



Short-Term Rental Ordinances **Frequently Asked Questions (FAQ)**

I. General Questions on Short-Term Rentals

1) What is a short-term rental (STR)?

A STR is the rental of a residential dwelling unit (or portion thereof) to paying occupants on a short-term basis. STRs can vary from the rental of a single bedroom or common area to an entire home or apartment. The duration of occupancy may also vary, but STRs are defined as the rental of any property or portion (e.g., bedroom) thereof for less than 30 days. STRs are typically advertised and booked online through various short-term rental listing services or rental agencies (e.g., Airbnb, VRBO).

2) What if a residential dwelling unit (or portion thereof) is rented to a paying occupant for more than 30 consecutive days?

Residential rentals lasting more than 30 consecutive days are not subject to the STR Ordinances. However, a business license is still required to offer a rental of over 30 days.

3) What are the two types of STRs in San Leandro?

There are two different types of STRs. A “hosted” STR is one where the host or owner is present in the home while it is being rented, such as with the rental of an individual bedroom within a unit. A “non-hosted” STR is one where the host or owner is not present and the entire house or apartment unit is rented out, such as with a vacation home rental.

II. Non-Hosted Short-Term Rentals

1) Are non-hosted STRs allowed in San Leandro?

No, they are not allowed. In May, 2019, the City Council adopted an ordinance prohibiting non-hosted STR of all or part of a residential dwelling unit ([Title 4, Chapter 4-41 of the San Leandro Municipal Code](#)). The ordinance took effect on June 19, 2019.

2) Are there consequences for operating a non-hosted STR in San Leandro?

Yes, there are severe consequences under Title 4, Chapter 4-41 of the San Leandro Municipal Code for operating a non-hosted STR since they are prohibited city-wide.

The first notice of violation involves a misdemeanor prosecution, \$1,000 fine or six months in jail. The second violation involves a \$1,000 fine or six months in jail, declaration of a public nuisance, and legal action by the City including seeking of repayment of City's attorneys' fees and costs. The third violation within a 2 year period involves a \$1,000 fine or six months in jail, triple damages for a second civil or criminal judgment and repayment of City's legal fees/costs. The City Attorney is authorized, without City Council approval, to bring any action for punitive damages for willful violation of the Code.

III. Hosted Short-Term Rentals

1) Are hosted STRs allowed in San Leandro?

Yes, they are allowed. In June 2019, the City Council adopted an ordinance regulating hosted STRs of all or part of a residential dwelling unit (Title 4, Chapter 4-40 of the San Leandro Municipal Code). The ordinance took effect on July 3, 2019.

2) Does hosted mean I must be the primary resident of the STR dwelling unit?

Yes. The hosted dwelling unit must be the permitted host's primary, permanent residence. If the permittee is not the property owner, the permittee must have the property owner's (e.g., landlord) written permission to operate a hosted STR on the property. The permittee is required to occupy the home during the entire STR lodging period.

3) Is there a limit on the number of days a hosted STR may be rented out?

Hosted STRs are limited to a total of 180 calendar days per permit term or year. Portions of calendar days shall count as full days for the purposes of this limit.

4) How do I legalize my hosted STR dwelling unit?

To legally operate a hosted STR in San Leandro, you must obtain a business license and STR permit for approval by the City and begin paying Transient Occupancy Tax (TOT) 14% of actual gross rental income. The Hosted STR application and permit form may be emailed to BLMessage@sanleandro.org or, mailed or hand-delivered to the City of San Leandro's Finance Department – Business License, 835 E. 14th Street, San Leandro, CA 94577. To learn more about how to register for a business license, download a permit application, and file a monthly TOT please contact 510-577-3378 or visit: www.sanleandro.org/depts/finance/licenses/default.asp or <https://sanleandro.hdlgov.com/>

5) When a host applies for a business license for his/her STR will there be a tax for 2019, and what business tax classification will apply to a hosted STR?

First time business license customers must register online by November 29, 2019 and the business type for hosted STR is “Rental – Hosted Short-Term” at <https://sanleandro.hdlgov.com/> . No business license tax will be charged to the new business for 2019. A business license renewal notice will be electronically sent for 2020 after November 29, 2019. The applicable City business license tax classification is “Residential Property Rental” and the annual tax rate (annual base tax \$141.50 and unit tax \$12.80 per unit) will apply. .

6) May accessory dwelling units (ADUs) be rented as hosted STR units?

No. Hosted STRs are prohibited in ADUs (e.g., in-law units).

7) Is the City's approval of a hosted STR equivalent to a vested right?

No. By approving a hosted STR permit, the City is not conferring a vested right.

8) Is there a limit on the number of hosted STR permits a host may obtain?

Yes. Permits are limited to one per dwelling unit and are not transferable.

9) May corporate entities apply for a hosted STR permit?

No. Only natural persons or individual people (as opposed to companies or corporations) may obtain a permit.

10) Which City departments review and approve the hosted STR business licenses and permit/applications?

The hosted STR permits and licenses are administered by the Finance Department, which may collaborate as needed with the Community Development Department, including the Chief Building Official, Planning Division, and Code Enforcement, and the Police Department. Both the Finance and Community Development Directors approve a hosted STR permit/application by finding that

the proposed dwelling unit conforms to the “Standards” section (Section 4-40-130) of the ordinance.

11)What is a “good neighbor policy” in the ordinance?

