

DEPARTMENT OF SAFETY AND PERMITS  
**CITY OF NEW ORLEANS**

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## ZONING INTERPRETATION MEMORANDUM

Memorandum Z-22-02

DATE: **March 31, 2022**

FROM: **Tammie Jackson, Director**

BY: Ashley Becnel, Chief Zoning Official

RE: Joint Listing of STRs on STR Platforms

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The City has been asked by Graham Williams whether two adjoining STR properties may be listed for short term rental in a single listing. The City believes that its response to this question could impact other STR permit holders, and therefore is issuing its response in this Zoning Interpretation Memorandum. After due consideration, the City holds that it is not permissible for multiple dwelling units to be advertised in a single short term rental advertisement.

This Interpretation involves review of the Comprehensive Zoning Ordinance, most notably CZO 20.3.LLL, the use standards for short term rentals. 20.3.LLL.1.f, which applies to all short term rentals, reads: "A short term rental permit shall be secured prior to operation; and short term rental operators shall comply with all applicable permit requirements provided in the Code of the City of New Orleans." Therefore, it is also necessary to consider the permit requirements contained in the City Code, located at Sec. 26-613, *et seq.*

Both the CZO and City Code define a short term rental as consisting of a single dwelling unit or portion thereof. CZO 26.3, CCNO 26-614. Further, City Code defines a booking transaction as "any contractual agreement between a guest and an owner relative to *a* short term rental." (Emphasis added.) Guest is defined as "any person who occupies *a* dwelling unit pursuant to a short-term rental." CCNO 26-614 (emphasis added). City Code also requires each dwelling unit to be used as a short term rental to possess its own short term rental owner's permit. 26-617(a)(2). Each time short term rental use is contemplated in either law, it is clearly contemplated as the rental of a single dwelling unit.

The booking transaction issue is critical. A platform may, under a platform permit, engage in booking transactions, and may not "conduct, facilitate, or complete any booking transaction for a short-term rental of a dwelling unit in Orleans Parish that is not in compliance with this article." CCNO 26-622(a)(1). A booking transaction contemplates a single short term rental, which, under the code and CZO, is a single dwelling unit. Therefore, a booking transaction that involved more than one dwelling unit permitted as a short term rental would be illegal and would be a violation



of the duties of a platform permit holder. At this time, Airbnb and VRBO, the leading short term rental listing services, both hold platform permits and would not be permitted to engage in this activity under their platform permit.

Even when short term rental activity is advertised outside of a licensed platform, the Department believes that it is clear that the intention of the ordinance is that each dwelling unit be advertised singly. Because the Code defines “short term rental”, it becomes a term of art rather than general description. Therefore, when the Code addresses “short term rental advertisement,” as it does in 26-618(a)(3) and 26-620(a)(3), it means the advertisement of “the use and enjoyment of a dwelling unit, or any portion thereof, by guests for a period of less than 30 consecutive days, in exchange for money, commodities, fruits, services, or other performances.” 26-614. It does not mean the use and enjoyment of multiple dwelling units. This same definition carries through to the prohibited acts listed in 26-618(b)(3-4) and 26-620(b)(3-4), and the advertisement of multiple dwelling units, even if each is separately legally permitted, would violate the prohibition against advertising above permitted guest bedroom and guest occupancy limitations.

In summary, it is the conclusion of the Department that any short term rental advertisement may only advertise a single short term rental occurring in a single dwelling unit. The listed occupancy and bedroom numbers must reflect the licensed occupancy and bedrooms of the single listed dwelling unit.