

BUSINESS LICENSE APPLICATION HOME-SHARE

Notice #:	
Official Use Only	
BL #:	
Fees Paid: \$	_____
Paid By:	<input type="checkbox"/> Ca. <input type="checkbox"/> Ck # _____ <input type="checkbox"/> AMEX <input type="checkbox"/> Visa <input type="checkbox"/> Disc. <input type="checkbox"/> MC <input type="checkbox"/> Web
Date Paid:	_____
Processed by:	_____

Santa Monica Business License Period—July 1 through June 30

There is no proration for a business license issued after the start of a licensing period. A daily license will expire at midnight on the day it was issued (*Special Event Promoters only*). A standard business license will expire on the next June 30th after it was issued. (SMMC 6.04.120 and 6.04.110)

Complete this application if you intend on operating a home-share.

BUSINESS ENTITY INFORMATION (ALL FIELDS REQUIRED)

1	DBA (if applicable):				
2	Legal Business Name:				
3	Business Physical Address:				
	Number	Street	Unit/Suite #	City	State Zip
4	Business Mailing Address:				
	<input type="checkbox"/> Same as Physical Address				
	Number	Street	Unit/Suite #	City	State Zip
5	Business Phone:		Alternate Phone: <input type="checkbox"/> Fax <input type="checkbox"/> Mobile <input type="checkbox"/> Other		
6	Date business began (or will begin) within the City of Santa Monica?		Month	Day	Year
					Is this business a non-profit or exempt entity? <input type="checkbox"/> Yes <input type="checkbox"/> No
					If yes, please provide documentation with your application
7	Business Type: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Trust <input type="checkbox"/> LLC <input type="checkbox"/> Corporation				CA Corporate ID # _____
8	Email:			Website:	
9	Please describe in detail your business activity conducted within the City of Santa Monica:				
10	NAIC Code (if known):		Resale Number (if applicable):		Federal Employer ID #:
11	State License # (if applicable):		License Type:		Exp. Date:
12	Does this business sell tobacco products? <input type="checkbox"/> Yes <input type="checkbox"/> No		If selling goods, what type of sales? <input type="checkbox"/> Retail <input type="checkbox"/> Wholesale <input type="checkbox"/> Both <input type="checkbox"/> N/A		

OWNER/OFFICER INFORMATION (ALL FIELDS REQUIRED)

13	First Name:		Last Name:		
	Title: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> President <input type="checkbox"/> Managing Member <input type="checkbox"/> Trustee <input type="checkbox"/> Other: _____				
	Residential Address:				
	Number	Street	Unit/Suite #	City	State Zip
	Email:		DOB:	Driver's License or Gov't Issued ID:	Phone:

ADDITIONAL OWNER/OFFICER INFORMATION (IF APPLICABLE)

14	First Name:		Last Name:		
	Title: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> President <input type="checkbox"/> Managing Member <input type="checkbox"/> Trustee <input type="checkbox"/> Other: _____				
	Residential Address:				
	Number	Street	Unit/Suite #	City	State Zip
	Email:		DOB:	Driver's License or Gov't Issued ID:	Phone:

SANTA MONICA BUSINESS LICENSE APPLICATION—HOME-SHARE

Complete next page



AUTHORIZED REPRESENTATIVE CONTACT INFORMATION

15	<input type="checkbox"/> Same as owner	First Name:	Last Name:	Title:
		Contact Phone:	Email:	

BUSINESS ACTIVITY INFORMATION (REQUIRED)

16 Please designate the type of business you are or intend to engage in at the address in line 3:

<input type="checkbox"/> Agent/Broker (Commodities, Real Estate, Etc.)	<input type="checkbox"/> Professions (Lawyer, Doctor, Etc.)
<input type="checkbox"/> Auto Dealership	<input type="checkbox"/> Home-Share Property — submit the <i>Home-Share Supplemental Form with this application</i>
<input type="checkbox"/> Building Contractor (Specialty: _____)	<input type="checkbox"/> Retail/Wholesale/Manufacturing
<input type="checkbox"/> Corporate or Administrative Headquarters	<input type="checkbox"/> Service
<input type="checkbox"/> Delivery or Pickup — complete the <i>delivery application</i>	<input type="checkbox"/> Other (<i>specify</i>): _____

17 Number of personnel working 4 hours or more per week at this site? _____

18 Check here if you do not wish your business' information posted on the City of Santa Monica's website.

DECLARATION AND SIGNATURE (ALL FIELDS REQUIRED)

I declare, under penalty of making a false declaration, that I am authorized to complete this form, and to the best of my knowledge and belief it is a true, correct and complete statement, made in good faith. I understand and agree that the granting of this license requires my compliance with all applicable Santa Monica Municipal Code provisions, state and federal laws and all conditions set forth above. I also understand and I am familiar with such local, state and federal laws and the conditions set forth above may result in revocation of this license.

Name:	Title:
Signature:	Date:

FEES DUE:

RETURN ENTIRE APPLICATION PACKET WITH PAYMENT TO ABOVE ADDRESS • MAKE CHECK PAYABLE TO THE CITY OF SANTA MONICA
Acceptance of payment does not constitute approval of business license. Authorization to conduct business is not granted until license is issued.

If annual world-wide gross receipts will not exceed \$40,000.00, enter \$0 in the License Tax box to claim the Small Business Exemption. You may not claim the Small Business Exemption if you are filing this form more than thirty (30) days after your business start date.