Section 4-40-130 (Standards) of the ordinance requires that there be a “good neighbor policy” or House Rules to ensure the hosted STR does not become a neighborhood nuisance. The host shall provide or post a “good neighbor policy” for guests in the host’s dwelling unit that identifies the maximum occupancy, smoking regulations, compliance with all laws, instructions on managing noise or any other disturbance, parking restrictions, provisions for quiet arrival and departure of renters, neighborhood information, emergency procedures, and property upkeep, including but not limited to trash disposal.

The host shall also post in a prominent place within the dwelling unit a diagram of exits, fire extinguisher locations, Fire and Police Department phone numbers, the host’s contact information, and the City Noise Ordinance hours (which prohibits excessive or unreasonable noise, as well as limitations on certain specific loud activities).

12)What are the parking requirements?

Hosts are required to instruct guests or renters to park in designated or available parking spaces on the host’s property (e.g., garage, driveway) and not on public streets.

13)What privacy requirements are contained in the hosted STR ordinance?

Cameras, including but not limited to security cameras whether they have recording capability or not, shall be prohibited in all bedrooms and bathrooms. Sound receiving or recording capabilities on all cameras shall be off during a hosted STR stay.

14)Are there public noticing requirements if a hosted STR is approved for a business license and permit/application by the City?

Yes. The ordinance requires the City notify adjacent neighbors of the approved hosted STR permit and business license.

15) Do I need to renew my hosted STR permit annually?

Yes. A STR permit shall expire on December 31st of the calendar year in which it was issued or renewed. A valid permit which has not been surrendered, suspended, or revoked may be renewed for subsequent periods of no longer than one year upon the following terms and conditions:

- a) All annual STR permits, except the first permit issued for a newly established STR, shall be considered to be issued on January 1st of each year and shall expire on December 31st of the same year,

all of which shall coincide with City business license annual renewals.

- b) An application for renewal of a short-term rental permit shall be filed with the Finance Department before the STR permit expires, on a form provided by the Finance Director, accompanied by a statement indicating whether any information required by Section 4-40-140 of the ordinance has changed for the renewal period.
- c) The Finance Director shall review the renewal application. The Finance Director may, at the Director's discretion, consult with the Chief Building Official, Fire Marshal, Community Development Director and Police Chief, or their designees, to ensure the continued compliance of the STR with the provisions of this Chapter and any conditions of approval, and to assess any outstanding violations or complaints. The Finance Director may request additional information from the permittee in order to complete the review. To renew a STR permit, the Finance Director and the Community Development Director must make the same findings as for approval of an initial permit.
- d) Upon completion of the review, the Finance Director shall determine whether to renew the application, and shall promptly inform the renewal applicant of his/her decision. If the permit is renewed, the Director shall provide a new permit for the renewal period by issuing a business license. In renewing the STR permit, the Director may modify or delete any existing conditions of approval, and impose any new conditions of approval, as they deem appropriate. If the permit is not renewed, the Director shall provide a written explanation to the renewal applicant detailing the reasons for the non-renewal. If the permit is not renewed, the renewal applicant shall immediately cease operating of the hosted STR, and a business license revocation process may be initiated.

16) Is there an appeal process if I disagree with the denial or conditions imposed by the City on my permit?

Yes. A decision by the Finance Director on a new STR permit may be appealed to the City Manager, in which case the City Manager's decision shall be final. If the Community Development Director refers a new STR permit to the Board of Zoning Adjustments / Planning Commission, the decision of the Board of Zoning Adjustments / Planning Commission may be appealed to the City Manager, whose decision shall be final. A decision by the Finance Director to revoke, suspend, or modify a short-term rental permit may be appealed to the Administrative Hearing Board. The decision of the Administrative Hearing Board shall be final.

17) What does it mean if my hosted STR permit is revoked?

Revocation of a permit would result in a permanent ban from ever obtaining a new permit and hosted short-term rental business license.

18) Who will enforce the hosted STR ordinance?

The City's Code Enforcement Division and Police Department shall enforce the ordinance through the issuance of notices of violations and citations or any other enforcement actions necessary. The City has also hired a third party data monitoring firm to regularly track hosted and non-hosted STRs and to inform and assist City staff with enforcement and tax collection for the transient occupancy tax of 14% of gross rental income.

19) How is a hosted STR different from a bed and breakfast?

Under the City's Zoning Code, a "Bed and Breakfast," is defined and regulated as a single or multifamily dwelling converted into a formal lodging business having six or fewer rooms.

20) What are the responsibilities of the hosted short-term rental owner and/or operator?

The STR owner and/or operator is responsible for the operation of the hosted STR in compliance with all applicable requirements, the safety of the residential dwelling unit, and remittance to the City of the Transient Occupancy Tax (TOT) of 14% of the actual gross rental income generated each month. Ultimately, a successful hosted STR owner and/or operator will ensure that he/she effectively manages his/her guests and serves as a good neighbor to others living in the neighborhood.

21) Where can I find more information about STR regulations and procedures to legalize from STR unit?

Please go to the City website at www.sanleandro.org/ShortTermRentals

22) Where can I find my Assessor's Parcel number?

The Assessor's Parcel number is located on your Alameda County Secured Property Tax Statement or you can go to the Alameda County's website at

https://www.acgov.org/ptax_pub_app/RealSearchInit.do?showSearchParmsFromLookup=true