



# Short Term Rentals



## DRAFT SHORT TERM RENTAL STANDARDS SEPTEMBER 2023

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### 5.41 SHORT TERM RENTAL LICENSE REQUIREMENTS

#### 5.41.010 Purpose of Chapter.

This Chapter establishes standards that regulate short term rentals. This Chapter is enacted to ensure that short term rental activity does not adversely impact the health and safety of residents and visitors, and that such activity is conducted in a manner that preserves existing housing and communities while balancing the protection of private property rights.

This Chapter is administered by the Marin County Community Development Agency.

#### 5.41.020 Applicability.

This Chapter shall apply to short term rentals in unincorporated Marin County, except as exempt per Section 5.41.030.

#### 5.41.030 Exemption.

This Chapter does not apply to any commercial lodging use including a hotel, motel, bed and breakfast inn, or campground.

#### 5.41.040 Short Term Rental Licenses.

- A. License Required.** Advertising or operating a short term rental without a valid and current short term rental license issued pursuant to the requirements of this Chapter is prohibited. A license allows the operation of a single short term rental. Short term rental licenses are not transferable. Once a license expires or is revoked or suspended, the short term rental operation must immediately cease.
- B. License For Property Owner.** The short term rental licensee must own the property where the short term rental is located. Only one license shall be issued per short term rental property owner.
- C. License Term.** A short term rental license expires two years after the date of issuance unless the license is renewed by the licensee for an additional two-year term. The term of

the license expires immediately and automatically upon any change of ownership of the property.

**D. Administrative Procedures.** Administrative procedures for short term rental licenses shall be prepared and made publicly available by the Agency Director. These administrative procedures shall set forth the process to apply for, obtain, maintain, monitor, and renew short term rental licenses. The administrative procedures shall set forth a ministerial licensing process based on objective criteria and shall be updated periodically by the Agency Director. The administrative procedures shall be consistent with the license framework set forth in the sections below.

**1. Application Process.** An application for a short term rental license shall be submitted by the property owner or their agent (written property owner authorization and contact information is required for an agent to file the application) to the Community Development Agency.

No license application shall be accepted until the Agency Director has prepared and made publicly available the administrative procedures.

In townships where there is a cap limiting the number of short term rentals, only license applications for legal unhosted short term rentals in existence on January 1, 2024 will be accepted before July 1, 2025. Applications for properties where there is no legal unhosted short term rental in existence on January 1, 2024, will be placed on a wait list until all existing short term rentals have had the opportunity to apply for a license.

**2. License Suspensions and Revocations.** Short term rental licenses may be temporarily suspended or permanently revoked if the licensee fails to meet the standards set forth in this Chapter or the requirements of the license. Suspension or revocation pursuant to this subsection will be imposed according to the process described in the administrative procedures.

**3. License Wait Lists.** The Community Development Agency will maintain short term rental license wait lists for townships where the number of unhosted short term rental license applicants exceeds the number of available licenses. Licenses for qualifying properties on the wait list shall be issued on a first come first serve basis.

**4. Application Materials.** No short term rental license shall be issued unless the application has first been deemed complete. The administrative procedures shall specify all the information necessary for a complete application, including, but not necessarily limited to, the following:

- i. The name(s) and contact information for all property owners. If the property owner(s) applying for the license own/s less than a 100% fee interest in the property, then such property owner(s) must provide proof that all persons and/or entities with an interest in the property consent to such application and license. If the host is different from the property owner, their contact information must be listed as well. All adults for whom the property provides a permanent residence shall be listed.