<p>NOTE: On 9/19/12, Governor Brown signed into law Senate Bill 1186 which adds a state fee of \$1 on any applicant for a local business license, similar instrument or permit, or renewal. On 10/11/17, Governor Brown signed into law Assembly Bill 1379, which increases the fee to \$4 for six years from 1/1/18 through 12/31/23. The purpose of this fee is to increase disability access and compliance with construction-related accessibility requirements and to develop education resources for business in order to facilitate compliance with federal and state disability laws, as specified under federal law. Compliance with disability access is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligation to comply with the disability access laws at the following agencies:</p> <p>The Division of the State Architect at www.dgs.ca.gov/das/home.aspx The Department of Rehabilitation at www.rehab.cahwnet.gov The California Commission on Disability Access at www.cdda.ca.gov</p>	LICENSE FEES DUE		OFFICIAL USE ONLY
	Please Note: Fee payments are non-refundable		
	Business License Tax	\$ 75.00	\$
	<input type="checkbox"/> Check here for SBE	\$ 0.00	\$
	State Mandated Fee	\$ 4.00	\$
	Home-Share Review Fee	\$ 100.00	\$
	Late Penalty	\$	\$
	Total Due	\$	\$
	Amount Paid	\$	\$
	Fees Due	\$	\$

SANTA MONICA BUSINESS LICENSE APPLICATION — OUT OF CITY

Thank you for doing business in the City of Santa Monica!



NOTICE TO APPLICANTS FOR BUSINESS LICENSES AND COMMERCIAL BUILDING PERMITS

DISABILITY ACCESS REQUIREMENTS AND RESOURCES

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

DEPARTMENT OF
GENERSERVICES,
Division of the State Architect,
CASp Program

www.dgs.ca.gov/dsa

www.dgs.ca.gov/casp

DEPARTMENT OF
REHABILITATION
Disability Access Services

www.dor.ca.gov

www.rehab.cahwnet.gov/

[disabilityaccessinfo](http://www.rehab.cahwnet.gov/disabilityaccessinfo)

DEPARTMENT OF
GENERSERVICES, California
Commission on Disability
Access

www.cdda.ca.gov

www.cdda.ca.gov/resources-

[menu/](http://www.cdda.ca.gov/resources-menu/)

CERTIFIED ACCESS SPECIALIST INSPECTION SERVICES

Compliance with state and federal construction-related accessibility standards ensures that public places are accessible and available to individuals with disabilities. Whether your business is moving into a newly constructed facility or you are planning an alteration to your current facility, by engaging the services of a Certified Access Specialist (CASp) early in this process you will benefit from the advantages of compliance and under the Construction-Related Accessibility Standards Compliance Act (CRASCA, Civil Code 55.51-55.545), also benefit from legal protections.

Although your new facility may have already been permitted and approved by the building department, it is important to obtain CASp inspection services after your move-in because unintended access barriers and violations can be created, for example, placing your furniture and equipment in areas required to be maintained clear of obstructions. For planned alterations, a CASp can provide plan review of your improvement plans and an access compliance evaluation of the public accommodation areas of your facility that may not be part of the alteration.

A CASp is a professional who has been certified by the State of California to have specialized knowledge regarding the applicability of accessibility standards. CASp inspection reports prepared according to CRASCA entitle business and facility owners to specific legal benefits, in the event that a construction-related accessibility claim is filed against them.

To find a CASp, visit www.apps2.dgs.ca.gov/DSA/casp/casp_certified_list.aspx.

<CONTINUED ON REVERSE>

GOVERNMENT TAX CREDITS, TAX DEDUCTIONS AND FINANCING

State and federal programs below are available to assist businesses with access compliance and access expenditures:

Disabled Access Credit for Eligible Small Businesses

FEDERAL TAX CREDIT—Internal Revenue Code Section 44 provides a federal tax credit for small businesses that incur expenditures for the purpose of providing access to persons with disabilities. For more information, refer to Internal Revenue Service (IRS) Form 8826: Disabled Access Credit at www.irs.gov.

STATE TAX CREDIT—Revenue and Taxation Code Sections 17053.42 and 23642 provide a state tax credit similar to the federal Disabled Access Credit, with exceptions. For more information, refer to Franchise Tax Board (FTB) Form 3548: Disabled Access Credit for Eligible Small Businesses at www.ftb.ca.gov.

Architectural and Transportation Barrier Removal Deduction

FEDERAL TAX DEDUCTION—Internal Revenue Code Section 190 allows businesses of all sizes to claim an annual deduction for qualified expenses incurred to remove physical, structural and transportation barriers for persons with disabilities. For more information, refer to IRS Publication 535: Business Expenses at www.irs.gov.

California Capital Access Financing Program

STATE FINANCE OPTION—The California Capital Access Program (CalCAP) Americans with Disabilities Act (CalCAP/ADA) financing program assists small businesses with financing the costs to alter or retrofit existing small business facilities to comply with the requirements of the federal ADA. Learn more at www.treasurer.ca.gov/cpcfca/calcap/.

FEDERAL AND STATE LEGAL REQUIREMENTS ON ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) —The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities and requires all public accommodations and commercial facilities to be accessible to individuals with disabilities. Learn more at www.ada.gov.

