

City of San Diego Short Term Residential Occupancy

COMMUNITY QUESTIONS AND ANSWERS



**10:00 AM - 11:30 AM
APRIL 27, 2023**

<https://www.sandiego.gov/treasurer/short-term-residential-occupancy>



The City of



Development Services

STRO Q&A

Questions received for Community Briefing
Thursday, April 27, 2023
10:00AM – 11:30AM

STRO Enforcement Questions:

- Q1. What type of nuisance violations will code enforcement/ BLUE accept? I assume late night excessive noise and excessive trash not properly disposed of will be on your list (I hope). Please discuss this and any other violations your unit will investigate and enforce.
- A1. BLUE will investigate all nuisance related complaints. It is important to note that the local contact must be contacted first for noise, trash and parking related complaints and if the local contact doesn't respond within 1 hour, or if the local contact responds but doesn't actively prevent the nuisance, then a complaint can be submitted via GID.
- Q2. The procedure to file a complaint with BLUE and how long it will take for a complaint to be investigated, and....how many complaints will it take for a 'bad actor' to have their STRO permit revoked.
- A2. A user friendly GID protocol was created for citizens to submit STRO complaints.
- A license may be revoked the 3rd time BLUE confirms the violation exists and issues a remedy.
- Q3. There is already a name game going on, at my condo for instance: John Doe, Jane Doe and X Vacation Rentals are all the same company, but they are using different names and phone numbers for contact information.
- A3. Per the STRO ordinance, a host must be a natural person who has the legal right to occupy the dwelling unit and to allow short-term residential occupancy. A host may only hold one license at a time and may not operate more than one dwelling unit as an STRO within the City of San Diego at the same time.

A local contact does not need to be a natural person and can be anyone including a property management company. The STRO ordinance allows for various individuals or companies to be the local contact, only the host must be different per each license according to the ordinance.

Q4. Now that it is closer to May 1st, so we have anymore details on the regulation and enforcement of penalties/penalty schedule for short term rentals without licenses?

A4. DSD/BLUE can use a variety of administrative remedies to address STRO related complaints.

The penalty amount for single/easy to fix violations typically cited in an Administrative Citation may range from \$500 to \$1,000 per instance.

Under the Civil Penalty Notice and Order (CPNO) the penalty for renting STRO without a license is \$300 per day.

A CPNO can be used when multiple code violations have been confirmed at the STRO, these may also include zoning and building code violations with a penalty range of \$300 per violation, per day.

Q5. How do we find out if a property has been properly granted the right under the new ordinance to be used as a STRO unit?

A5. A STRO license map will be available in the City's website indicating the location of the licenses by tier and it will include local contact information. Additionally, this information is provided in the City's Open Data portal.

Sample below:

The screenshot displays a web application interface for 'Short-Term Residential Occupancy - Draft'. On the left, there is a navigation menu with options: Legend, Basemap Gallery, Details, Info (selected), and Filter. The main content area is divided into two sections. The top section shows the address '6621 NEPTUNE PI, LA JOLLA, CA 92037'. Below this is a table with the following data:

License ID:	STR-00519L
Local Contact Name	Geoffrey Longenecker
Local Contact Phone Number	(619) 300-1624
Tier	Tier 3
Community Planning Area	LA JOLLA
Council District	1
License Expiration Date	April 30, 2025
Rental Unit Business Tax	2011612833
Transient Occupancy Tax (TOT) certificate	643558

The bottom section of the main content area shows a map of the LA Jolla area with several colored markers (orange, teal, blue) indicating the locations of STRO units. The map includes street names like Playa del Norte St, Gravilla St, Kolmar St, Rosemont St, and Palomar Ave, as well as landmarks like La Jolla Strand NP and Hermosa Terrace Park. A zoom control is visible at the bottom left of the map area.

- Q6. If it was properly granted the right to do STRO, how do we know if they have exceeded their annual limit of stays, or is that a responsibility on neighbors to keep track of and report?
- A6. The City will have an IT consultant to help verify the number of nights booked and license utilization, only tier 1 has a 20-day aggregate limit on the number of stays, Tiers 2, 3, and 4 do not have a maximum annual limit of stays.