- ii.** The name of the local contact person for unhosted short term rentals, if different from the property owner, and an email and telephone number at which that party may be reached.
- iii.** Address and Assessor's parcel number for the property where the short term rental is located.
- iv.** Rental unit type (i.e., hosted or unhosted short term rental).
- v.** Number of bedrooms and bathrooms.
- vi.** Total number and dimensions of onsite parking spaces.
- vii.** Site Plan showing:
  - a.** Location of all existing buildings and location and dimensions of on-site parking.
  - b.** Floor plan showing all rooms with each room labeled as to room type, and location of fire extinguishers, smoke and carbon monoxide alarms.
  - c.** Location of waste containers.
  - d.** If the rental property is served by a private water supply (well or spring) and/or a private sewage disposal system, the location of any existing or proposed septic system, including dimensions and sizes of the septic tank, disposal fields, and reserve area, and wells and water systems on the subject property.
- viii.** If the rental property is served by a private water supply (well or spring), provide proof of a water supply permit with the County's Environmental Health Services Division and potability with a current bacteriological test.
- ix.** If the rental property is served by a private sewage disposal system, provide proof that the system is documented with the County of Marin Environmental Health Services Division and provide an inspection report for proper operation by an approved licensed professional.
- x.** Bills from a hauler as proof of a minimum level of service with an authorized waste collector that is sufficient to handle the volume of garbage, recyclable materials and organic materials generated or accumulated.
- xi.** Proof of a working landline phone, Voice Over Internet Protocol, or National Oceanic and Atmospheric Administration (NOAA) radio.
- xii.** Documentation of a vehicular evacuation route from the short term rental property to an area of safety in case of an emergency, including proof that the evacuation route is posted near the door of the short term rental.
- xiii.** All short term rental applicants shall provide a self-certified building safety inspection upon permit application or renewal.

- xiv. All short term rental applicants shall provide a self-certified fire-life safety inspection upon permit application or renewal.
- xv. All short term rental applicants shall provide a self-certified defensible space inspection, conducted within the preceding twelve months, upon permit application or renewal.
- xvi. All short term rental applicants with properties served by a local water provider must provide water use bills. If the water use documentation demonstrates short term rental water use exceeding an average of 250 gallons per day, or a lower limit established by the local water provider, the short term rental license renewal application shall include strategies to reduce water use to below an average of 250 gallons per day during the next year. If water use is not reduced as required, the license shall not be renewed.

5. **Public Notification.** Within five days after issuance of a short term rental license, the Community Development Agency will provide written notification to all properties within a radius of three hundred feet of the property with the short term rental.

The notice shall indicate that the subject property will be the location of a short term rental and provide the name of the local contact person or host, the phone number and email address for the local contact person or host, and the street address of the short term rental.

6. **Tenant notification of County Rules.** The owner or operator of the short term rental shall post a County-prepared information sheet inside the unit and provide the tenants with a "good neighbor" brochure, developed by the County, at the time of their arrival.

7. **Exterior Signage.** Each short term rental shall be identified with a single exterior sign that includes the name of the local contact person, the phone number and email address for the local contact person, and the street address of the short term rental. At a minimum, the sign shall be posted while the unit is being used as a short term rental. The sign shall be made of durable materials and securely placed in the front of the property or unit (where there are multiple units on the property), at a height of three to five feet as measured from the top of the sign to grade, in such a way that it is readily visible to the public.

8. **Requirements for Advertisements.** All permitted short term rentals shall include the following information in any online or printed advertisement:

- i. Valid Marin County short term rental license number.
- ii. All permitted parking locations and the quantity of vehicles that fit on said locations.
- iii. Further information where applicable as specified in the administrative procedures, such as water use restrictions.

**E. License for Hosted Short Term Rental.**

The host of a hosted short term rental can be either the property owner or a long term tenant of the property. The property must be the primary residence of the host. To prove that the hosted short term rental is the primary residence of the host, the host must provide at least three of the following five types of documents at the time of initial application and renewal application: motor vehicle registration; driver's license; voter registration; a utility bill sent to the subject property; tax documents showing the property as the property owner's primary residence for the purposes of a homeowner's tax exemption; a lease showing that a host other than the property owner is renting a unit on the property on a long term basis.

**F. License for Unhosted Short Term Rental.**

A license for a unhosted short term rental shall be issued with no requirement for an onsite host, but a local contact person meeting the requirements specified in the administrative procedures shall be identified.

**G. License Issuance**

A Short Term Rental license will be issued on a ministerial basis by the Community Development Agency based on a review of whether the Short Term Rental would satisfy all the applicable requirements. Licenses can be issued with conditions ensuring compliance with the applicable requirements.

**H. License Term and Renewal.**

1. A short term rental license issued under this Chapter shall expire immediately and automatically two years from the date of license issuance, unless revoked earlier. The license authorizes the property owner to conduct only such services as is described in this Chapter and in accordance with the terms and conditions of the license.
2. A short term rental license renewal application for an existing short term rental license must be submitted at least sixty days prior to the expiration date of the license. Upon timely submittal of a renewal application, the license will remain effective until such time the license renewal application is approved or denied.
3. Failure to submit a timely application for a renewal of an existing short term rental license shall result in that license not being renewed. In locations where there is a cap on the number of unhosted short term rentals, an unrenewed license will not be reinstated to the property owner unless there are available licenses within the cap. A property owner who fails to renew a license may join the wait list for the next available license under the cap.
4. Once a license expires, a new license is required to operate the short term rental. Renewals can only be issued for an existing license, and in compliance with this section. Conversion from a hosted to an unhosted short term rental shall require a new license. The administrative procedures issued by the Community Development Agency pursuant to this chapter may describe modifications to short term rental operations that are eligible for consideration within a license renewal.