CALIFORNIA BUILDING CODE (CBC)—The CBC contains the construction-related accessibility provisions that are the standards for compliant construction. A facility's compliance is based on the version of the CBC in place at the time of construction or alteration. Learn more at www.bsc.ca.gov.

P: 310-458-8745
 E: business.license@smgov.net
 W: www.smgov.net/homeshare

HOME-SHARING PERMIT APPLICATION SUPPLEMENTAL FORM

Official Use Only

BL #:

Fees Paid: \$ _____

Paid By:

Ca Ck # _____ AMEX

Visa Disc. MC Web

Date Paid: _____

Processed by: _____

Complete this form if you are the primary resident of a dwelling unit and will be conducting a Home-Share business, as defined by SMMC §6.20. See Home-Sharing Registration Packet (HSRP) for more information. Completed forms should be submitted to the Code Enforcement Division for review.

PROPERTY INFORMATION

1	Home-Share
	Physical Address: _____ <i>Number Street Unit/Suite # City State Zip</i>
2	Property Type: <input type="checkbox"/> Single Family Home <input type="checkbox"/> Condominium <input type="checkbox"/> Apartment <input type="checkbox"/> Duplex <input type="checkbox"/> Triplex <input type="checkbox"/> Guest House*
	*If a Guest House will be used for home-share guests, please complete the Guest House Information in item 9 below.
3	Is the property rent-controlled? <input type="checkbox"/> Yes <input type="checkbox"/> No Square footage of the dwelling unit?
4	Total number of bedrooms in dwelling unit: _____ Total number of bedrooms to be rented: _____
5	Room host will reside in while guests are present: _____ Maximum number of overnight guests: _____

HOST INFORMATION

6	Primary Host Information	
	First Name: _____	Last Name: _____
	Driver's License or Gov't Issued ID#: _____	Date of Birth: _____
	Contact Email: _____	Contact Phone: _____
	All hosts must provide two (2) of the following with their application. Please indicate which two (2) are being provided with this application:	
	<input type="checkbox"/> Motor Vehicle Registration	<input type="checkbox"/> California Driver's License or ID Card <input type="checkbox"/> Current Property Tax Bill
	<input type="checkbox"/> CA Voter Registration	<input type="checkbox"/> Utility Bill <input type="checkbox"/> Income Tax Return (State or Federal)
	Host is: <input type="checkbox"/> Property Owner* <input type="checkbox"/> Long-Term Resident**	How long have you resided at the property? ____ Years ____ Months
7	Additional Host Information	
	First Name: _____	Last Name: _____
	Driver's License or Gov't Issued ID#: _____	Date of Birth: _____
	Contact Email: _____	Contact Phone: _____
	All hosts must provide two (2) of the following with their application. Please indicate which two (2) are being provided with this application:	
	<input type="checkbox"/> Motor Vehicle Registration	<input type="checkbox"/> California Driver's License or ID Card <input type="checkbox"/> Current Property Tax Bill
	<input type="checkbox"/> CA Voter Registration	<input type="checkbox"/> Utility Bill <input type="checkbox"/> Income Tax Return (State or Federal)
	Additional eligible resident is: <input type="checkbox"/> Property Owner* <input type="checkbox"/> Long-Term Resident**	How long have you resided at the property? ____ Years ____ Months

RELATIONSHIP TO PROPERTY INFORMATION *(see regulations for further information)*

8	*If either primary or additional host is the property owner, please submit one (1) item below for that host:
	<input type="checkbox"/> Grant Deed <input type="checkbox"/> Current Property Tax Bill <input type="checkbox"/> Other:
	** If either primary or additional host is a long-term resident, please submit both items below for that host:
	<input type="checkbox"/> Documentation that the long-term resident has resided in unit for at least 12 <u>prior</u> months
	<input type="checkbox"/> Documentation establishing that the long-term resident will continue to reside in unit for <u>next</u> 12 months

Complete next page

GUEST HOUSE INFORMATION *(If you intend to use your property's guest house for your home-share, this section is required)*

9	Month/Year guest house was permitted:	Square footage of guest house:
	Number of bedrooms in guest house:	Number of bedrooms in guest house available for home-share:
	Names of eligible resident(s) residing in guest house, if any:	

Please Note: A guest house permitted after March 31, 2017 may be used for home-sharing only if the guest house is the primary residence of a host.

INSURANCE INFORMATION REQUIRED *(Choose 1)*

10 Proof of \$500,000 minimum liability insurance covering home-sharing. Home-share listings will be booked through Airbnb or HomeAway only.

HOSTING PLATFORM INFORMATION

11 List the hosting platforms you will be using and the listing numbers associated with each platform:

<u>Hosting Platform Website 1</u>	<u>Your Listing # (s)</u>	<u>Hosting Platform Website 2</u>	<u>Your Listing # (s)</u>

Please note: Advertisements for home-shares must be provided to the Code Enforcement Division within ten days of issuance of the business license number.

