

**ORDINANCE
(AS AMENDED)
(AS CORRECTED)
CITY OF NEW ORLEANS**

CITY HALL: October 20, 2016

CALENDAR NO. 31,621

NO. 27204 MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS HEAD AND WILLIAMS (BY REQUEST)

AN ORDINANCE to ordain Article XI of Chapter 26 of the Code of the City of New Orleans, to establish permit, license requirements, and applicable standards for Short Term Rentals, as defined by the Comprehensive Zoning Ordinance, penalties, and fees relative thereto, registry requirements and Short Term Rental Platform requirements; and to otherwise provide with respect thereto.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS**, That Chapter 26, Article XI of the Code of the City of New Orleans is hereby
3 ordained to read as follows:

4 **“Article XI – Standards for Short Term Rentals**

5 **Sec. 26-613. – Permit and License – Created and Required.**

6 (a) An annual Short Term Rental License Permit may be issued to eligible applicants by the
7 Department of Safety and Permits, upon consultation with the Executive Director of the City
8 Planning Commission. A Short Term Rental License Permit is a privilege, not a right, and may
9 be revoked or not renewed based on non-compliance with the requirements of the
10 Comprehensive Zoning Ordinance, or the requirements provided herein. There shall be three (3)
11 license categories, as defined by the Comprehensive Zoning Ordinance.

12 1) Type A License for Accessory Short Term Rentals;

13 2) Type T License for Temporary Short Term Rentals; and

14 3) Type C License for Commercial Short Term Rentals.

15 (b) No property shall be utilized as a Short Term Rental, as defined by the Comprehensive
16 Zoning Ordinance, without an authorized Short Term Rental License Permit. No Type A or
17 Type T License Permit for Accessory or Temporary Short Term Rentals is valid or shall be
18 issued in the Vieux Carré, the area bounded by: Iberville St., N. Rampart St., Esplanade Ave.,
19 and the Mississippi River.

20 (c) Any holder of a Short Term Rental License Permit issued pursuant to this Article shall
21 maintain on file with the Department of Safety and Permits a current address of a natural person
22 in Orleans Parish on whom service may be made, including without limitation the service of
23 legal notices and lawsuits related to the operation of short term rentals and/or compliance with
24 this Article and/or applicable provisions of the Comprehensive Zoning Ordinance. Service upon
25 the person on file shall be deemed effective service upon the holder of the Short Term Rental
26 License Permit. Any juridical person holding a Short Term Rental License Permit shall be
27 qualified to do business in the State of Louisiana. Failure to comply with this provision or to
28 keep current the agent for service shall be grounds for revocation of the Short Term Rental
29 License Permit.

30 **Sec. 26-614. – Submission Documents and Requirements.**

31 An applicant for a Short Term Rental License Permit shall:

- 32 1) Attest to the following and furnish the necessary documentation upon request of the
33 Department of Safety and Permits:
- 34 a. That the property has current, valid liability insurance of \$500,000 or more;
 - 35 b. That each short term rental unit has working smoke detectors in every bedroom,
36 outside sleeping area, and on all habitable floors;
 - 37 c. That each short term rental unit has a properly maintained and charged fire
38 extinguisher in each short term rental unit;
 - 39 d. That in each short term rental unit there is a posting that provides emergency
40 contact information and a floor plan indicating fire exits and escape routes.
41 Posting shall be displayed in a prominent location;
 - 42 e. That the property is in compliance with applicable provisions of the City's
43 Minimum Property Maintenance, Building, Electrical, Mechanical and Plumbing
44 Codes;
 - 45 f. That the property is in compliance with all of the standards and requirements for
46 the License category as mandated in the Comprehensive Zoning Ordinance;
 - 47 g. That the owner, or operator if applicable, has made best efforts to notify the
48 properties immediately adjacent to the desired Short Term Rental of the License
49 application; and
 - 50 h. That the property has no outstanding taxes or municipal code violation liens.

