

Short-term Residential Rentals*

Digest by the Ballot Simplification Committee

Status: Draft for Consideration

On: Wednesday, July 29, 2015

Members: Packard, Fasick, Fraps, Jorgensen, Unruh

Word count: *(suggested 300-word limit)*

Deadline to Request Reconsideration: TBD

The Way It Is Now: San Francisco limits short-term rentals of residential units. A rental is “short-term” if the term is less than 30 days. The purpose of these limits is to prohibit converting rental units from residential use to tourist use, and help preserve the availability of housing in San Francisco.

These limits, set forth in San Francisco’s short-term residential rental law, include requirements that:

- Only “permanent residents” may offer a residential unit for short-term rent. A “permanent resident” is someone who has occupied the unit for at least 60 consecutive days. Before offering a unit for short-term rental, permanent residents must register the unit with the City’s Planning Department.
- A permanent resident may not rent a residential unit on a short-term basis for more than 90 days per year if the resident does not live there during the rental period (“unhosted rentals”). There is no limit on the number of days per year for short-term rentals if the resident lives in the unit during the rental period (“hosted rentals”).
- “Hosting platforms,” which are individuals or businesses that provide a means for a person to advertise their residential unit for short-term rental, must notify users of the City’s regulations on short-term rentals.

The City’s law allows “interested parties” to sue violators. “Interested parties” include residents of the building where the residential unit is located, the owner of the unit, people who live within 100 feet of the unit at issue, and certain housing nonprofit organizations. But interested parties cannot sue hosting platforms for violating the City’s law. The City may sue any violator at any time.

Under the City’s law, it is a misdemeanor for an owner or tenant to unlawfully rent a unit as a short-term rental.

The Proposal: Proposition ___ would limit allowed short-term rentals of a unit to 75 days per year, regardless of whether the rental is hosted or unhosted. Hosting platforms would have to stop listing a unit for short-term rental once that unit has been rented on a short-term basis for more than 75 days in a calendar year.

Proposition ___ would require that Planning Department applications for inclusion in the short-term rental registry contain proof that the unit’s owner authorizes using the unit as a short-term rental. After including a unit on the registry, the Planning Department would be required to post a notice on the site of the unit stating that it has been approved for use as a short-term rental.

The Department would also be required to mail that notice to the owners and neighbors of the unit.

Proposition ___ would prohibit short-term rental of in-law (a.k.a. “accessory dwelling”) units.

Proposition ___ would allow interested parties to sue hosting platforms for violations.

Proposition ___ would make it a misdemeanor for a housing platform to unlawfully list a unit as a short-term rental.

**Working title, for identification only. The Director of Elections determines the title of each local ballot measure; measure titles are not considered during Ballot Simplification Committee meetings.*

A "YES" Vote Means: If you vote "yes," you want to limit allowed short-term rentals of a unit to 75 days per year; require owners to provide proof that they authorize the unit as a short-term rental; prohibit short-term rentals of in-law units; and change the administrative enforcement process.

A "NO" Vote Means: If you vote "no," you do not want to make these changes to City law.