CERTIFICATIONS

12 I certify that:

- I am not serving as a host for any other home-share in the City of Santa Monica.
- I live on site and will be present in the home-share throughout the visitor's stay.
- I understand that I may not book or rent to more than two groups of visitors at a time for any given date.
- I will not post more than two advertisements/listings on any hosting platform or other form of media outlet.
- I will advertise my home-share in compliance with the home-sharing rules and regulations.
- I will not exceed the visitor occupancy or visitor vehicle limitations provided in Section 6.20.020.
- I have working smoke detectors, carbon monoxide detectors and fire extinguishers in the dwelling unit and will provide information related to emergency exit routes if the dwelling unit is part of a multifamily building of more than one story.
- I will collect and remit Transient Occupancy Tax, in coordination with any hosting platform if utilized, to the City of Santa Monica.
- I will take responsibility for and actively prevent any nuisance activities that may take place as a result of home-sharing activities.
- I will operate my home-share in compliance with all permit conditions and any regulations promulgated pursuant to SMMC 6.20.021.
- I will comply with all applicable laws, including noise limitations and all health, safety, building, fire protection and rent control laws.
- I consent to and authorize any and all hosting platforms to provide to the City of Santa Monica all information regarding listings/advertisements (including contact information) and rental activity/bookings of the home-share property to which this application applies.
- I consent to receive all City notices and citations regarding my home-sharing permit by both email and U.S. mail at the address used for home-sharing. I agree that delivery by email or U.S. mail at the home-share address is an acceptable method of service.
- I have reviewed and am familiar with the Home-Sharing Ordinance and regulations. I understand that failure to comply with the Home-Sharing Ordinance and regulations may result in grounds for suspension or revocation of my home-sharing permit and business license.

DECLARATION AND SIGNATURE

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the supporting documentation submitted with this application is authentic.

Name:	Title:
Signature:	Date:
Name:	Title:
Signature:	Date:

Thank you for doing business in the City of Santa Monica!



CITY OF SANTA MONICA
HOME-SHARING ORDINANCE
RULES AND REGULATIONS

REVISED November 21, 2019

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I. SCOPE AND INTENT

These rules and regulations (“Rules”) are established pursuant to Santa Monica Municipal Code (SMMC) Section 6.20.080.¹ These Rules reflect the City’s interpretation and application of the Home-Sharing Ordinance (SMMC Chapter 6.20), and provide detail on how hosts and hosting platforms can comply with the requirements of the Home-Sharing Ordinance.

Failure by a host to comply with any provision of Chapter 6.20 or failure by a hosting platform to comply with its obligations under Section 6.20.050 may result in a fine, penalty, or imprisonment pursuant to Section 6.20.100. Failure by a host to comply with these Rules is a violation of Sections 6.20.020(a)(12) and 6.20.080 and may result in a fine, penalty, or imprisonment pursuant to Section 6.20.100.

II. DEFINITIONS – Definitions of certain terms relevant to the Home-Sharing Ordinance can be found in Section 6.20.010 and shall have the same meaning in these Rules. Below are additional definitions that supplement the definitions in Section 6.20.010.

- A. **Accessory Dwelling Unit or ADU** – A dwelling unit providing complete independent living facilities for one or more persons that (1) is located on a parcel with another primary, single-unit dwelling as defined by State law; and (2) includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit dwelling’s location. See Section 9.51.020.
- B. **Application** – The City-provided form to be used to apply for a home-sharing permit and business license.
- C. **Business License Number** – A unique identification number provided by the City after submission of a home-sharing permit and business license application. The number may be used only by the authorized host for the valid registered dwelling unit offered for use as a home-share.
- D. **Citation** – Any administrative citation, fine, ticket, or similar notice of violation issued by an enforcement officer relating to the condition of or activities at a dwelling unit offered for use as a home-share or vacation rental.
- E. **Enforcement Officer** – A City Police Officer, a City Code Compliance Officer or Code Enforcement Officer, a City Building Inspector, a City Combination Building Inspector, a City Parking Enforcement Officer, a City Public Works Inspector, a City Fire Inspector, a City Office of Sustainability and the Environment Inspector, a City License Inspector, a City Animal Control Officer, a City Public Services Officer, a City Lead Public Services Officer, a City Public Services Officer Supervisor, a City Public Services Administrator, a Pier and Harbor Services Officer, a Lead Pier and Harbor Services Officer, a City Pier and Harbor Services Supervisor, or any other authorized agent or employee of the City whose duty is to assure Code compliance. See SMMC Section 1.09.020.

¹ All references herein to “Section” refer to the SMMC unless otherwise stated.

- F. **Listing** – An advertisement offering a home-share or vacation rental that is posted on or otherwise disseminated through a hosting platform, other online platform, or other form of media.
- G. **Transient Occupancy Tax or TOT** – The local tax imposed on transients for occupancy as set forth in SMMC Chapter 6.68. The tax is required to be collected by the host, either alone or in coordination with a hosting platform, at the time payment for occupancy of the home-share is made by or on behalf of a visitor. The collected TOT is then remitted to the City by the host or the hosting platform.

III. Initial Home-Sharing Permit Application Process and Procedure – A proposed host must obtain from the City both a home-sharing permit and a home-sharing business license, which are applied for together through the application.

A. **Application Requirements** – A proposed host must include the following information with his or her initial application:

1. Address of the proposed home-share;
2. Type of dwelling unit (e.g., single-family residence, condo, apartment, duplex, triplex, ADU/guest house);
3. Whether the applicant is an owner or long-term resident;
4. The name and contact information for any other eligible residents of the proposed home-share (that is, individuals for whom the proposed home-share is their primary residence) who will be serving as hosts;
5. The square footage of the proposed home-share;
6. The number of bedrooms in the proposed home-share;
7. The maximum number of visitors per night, which shall not exceed the maximum occupancy permitted in accordance with Section 6.20.020(a)(6);
8. If the proposed home-share is an ADU, the month and year on which the building permits were issued for the construction of the ADU;
9. Whether the dwelling unit is rent controlled; and
10. Identification of all hosting platforms that will be used for listings of the home-share.