51 2) Furnish the following documentation upon request of the Department of Safety and
52 Permits:

- 53 a. A floor and/or site plan that indicates the location of the required smoke detectors,
54 fire extinguisher, and emergency contact/fire-exit posting, as attested to in
55 subsection 1.
- 56 b. A completed application for a Change of Use or Building Permit, as determined by
57 the Department of Safety and Permits, for Type C, Commercial Short Term
58 Rentals.
- 59 c. The contact information for the owner of the short term rental unit, which includes
60 the owner's primary physical mailing address, cell phone number, and email
61 address. Additionally, the same contact information for the operator, or a local
62 property manager that is able to respond on premises to complaints, if required by
63 the Comprehensive Zoning Ordinance.
- 64 d. For a Type A License, proof of ownership via a valid homestead exemption, as
65 required by the Comprehensive Zoning Ordinance.
- 66 e. A copy of the Conditional Use Ordinance, if required by the Comprehensive
67 Zoning Ordinance.
- 68 f. A list of the short-term rental hosting platform(s) that will be utilized to advertise
69 or solicit the property for use as a short-term rental.
- 70 g. Verification that the property has no outstanding taxes or property liens.
- 71 h. A current address of a natural person in Orleans Parish upon whom service may be
72 made.

73 Any fraud, material misrepresentation, or false statements contained in the attestations, required
74 documentation, or correlating application materials shall be grounds for immediate revocation of
75 a Short Term Rental License Permit. Furthermore, all requirements herein shall be continuously
76 maintained throughout the duration of the permit.

77 **Sec. 26-615. – Permit and License Issuance.**

- 78 a) Upon satisfactory submission of the required attestations and requested documentation in
79 Section 26-614, the Department of Safety and Permits may issue an annual Short Term
80 Rental License Permit. Said Permit shall contain:

- 81 1) The address of the short term rental;

- 82 2) The permit holder's name;
- 83 3) The type of License, permit number, and rental limitations, including bedroom
- 84 limit and guest occupancy limit;
- 85 4) Contact Information (name, phone and e-mail) for complaints by guests or
- 86 neighbors the listed contact information shall be of an individual able to respond
- 87 on-premises to complaints;
- 88 5) Dates the permit is valid.
- 89 b) The permit holder shall prominently display the permit on the front façade of the
- 90 property, in a location clearly visible from the street.
- 91 c) The permit holder shall provide the valid permit number on any listing advertising or
- 92 soliciting the property for use as a short term rental. The permit holder shall only
- 93 advertise the short term rental as allowed by their short term rental permit.
- 94 d) The permit holder shall post the following information in a prominent location in the
- 95 interior, clearly visible to guests:
- 96 1) The permit number;
- 97 2) The name and contact information of the owner/operator;
- 98 3) The name and contact information of the property manager, if applicable;
- 99 4) Occupancy limit;
- 100 5) Trash and recycling collection rules and dates; and
- 101 6) Additional Short Term Rental Rules and Operational Standards as provided in
- 102 the Comprehensive Zoning Ordinance, including but not limited to:
- 103 prohibition on the use of the rental for commercial or social events and noise
- 104 limitations.

105 **Sec. 26-616. - Permit and License Renewal.**

106 The Short Term Rental License Permit shall be valid one year from the date of issuance.

107 Renewal permits shall be issued in the same manner as initial permits, and requires:

- 108 1) Providing the Department an updated copy of any of the documents required by Section
- 109 26-614, if applicable.
- 110 2) A revised attestation, indicating continued compliance with the requirements in Section
- 111 26-614.

112 3) A revised list of short-term rental platform(s) that will be utilized to advertise or solicit
113 the property for use as a short-term rental.

114 4) Proof of payment of all applicable taxes and fees as required by law.

115 **Sec. 26-617. - Permit and License Fees.**

116 (a) Fees for the initial issuance and renewal thereof shall be as follows:

117 Type A License for Accessory Short Term Rentals - \$200.00

118 Type T License for Temporary Short Term Rentals - \$50.00, for each filed application
119 with a valid Homestead Exemption. \$150.00 for each filed application without a valid
120 Homestead Exemption.

121 Type C License for Commercial Short Term Rentals - \$500.00

122 (b) A \$1.00 fee for each night of occupancy of a residential dwelling unit used for dwelling,
123 lodging, or sleeping purposes pursuant to a short term rental, shall be remitted to the City
124 to offset the cost of the enforcement and other costs borne by the City.

