City business license authorizing home-sharing activity.
- (2) Operates the home-sharing activity in compliance with all business license permit conditions, which may be imposed by the City to effectuate the purpose of this Chapter.
- (3) Collects and remits Transient Occupancy Tax ("TOT"), in coordination with any hosting platform if utilized, to the City and complies with all City TOT requirements as set forth in Chapter 6.68 of this Code.
- (4) Takes responsibility for and actively prevents any nuisance activities that may take place as a result of home-sharing activities.

(5) Complies with all applicable laws, including all health, safety, building, fire protection, and rent control laws.

(6) Complies with the regulations promulgated pursuant to this Chapter.

(b) If any provision of this Chapter conflicts with any provision of the Zoning Ordinance codified in Article IX of this Code, the terms of this Chapter shall prevail. (Added by Ord. No. 2484CCS § 1, adopted 5/12/15)

**6.20.030 Prohibitions.**

No person, including any hosting platform operator, shall undertake, maintain, authorize, aid, facilitate or advertise any home-sharing activity that does not comply with Section 6.20.020 of this Code or any vacation rental activity. (Added by Ord. No. 2484CCS § 1, adopted 5/12/15)

### **6.20.050 Hosting platform responsibilities.**

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The operator/owner of any hosting platform shall:

- (a) Be responsible for collecting all applicable TOTs and remitting the same to the City. The hosting platform shall be considered an agent of the host for purposes of TOT collections and remittance responsibilities as set forth in Chapter 6.68 of this Code.
- (b) Disclose to the City on a regular basis each home-sharing and vacation rental listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay. (Added by Ord. No. 2484CCS § 1, adopted 5/12/15)

### **6.20.080 Regulations.**

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The City Manager or his or her designee may promulgate regulations, which may include, but are not limited to, permit conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, or insurance requirements, to implement the provisions of this Chapter. No person shall fail to comply with any such regulation. (Added by Ord. No. 2484CCS § 1, adopted 5/12/15)

### **6.20.090 Fees.**

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The City Council may establish and set by resolution all fees and charges as may be necessary to effectuate the purpose of this Chapter. (Added by Ord. No. 2484CCS § 1, adopted 5/12/15)

### **6.20.100 Enforcement.**

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- (a) Any person violating any provision of this Chapter shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment.
- (b) Any person convicted of violating any provision of this Chapter in a criminal case or found to be in violation of this Chapter in a civil case brought by a law enforcement agency shall be ordered to reimburse the City and other participating law enforcement agencies their full investigative costs, pay all back TOTs, and remit all illegally obtained rental revenue to the City so that it may be returned to the home-sharing visitors or used to compensate victims of illegal short term rental activities.
- (c) Any person who violates any provision of this Chapter shall be subject to administrative fines and administrative penalties pursuant to Chapter 1.09 and Chapter 1.10 of this Code.
- (d) Any interested person may seek an injunction or other relief to prevent or remedy violations of this Chapter. The prevailing party in such an action shall be entitled to recover reasonable costs and attorney's fees.
- (e) The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties or procedures established by law. (Added by Ord. No. 2484CCS § 1, adopted 5/12/15)