B. **Supporting Documentation** – Legible scans or photographs of the documents described below must be submitted with the initial application, and thereafter as applicable, for each proposed host identified in the application.

1. **Proof of Primary Residency** – Two of the following documents that list the proposed host's full name and the address of the home-share are required to establish that the home-share is the primary residence of the proposed host:
 - i. Motor vehicle registration from the California DMV;

- ii. California driver's license or California state identification card;
- iii. California voter's registration card or a voter registration status document (which may be obtained online at <https://voterstatus.sos.ca.gov/> and printed to save as a portable document formatted / ".pdf" file);
- iv. Income tax return with personal sensitive information other than name and address redacted;
- v. Current property tax bill indicating homeowner's exemption; or
- vi. Original utility bill issued from either City of Santa Monica Water Resources (water, sewer, and trash/recycling); Southern California Gas (gas); or Southern California Edison (power). (Note: Cable television, cell phone, or internet provider bills do not qualify.)

2. Proof of Ownership or Long-Term Resident Status

- i. **Proof of Ownership** – If the proposed host is the owner of the proposed home-share, proof of ownership in the form of a grant deed, current property tax bill, or other equivalent documentation. (Note: For proof of ownership to suffice, ownership must be held in the name of the natural person applying to serve as host. If ownership is held through a partnership, LLC, trust or other entity in which the host is a member or has an interest, then proof of long-term resident status is required. If ownership is held by a spouse or domestic partner, then a marriage certificate or an affidavit of domestic partnership (see Section 4.60.020 et seq.) is required.)
- ii. **Proof of Long-Term Resident Status** – If the proposed host is not the owner of the proposed home-share, proof that the proposed host is a long-term resident in the form of documentation establishing both of the following:
 - a. **Proof of Primary Residency for the Prior 12 Months** – The proposed host must submit two of the documents described in paragraph III.B.1. above that (1) list the proposed host's full name and the address of the home-share; and (2) contain a date sufficient to show that the proposed host has resided in the proposed home-share for at least 12 months prior to the submission of the application.
 - b. **Proof That Proposed Host Will Reside in Proposed Home-Share for the Next 12 Months** – Proof that the proposed host will reside in the proposed home-share for at least the 12-month period after the submission of the application can be established by either:
 - 1) A written rental housing agreement, if the proposed host is a tenant, subtenant, or sublessee;

- 2) Other written documentation, if the proposed host is not a tenant, subtenant, or sublessee (e.g., if the proposed host natural person is a member of or has an interest in a partnership, LLC, or trust that is the owner of the dwelling unit); or
 - 3) A declaration submitted on the City-provided form attached as Exhibit A and signed under the penalty of perjury affirming the proposed host intends to reside at the dwelling unit for at least the 12-month period after submission of the application, if neither a written rental housing agreement nor other written documentation is available.
3. **Proof of Insurance** – If the proposed host intends to post listings through a hosting platform, other platform, or other media outlet that does not provide insurance, the host must include proof of liability insurance to cover home-sharing with minimum limits of not less than \$500,000. Airbnb and HomeAway/VRBO are the only hosting platforms that currently provide this insurance for listings that are booked through their respective platforms. To the extent a host believes that a hosting platform other than Airbnb and HomeAway/VRBO provide equal or greater insurance coverage, the host should submit proof of such insurance with his or her application. If listing on and booking through only Airbnb or HomeAway/VRBO, proof of insurance is not required.
- C. **Initial Application Fee** – The initial application must be accompanied by a non-refundable \$100 fee. This fee may be increased in the future by Council resolution. Any checks or money orders should be made out to the City of Santa Monica.
- D. **Certification Required** – In submitting the initial application, each proposed host is required to certify under penalty of perjury that:
1. The proposed host lives on site and will be present in the home-share throughout each visitor's stay;
 2. The proposed host understands that he or she may not book or rent to more than two groups of visitors at a time for any given date;
 3. The proposed host will not post more than two listings on any hosting platform;
 4. The proposed host will advertise the home-share in compliance with the Home-Share Ordinance and these Rules;
 5. The proposed host will not exceed the visitor occupancy or visitor vehicle limitations provided in Section 6.20.020;
 6. The proposed host has working smoke detectors, carbon monoxide detectors and fire extinguishers in the home-share, and will provide all visitors with

information related to emergency exit routes if the dwelling unit that is the home-share is part of a multifamily building of more than one story;

7. The proposed host will collect and remit TOT, in coordination with any hosting platform if utilized, to the City of Santa Monica;
8. The proposed host will take responsibility for and actively prevent any nuisance activities that may take place as a result of home-sharing activities;
9. The proposed host will comply with all applicable laws, including noise limitations, and all health, safety, building, fire protection and rent control laws; and
10. The information provided in the application is correct and the supporting documentation submitted with the application is authentic.