These are the nightly stays requirements by Tier.

Tier 1 whole home or home-share has a 20-day aggregate limit.

Tier 2, home share at host's primary residence while host is present does not have a maximum annual limit of stays

Tier 3, whole home outside Mission Beach does not have a maximum annual limit of bookings.

Tier 4, whole home in Mission Beach does not have a maximum annual limit of bookings.

Records kept by complainants are always welcomed and are useful for investigations, but citizens are not required to keep logs.

- Q7. What other rules must they follow, and where do we report infractions?
- A7. Hosts need to follow a series of operating requirements; the City's website has a video and checklist for hosts to follow.
https://www.sandiego.gov/sites/default/files/trs_host_requirements_april_2023_final_0.pdf

An important requirement is that hosts must designate a local contact that must respond to complaints within 1 hour and must actively discourage and prevent any nuisance activity at the premises.

- Q8. Is there a way to report a property that consistently rents to groups of too many people for the property, has too many parties, is noisy past 10 p.m., parking on the sidewalk or in front of neighbors' garages, or is otherwise incompatible with the neighborhood?
- A8. The first point of contact for noise, parties, trash, and parking should always be the local contact, then submit the GID complaint for BLUE to investigate when there is no response from the local contact.

Citizens can file parking complaints for cars blocking sidewalks, driveways, garages by calling SDPD non-emergency line at (619) 531-2000 or (858) 484-3154.

The City is not authorized to enforce high occupancy related complaints, the high occupancy section in the SDMC was overturned a few years ago due to litigation.

- Q9. How many code enforcement officers dedicated to STR enforcement have been hired to date?
- A9. 5 (Five).
- Q10. Are more hires expected, if so, when?
- A10. During the first year of the program, BLUE will be tracking complaint, case load and response times to determine if additional staff is needed. If data shows more staff is required, a request will be made during the City's budget process.
- Q11. Will the total number be adequate in number for code enforcement officers to be available for enforcement 24/7?
- A11. Yes, if additional staff is needed, BLUE will request additional positions.
- Q12. Has the City manager established a contact method for neighbors to contact Code Compliance to ensure action 24/7 if a host does not take action to resolve an issue as required in one hour? (ie 2:00 am party etc...)
- A12. The GID protocol will be available 24/7/365 for the public to submit complaints, in addition a web based map showing all the licenses and local contact information including phone numbers will be available, citizens can reach out to local contacts 24/7/365 and if no response withing 1 hour from local contact, a complaint can be submitted via GID to BLUE for investigation.
- Q13. Will the city provide a searchable database or map to allow everyone the ability to easily search for an address to determine if the address is a licensed STR and which will show the license number, tot number, contact person and phone number of individual responsible for responding within one hour of notification of a problem.
- A13. Yes, A STRO license map will be available in the City's website indicating the location of the licenses by tier and it will include local contact information.

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- Q14. If the city is creating a dedicated Get It Done category for reporting noise, trash and parking problems having to do with STR's will it be monitored 24/7?
- A14. Yes, the City is creating a GID protocol for STRO related complaints, the local contact is required to be available 24/7/365 and monitor the STRO.
- Q15. The 8.5 x 11.5 sign required in the ordinance will require a neighbor to go on to a property to view it. This may lead to confrontations between short term renters and neighbors. Larger signage is needed on properties to allow someone to view the information without having to go on to the property and or require less information on the sign so that the printing will be visible from outside of the property. (suggestion only require the STR license number and 24-hour contact number for the host)
- A15. Currently the ordinance specifies such requirements, the web-based license map with local contact information will solve this issue. See A13.
- Q16. Has the City manager established regulatory actions to be taken when a host is in violation of the STR ordinance? ie: set fine amounts for first and subsequent violations? (Amount should be sufficient to deter hosts from continuing violations.)
- A16. Yes, DSD will use a variety of administrative remedies including the issuance of a Civil Penalty Notice and Order at the daily rate of \$300 per day/per violation for multiple code violations, Administrative Citations ranging from \$500 to \$1,000 per instance for easy to correct and single violations.
- Q17. What are the criteria code enforcement officers will use to determine escalation of fines should a host have continued violations?
- A17. Depending on the site conditions and violations at the property the city will select the appropriate remedy, for example, easy to correct single violations may result in Administrative Citations ranging from \$500 to \$1000 per instance, multiple code violations may result in CPNO at the rate of \$300 per day/per violation, a referral to the City Attorney's Office can be considered for nuisance properties.
- Q18. Will the identity of an individual who files a complaint regarding noise, parking, trash, or unlicensed status of an STR be kept private so that an owner or manager of an STR cannot retaliate against someone filing a complaint?
- A18. Yes, complainant's information is kept confidential, the City does not reveal the name of the complainant.
- Q19. Will the city allow for a "grace period" for properties that are sold? For example, if a property closes escrow in the middle of a guest stay, are those guests required to leave mid stay?
- A19. The new owner assumes responsibly for the property upon the closure of escrow.