5. A short term rental license renewal application shall be denied if there have been more than two verified substantial violations of this Chapter or of the administrative procedures related to the short term rental during the previous two year license period. Substantial violations are violations for which a complaint has been received and a code enforcement case opened with an investigation verifying the existence of the violation.

**I. License Fee.**

- i. Each short term rental license or renewal application shall be accompanied by the applicable short term rental license fee.
- ii. The fee schedule shall be established by resolution of the Board of Supervisors following a public hearing. Said fee schedule may be adjusted by resolution of the Board following a public hearing. Permits and fees required are non-refundable and are in addition to any license, permit, certificate or fee required by any other chapter of the Marin County Code or other applicable law.

**5.41.050 Short Term Rental Property Standards**

**A. Undeveloped Properties.** A property where there is no existing legal residential unit is not eligible for a short term rental license.

**B. Restricted Structures.** A short term rental is not allowed in any of the following:

1. A structure subject to a recorded governmental restriction, including covenants or agreements for an affordable housing unit, agricultural employee unit, farmworker housing.
2. An accessory dwelling unit or junior accessory dwelling unit.
3. A multi-family dwelling or condominium unit.
4. Non-residential areas within buildings, such as storage areas, and living/sleeping quarters added in garages.
5. Recreation vehicles (RVs), including non-motorized travel trailers.
6. Other structures without permanent foundations, including but not limited to tipis/teepees, yurts, tents, and treehouses.

**C. One Short Term Rental Per Property.** Only one short term rental is allowed per property. If a property contains both a main dwelling and an accessory dwelling unit, only the main dwelling unit may be rented on a short-term basis.

**D. Short Term Rental Parking Requirements.** Parking spaces must be provided for properties with short term rentals as follows:

1. Two onsite parking spaces must be provided while the property is in use as a short term rental, with at least one of the parking spaces reserved for guests of a hosted short term rental and two reserved for guests of an unhosted short term rental.

2. Parking for short term rentals shall comply with Marin County Code Section 24.04.380 (Dimensional Standards), as verified by the Department of Public Works.

**E. Noise.** The property owner is responsible for ensuring any and all guests of a short term rental comply with the standards of Section 6.70.030 (Loud and Unnecessary Noises).

**F. Solid Waste.**

1. With the exception of waste properly deposited in and fully contained within collection containers with secure lids, accumulation of solid waste outside of the short term rental at any time is prohibited. No collection container other than those consistent with Chapter 7.00 (Solid Waste, Collection, Diversion and Disposal) shall be placed or kept in or on any public street, sidewalk, footpath, or any public place whatsoever, but shall be maintained on the property, except as may be provided for removing and emptying by the authorized collector on the day and in the location designated for collection.
2. The property owner is responsible for ensuring that short term renters comply with Chapter 7.00 (Solid Waste Collection, Diversion, and Disposal).
3. A minimum service level per short term rental per week must be maintained for unhosted short term rentals. If the Agency Director determines the minimum service level is insufficient to accommodate all waste (including garbage, recyclable materials, and organic materials) generated by the short term rental, the property owner shall arrange for a higher level of service which will accommodate all waste generated by the short term rental.

**G. Municipal Services.** The short term rental property shall have adequate water and sewer connections and shall be served by local utility agencies for water and sewer service wherever such utilities are provided.

1. In the event that the short term rental is served by a private water supply (well or spring), the property owner will need to possess a domestic water supply permit from the Marin Community Development Agency Environmental Health Services Division or other appropriate public agency and prove potability with a current bacteriological test.
2. In the event that the short term rental is served by a private sewage disposal system, then that system must be documented as legal with the Community Development Agency Environmental Health Services Division or other appropriate public agency, shall be inspected for proper operation by an approved licensed professional, and shall be sized appropriately for the short term rental and any other combined use.

**H. Emergency Preparedness.**

1. **Visible Address.** Each short term rental shall have an address identification. The address identification must be maintained and shall be legible, measuring no less than 4 inches in height with a 3/8 inch stroke, and placed in a position that is visible

from the street or road fronting the property. Whenever the address on the short term rental will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street.