- E. **Acknowledgement and Consent** – In submitting the initial application, each proposed host will be required to consent to and authorize any hosting platform on which the home-share is listed to provide to the City the host’s listing (including the address of the listing), rental activity, and contact information. Each proposed host must also consent to receive all City notices and citations regarding his/her home-sharing permit by both email and U.S. Mail at the address used for home-sharing. In providing such consent, each host acknowledges and agrees that delivery by email and U.S. Mail at the address used for home-sharing is an acceptable method of service, notwithstanding Section 1.10.040.
- F. **Application Review by City Staff** – Prior to approving any application, City staff shall verify, using City data sources or other publicly available information, (1) the information provided as to the proposed home-share in the application (e.g., square footage, address, type of dwelling unit, etc.) and (2) that the proposed home-share is not subject to any open or pending citations. If there is any inconsistency between the information provided in the application and City data sources or publicly available information, the City reserves the right to conduct an inspection of the proposed home-share prior to approving the application. If the proposed host believes that the proposed home-share is mistakenly identified as being subject to an open or pending citation, the proposed host may provide evidence to the Code Enforcement Division that the citation is not specific to the proposed home-share or is no longer open or pending. Any issues will be evaluated with the relevant enforcement agencies to ensure the safety of visitors and habitability of the proposed home-share. (Note: As further detailed in paragraph IX.C. below, the City may, in its sole and absolute discretion, deny the initial application if the home-share has been the subject of two or more citations in the prior fiscal year or if any such citations remain unpaid.)
- G. **Expiration** – Unless a timely application for renewal is filed, a home-sharing permit and business license expires at midnight on the June 30th succeeding its issuance. Hosts must cease advertising the home-share on all applicable hosting platforms or other forms of media immediately upon the expiration of the home-sharing permit and business license, unless a timely application for renewal is filed.
- H. **False Statements in Application** – In addition to the grounds stated in paragraph IX below, an application for home-sharing permit and business license shall be denied

or, if issued, revoked if any host makes a false or misleading statement or material omission in the application or during the application process.

IV. Renewal of Home-Sharing Permit – A home-sharing permit and business license may be renewed annually by submitting an application for renewal. As part of the renewal application, the host shall complete the following requirements:

- A. **Past Compliance** – Each listed host for the home-share must affirm through a declaration signed under penalty of perjury that the home-share has complied with the Home-Sharing Ordinance and these Rules during the prior year. The City may also conduct its own verification based on records of violations, complaints, code enforcement activity, citations, and any other available information related to the home-share. To the extent the home-share has been the subject of one or more citations during the term of the immediately preceding home-sharing permit, the host shall list the date of each such citation and affirm through a declaration signed under penalty of perjury that the home-share has complied with the Home-Sharing Ordinance and these Rules since the date of the last citation. (Note: As further detailed in paragraph IX.C. below, the City may, in its sole and absolute discretion, deny the renewal application if the home-share has been the subject of two or more citations in the immediately preceding term or if any such citations remain unpaid.)
- B. **Information Accuracy** – The primary host (that is, the host submitting the renewal application on behalf of the primary and any other listed hosts) must be an individual who was listed as a host in the previous application and must affirm through a declaration signed under penalty of perjury that all information provided in the previous application remains true and accurate, or provide any changes.
- C. **Proof of Ownership/ Residency** –
 - 1. **Previously Listed Hosts** – For each host who was listed as a host in the previous application, to the extent any such host is not an owner, that host must submit proof in the form of one of the documents identified in paragraph III.B.2.ii.b. above establishing that host will continue to reside in the home-share for the next 12 months. Such proof must be provided for each non-owner host listed in the renewal application.
 - 2. **Newly Listed Proposed Hosts** – If the renewal application includes any new proposed host (that is, a new proposed host who was not listed in the previous application, that proposed host must submit proof of ownership/residency as specified in Section III B. Such proof must be provided for each new proposed host listed in the renewal application.
- D. **Renewal of Certifications, Acknowledgment, and Consent** – Each listed host will be required to certify or recertify the matters set forth in paragraph III.D above and to provide or renew the acknowledgement and consent set forth in Section III.E above.
- E. **Renewal Application Fee** – The renewal application must be accompanied by a non-refundable \$50 fee. This fee may be increased in the future by Council resolution. Any checks or money orders should be made out to the City of Santa Monica.

- F. **False Statements in Renewal Application** – In addition to the grounds stated in paragraph IX below, a renewal application for home-sharing permit and business license shall be denied or, if issued, revoked if any host makes a false or misleading statement or material omission in the application or during the application process.

V. Special Situations

- A. **Home-sharing of ADUs** – Whether the host must reside in the ADU (as opposed to the main house) offered for home-sharing depends on when the ADU was constructed pursuant to a building permit. Regardless of when the ADU was constructed, the advertisement requirements in Section 6.21.022 apply to the home-share of an ADU.

1. Pre-March 31, 2017 ADUs

- i. If a host intends to home-share at an ADU for which a building permit was issued before March 31, 2017, the host may reside (i.e., live on site) in either the main home on the property where the ADU is located or in the ADU itself.
- ii. Any listing for a home-share of an ADU for which a building permit was issued before March 31, 2017 must state that the host lives on site in either, as applicable, the main house or the ADU and will be present throughout the visitor's stay.