- Q20. The ordinance requires that a dwelling unit complies with current California Fire Code Regulations and states that it may be confirmed by City inspections or Host affidavit at the discretion of the City Manager, which is it? If a city inspection who will conduct it? If a Host Affidavit how should they submit it?
- A20. The host is required to demonstrate that the dwelling unit complies with the California Fire Code by providing an Affidavit to BLUE upon request.
- Q21. Notify hosts of the requirement to complete a human traffic awareness course. Establish what a suitable course is.
- A21. The City provided guidance in the STRO website; several courses have been identified for hosts to take.

https://www.sandiego.gov/sites/default/files/stro_human_trafficking_training_resources.pdf

- Q22. Notify hosts of the requirement to post, in a conspicuous location within the dwelling unit, guidance for guests to report human trafficking based on information provided by the City Manager and educate employees or contractors of the host who may interact with guests about identifying and reporting human trafficking. City manager to designate how a guest could file such a report.
- A22. The required signage and guidance have been posted in the STRO website.

Signage:

<https://www.sdcda.org/content/preventing/human-trafficking/HumanTraffickingPosterLetterTagalog.pdf>

Guidance:

https://www.sandiego.gov/sites/default/files/trs_host_requirements_april_2023_final_0.pdf

- Q23. Is a noisy STR property considered a violation?
- A23. Noise after 10:00 PM, noise audible for an extended period of time, and noise audible at a distance of 50 feet, is a violation of the Noise Ordinance, SDMC Article 9.5, Nuisance Noise and enforced by SDPD.

Under the STRO ordinance, hosts shall “designate a local contact who shall be responsible for actively discouraging and preventing any nuisance activity at the premises. The host or designated local contact shall respond to a complainant in person or by telephone within one hour for all reported complaints and shall take action to resolve the matter”

Please note that under the STRO ordinance, failure of the local contact to respond within 1 hour and to actively address disturbances is the violation, not the noisy STRO.

- Q24. If a noise violation occurs at 11 p.m. Friday night, who should neighbors call?
- A24. Citizens are encouraged to use the City's license map to look up local contact information. The neighbors should contact the local contact provided by the Host.
- Q25. How quick will be the response?
- A25. Per the ordinance, the local contact must respond to any complaints within one hour.
- Q26. Will BLUE impose fines for STR violations?
- A26. Yes.
- Q27. Where can I see the list of violations and fines?
- A27. In addition to the license requirements, hosts must follow the operating requirements listed in the Host Requirements Checklist, failure to do so may result in a penalty of \$300 per day, per violation.

Checklist here:

https://www.sandiego.gov/sites/default/files/trs_host_requirements_april_2023_final_0.pdf

- Q28. What days and hours will BLUE be staffed during the week, weekend and evenings?
- A28. BLUE's schedule is Wednesday to Sunday, from 1:30 PM to 11:00 PM.
- Q29. Will the host platform (Airbnb, VRBO) be notified of STR violators in San Diego?
- A29. Yes, the City is in constant communication with the platforms.