125 **Sec. 26-618- Penalties.**

126 Any violation of this article and the correlating provisions in the Comprehensive Zoning
127 Ordinance may subject a violator to any remedy, legal or equitable, available to the City.
128 Violations include but are not limited to: advertisement or rental of a Short Term Rental
129 without proper permitting and licensure, operation outside the scope of any of the applicable
130 Short Term Rental regulations provided by law, failure to include the license number or
131 property address of a Short Term Rental Unit in any advertisement, and advertising a Short
132 Term Rental outside the permitted scope of a Short Term Rental License Permit. Remedies
133 include, but are not limited to: revocation of a Short Term Rental License Permit, daily fines,
134 property liens, and the discontinuance of electrical service. Nothing contained herein shall be
135 construed to limit the legal remedies available to any other person for the correction of
136 violations of this article and the correlating provisions in the Comprehensive Zoning Ordinance.

137 **Sec. 26-619 – Registration Created**

138 The City will maintain a registry of information regarding Short Term Rentals based upon data
139 provided by Short Term Rental Hosting Platforms. Each Short Term Rental Hosting Platform
140 shall provide the City the following information regarding Short Term Rentals on a monthly
141 basis:

- 142 1) The name of the person issued the License-Permit and their contact information (e-mail
- 143 address/phone number);
- 144 2) The listing address;
- 145 3) The Tax assessment address (if different than the listing address); and
- 146 4) License-Permit type (A, C, or T)

147 **Sec. 26-620 – Platform Data Sharing**

148 a) Short Term Rental Hosting Platforms that list Short Term Rentals in the City of New

149 Orleans must provide certain information about activity on the platform on a monthly

150 basis. This information includes:

- 151 1) The total number of short term rentals listed on the platform during the applicable
- 152 reported period;
- 153 2) The total number of nights that each listing on the platform was rented to guests
- 154 during the applicable reporting period;
- 155 3) A cumulative tally to date of the number of nights that each listing on the platform is
- 156 booked for rental during the remaining months of the applicable calendar year;
- 157 4) A notation indicating the permit type for each listing; and
- 158 5) The total amount of tax collected by the platform and remitted to the city.

159 In providing the information required by this subsection, the Short Term Rental Hosting Platform

160 is not required to provide personally identifiable information.

161 b) The City shall have the authority to subpoena information from Short Term Rental

162 Hosting Platforms. Any such administrative subpoena shall:

- 163 1) Be submitted in writing by the City attesting that the City has a reasonable belief
- 164 based on evidence that a short term rental may be in violation of this Article or of
- 165 applicable provisions of the Comprehensive Zoning Ordinance;
- 166 2) Be sent to the Short Term Rental Hosting Platforms via regular and certified mail;
- 167 and
- 168 3) Be related to a specific investigation by the City relating to a single short term rental
- 169 that is specifically identified in the subpoena, and alleges the specific violations of
- 170 this Article or of the applicable provisions of the Comprehensive Zoning Ordinance.

171 The Platform shall notify their user of the information requested in the subpoena within 10

172 days of receipt of the subpoena and produce the responsive records within 21 days of

173 providing notice to the user, except to the extent that the user has sought relief in a court of
174 competent jurisdiction.

175 c) For purposes of this Article, Short Term Rental Hosting Platforms are defined as any
176 marketplace that facilitates Short Term Rentals, as defined in the Comprehensive Zoning
177 Ordinance, through advertising, matchmaking or other means, from which the Platform
178 derives revenues, including booking fees or advertising revenues, from or maintaining the
179 marketplace.

180 26-621– 26-625 – Reserved.”

1 SECTION 2. EFFECTIVE DATE. The effective date of this ordinance shall be April 1,
2 2017.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS December 1, 2016

STACY HEAD
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON DECEMBER 2, 2016

APPROVED:

DISAPPROVED: DECEMBER 7, 2016

MITCHELL J. LANDRIEU
MAYOR

RETURNED BY THE MAYOR ON DECEMBER 7, 2016 AT 12:35 P. M.

LORA W. JOHNSON
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Brossett, Cantrell, Gray, Guidry, Head, Ramsey, Williams - 7

NAYS: 0

ABSENT: 0

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THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
CLERK OF COUNCIL