2. Post-March 31, 2017 ADUs

- i. If a host intends to home-share at an ADU for which a building permit was issued on or after March 31, 2017, the ADU must be the host's primary residence. In other words, the host may not reside (i.e., live on site) in the main house and use the ADU for home-sharing. (Similarly, the host may not reside in the ADU and use the main house for home-sharing.)
- ii. Because a host is prohibited from being the host for more than one home-share, a host who home-shares a post-March 31, 2017 ADU may not also home-share the main house. (Similarly, a host who home-shares the main house may not also home-share the ADU.)
- iii. Any listing for a home-share of an ADU for which a building permit was issued on or after March 31, 2017 must state that the host lives on site in the ADU and will be present in the ADU throughout the visitor's stay.

3. **Advertisement and Group Restrictions Apply** – Regardless of whether the ADU was constructed pursuant to a building permit issued before or after March 31, 2017, a host is limited to (i) posting no more than two listings on each hosting platform or other media outlet for the home-share (whether the main house or the ADU) and (ii) booking no more than two groups of visitors for any given date for the home-share (whether the main house or the ADU).

- B. **Lease Agreements, Homeowners Association Bylaws, and Covenants, Conditions & Restrictions (CC&Rs)** – Proposed hosts who are renters or whose dwelling units are subject to homeowners association bylaws or CC&Rs are encouraged to review their respective lease agreements or homeowners association bylaws or CC&Rs to determine whether there are any restrictions on home-sharing. The City’s authorization of home-sharing in the Home-Sharing Ordinance does not displace any restrictions on home-sharing in lease agreements, homeowners association bylaws, or CC&Rs.
- C. **Dwelling Units Subject to Rent Control** – If the proposed home-share is a rent-controlled unit, any tenant of that rent-controlled unit who is a proposed host may not receive monthly revenue from home-sharing in the rent-controlled unit that exceeds the monthly rent payment for the rent-controlled unit. See Santa Monica Charter, Art. XVIII, § 1809.

VI. Duty to Keep Information Up-to-date

- A. **Material Changes in Application** – Within 30 days of any material changes to the information submitted with either an initial or renewal application, the host must submit an amended application on a form provided by the City. The amended application must identify the changes and the reason for the changes (e.g., a proposed host has moved or changed phone numbers).
- B. **Change in Listings** – A host must provide to the Code Enforcement Division at HomeSharingLicense@SMGOV.NET the Uniform Resource Locator (URL) (i.e., the website address) for any and all listings within 10 days after the home-sharing permit application has been approved. In addition, a host must provide the Code Enforcement Division at HomeSharingLicense@SMGOV.NET with any new or updated URLs within 10 days after the URL for the listing is changed or if a new listing is subsequently added.

VII. Host Advertising Restrictions – Refer to Section 6.21.022 for the information that a host is required to include in any listing. As stated in Section 6.21.022(b), a host is limited to posting no more than two listings for the home-share on each hosting platform or other media outlet and no more than two listings may be booked for any given date.

VIII. Prohibitions – The following activities are prohibited and may result in a citation or other enforcement action pursuant to Section 6.20.100:

- A. **Non-Compliance with Home-Sharing Ordinance, Including Advertising Restrictions** – No host shall undertake, maintain, authorize, aid, facilitate or advertise home-sharing in a manner that does not comply with the Home-Sharing Ordinance and these Rules. In particular, it is a violation of the Home-Sharing Ordinance to advertise a home-share without including the following information:
 - 1. The business license number issued by the City;
 - 2. That the host lives on site and will be present throughout the visitor’s stay;
 - 3. The permitted occupancy;

4. The permitted number of visitor vehicles; and
 5. That the home-share may not be booked or rented by more than two groups of visitors for any given date.
- B. Hosting More Than One Home-Share** – A host may not be the host for more than one home-share within the City.
- C. Posting More Than Two Listings at a Time** - A host may not post more than two listings for the home-share on each hosting platform or other media outlet.
- D. Hosting More Than Two Bookings at a Time** – A host may not book or rent to more than two groups of visitors for any given date. A group of visitors can be a person traveling individually or any set of visitors, whether related to each other or not, who, at or around the same time, book or rent the home-share as a group for the same date or dates.
- E. Exceeding the Occupancy Limits** – The occupancy of the home-share (including the host, all other eligible residents, and all visitors) may not exceed the lesser of (1) 10 persons; (2) one person per 200 square feet of the dwelling unit; or (3) two persons (excluding minor children) per bedroom.
- F. Exceeding the Visitor Vehicle Limits** – Visitors to home-shares are limited to, whichever is less, (1) no more than one vehicle per bedroom rented as part of the home-share or (2) if the home-share is located in a preferential parking zone, no more than two vehicles that shall be required to use the visitor permits available under SMMC Chapter 3.08.
- G. Operating a Home-Share Without a Valid Home-Sharing Permit and Business License** – A host may not operate a home-share without obtaining and renewing a home-sharing permit and business license. Nor may a host operate a home-share while his/her home-sharing permit and business license has been suspended or revoked.
- H. Providing Materially False Statements or Omissions to the City** – A host may not make a materially false, misleading, or fraudulent statement of fact or omission to the City in any home-sharing application or in connection with any enforcement action by the City relating to home-sharing.
- I. Failing to Amend Application** – A host must amend his or her home-sharing application if there are any material changes to the information submitted with the application.
- J. Renting a Home-Share Without Living On-Site** – A host may not rent a home-share for exclusive transient use. Any such rental is considered a vacation rental and is prohibited by the Home-Sharing Ordinance. To live on site, the host must maintain a physical presence in the dwelling unit offered for home-sharing, except in the case of a pre-March 2017 ADU for which a host must live on site in either the main home or the ADU. See paragraph V.A. above.

- K. **Offering Home-Share in Uninhabitable Space** – A home-share may only be offered in a residence that includes a bedroom, i.e., a space intended for human habitation. For example, a host may not rent a space in an accessory structure that is a storage shed or garage as a home-share. Nor may a host reside in such an accessory structure while operating the residence to which the structure is an accessory as a home-share.
 - L. **Failing to Ensure That Basic Health and Safety Features Are Provided** – A host may not rent a home-share without ensuring that basic health and safety features are provided, including fire extinguishers, smoke detectors, and carbon monoxide detectors. A host must also provide all visitors with information related to emergency exit routes if the home-share is part of a multifamily building of more than one story.
 - M. **Failing to Comply with Noise Limitations and Other Laws** – A host is required to ensure that a home-share complies with all applicable laws, including the noise limitations set forth in SMMC Chapter 4.12, and all health, safety, building, fire protection, and rent control laws.
 - N. **Failing to Take Responsibility for and Actively Prevent Nuisance Activities** – A host must take responsibility for and actively prevent any nuisance activities that may take place as a result of home-sharing activities.
 - O. **Failing to Collect and Remit TOT** – A host is required to collect and remit TOT, in coordination with any hosting platform if utilized, and comply with all City TOT requirements as set forth in SMMC Chapter 6.68.
 - P. **Failing to Maintain Liability Insurance** – A host is required to maintain liability insurance to cover home-sharing with minimum limits of not less than \$500,000 or conduct each home-sharing transaction through a hosting platform that provides equal or greater coverage. (Note: Airbnb and HomeAway are the only hosting platforms that presently offer equal or greater coverage.)
- IX. Suspension, Revocation, or Denial of Home-Sharing Permit and Business License** – Multiple citations for violations of the Home-Sharing Ordinance, or other applicable provisions of California law or the Santa Monica Municipal Code, will result in the suspension or revocation of a home-sharing permit and business license and may result in denial of a renewal application, as further specified below.
- A. **Suspension** – If a home-share has been the subject of two citations that have become final during the term of the host’s home-sharing permit/business license, the home-sharing permit/business license shall be suspended for 30 days or as long as at least one citation is open, whichever is longer. For these purposes, if a host contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. The suspension shall become effective 10 days after the mailing of a Notice of Intent to Suspend to the host, unless the host appeals the decision in accordance with SMMC Chapter 6.16.
 - B. **Revocation** – If a home-share has been the subject of three or more citations that have become final during the term of the host’s home-sharing permit/business license, the home-sharing permit/business license shall be revoked. For these

purposes, if a host contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. The revocation shall become effective 10 days after the mailing of a Notice of Intent to Revoke to the host, unless the host appeals the decision in accordance with SMMC Chapter 6.16.

- C. **Denial** – If a proposed host submitting an initial application has received two or more citations that have become final for violations of the Home-Sharing Ordinance or any such citation that remains unpaid within the prior fiscal year (i.e., July 1-June 30), the City may, in its sole and absolute discretion, deny the initial application. If a host has received two or more citations that have become final for violations of the Home-Sharing Ordinance during the term of the immediately preceding home-sharing permit/business license or any such citation that remains unpaid, the City may, in its sole and absolute discretion, deny the renewal application. For these purposes, if a proposed host or host contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. If the City denies either the initial application or the renewal application for these reasons, the City shall notify the host in writing.

- D. **Citation Involving Conduct Endangering Public Health or Safety** – Notwithstanding paragraphs IX.A-C, the City reserves the right (1) to revoke a home-sharing permit/business license in the event the home-share has been the subject of one citation that has become final during the term of the host’s home-sharing permit/business license for conduct that endangers public health or safety; or (2) to deny an initial or renewal application for a home-sharing permit/business license in the event the home-share has been the subject of one citation that has become final during the prior fiscal year (July 1-June 30) for conduct that endangers public health or safety. For these purposes, if a proposed host or host contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. The revocation shall become effective 10 days after the mailing of a Notice of Intent to Revoke to the host, unless the host appeals the decision in accordance with SMMC Chapter 6.16. If an initial or renewal application is denied for this reason, the City shall notify the host in writing.

- E. **Right to Appeal** – If a home-sharing permit and home-sharing business license has been suspended, revoked, or denied, the host shall have the right to appeal from this decision in accordance with SMMC Chapter 6.16.

X. Hosting Platform Responsibilities – The responsibilities of any hosting platform are identified in Section 6.20.050.

EXHIBIT A

Declaration Affirming Intent to Reside in Dwelling Unit

I, _____ [*insert name*], declare and state as follows:

1. I presently reside at _____ [*insert address*] in Santa Monica, California (the "Dwelling Unit").
2. The Dwelling Unit is my primary residence.
3. On _____ [*insert date*], I am submitting an application for a home-sharing permit and business license (the "Application").
4. I do not have either a written rental housing agreement or other written documentation establishing that I will reside at the Dwelling Unit for at least the 12-month period after the date of my Application.
5. I intend to reside at the Dwelling Unit as my primary residence for at least the 12-month period after the date of my Application.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

Signature: _____