- 2. Smoke Alarms.** Smoke alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed in each bedroom, and at least one alarm on every level of the short term rental, including basements and habitable attics.
  - 3. Carbon Monoxide Alarms.** Carbon monoxide alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed outside each bedroom, on every level of the rental unit, including basements and habitable attics, and bedrooms or attached bathrooms with a fuel-burning appliance, and shall be installed in accordance with the manufacturer's installation instructions.
  - 4. Fire Extinguisher.** Each short term rental shall be equipped with one five-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short term rental has more than one level, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order.
  - 5. Emergency Communications.** Each short term rental shall contain at least one working landline phone, Voice Over Internet Protocol (VOIP), or a National Oceanic and Atmospheric Administration (NOAA) radio as a means of receiving emergency communications. Locations with a working landline and/or VOIP should have the direct phone number and address listed near the device. If NOAA radios are employed, a set of direction for use of the radio shall be accessible.
  - 6. Evacuation Routes.** The short term rental owner or operator must provide vehicular evacuation route maps, provided by Fire Safe Marin or the County of Marin, for the rental area. Evacuation routes must be posted near the front door, with a QR code or link to the County's online evacuation map, of the short term rental. Further, a vehicular evacuation routes map must be provided as a handout so guests can take the map with them in the case of an emergency.
- I. Construction Requiring a Building Permit.** Short term rentals shall not be rented while the building they are in is undergoing any form of construction that requires a building permit.
  - J. Code Enforcement Cases.** Short term rentals shall not be rented while a code enforcement case is open on the property.
  - K. Special Events.** Weddings, corporate events, commercial functions, and any other similar events shall not be held on a property with a short term rental license.
  - L. Local Contact Person Responsibilities.** A short term rental licensee must identify a local contact person for every unhosted short term rental. The local contact person shall



respond to any complaint received regarding the conduct of the short term rental guests or the condition or operation of the short term rental and take any necessary remedial action to resolve violations of Marin County Code requirements in a timely manner. The short term rental licensee is responsible for the local contact person's compliance with all provisions of this Chapter.

**M. Host Responsibilities.** A short term rental licensee must identify a host for every short term rental that is not an unhosted short term rental. A host shall be on the premises between the hours of 10 PM and 5 AM every night when the short term rental is rented. The host shall respond to any complaint received regarding the conduct of the short term rental guests or the condition or operation of the short term rental and take any necessary remedial action to resolve violations of Marin County Code requirements in a timely manner. The short term rental licensee is responsible for the host's compliance with all provisions of this Chapter.

**5.41.060 Caps on the Number of Unhosted Short Term Rental Licenses**

The number of short term rental licenses for unhosted short term rentals shall be capped at the limits indicated below. Limits are based on the geographic areas in Marin County's unincorporated jurisdiction shown on that certain map entitled "Townships of the County of Marin" kept on file by the Marin County Community Development Agency.

**Table 1 – Short Term Rental Caps**

<b>Township</b>	<b>Initial Number of Unhosted Short Term Rentals</b>	<b>Ultimate Number of Unhosted Short Term Rentals</b>
Bolinas	63	54
Dillon Beach	125	110
Forest Knolls	8	8
Inverness	93	86
Lagunitas	6	4
Marshall	28	27
Muir Beach	20	19
Nicasio	11	8
Olema	3	3
Petaluma	6	6
Point Reyes Station	32	26
San Geronimo	10	7
Stinson beach	192	174
Tomales	12	11
Woodacre	12	8

The “Initial Number of Unhosted Short Term Rentals” referenced above in Table 1 establishes the number of licenses available for issuance for the valid applications submitted before July 1, 2025 (first round licenses).

First round licenses may be renewed. However, subsequent to these first round licenses being issued, the number of new licenses being issued shall decrease to the “Ultimate Number of Unhosted Short Term Rentals” established in Table 1. The cap on the ultimate number of short term rental licenses in each township shall be eventually achieved as license applications or renewals decline over time.

#### **5.41.070 Violations.**

Any violation of the provisions in this Chapter shall be enforced through any legal remedies available to correct and/or abate a nuisance or violation of the Marin County Code, as provided in Marin County Code Chapters 1.05 (Nuisance Abatement), 1.06 (Recordation of Notice of Violation), and 1.07 (Imposition of Administrative Fines for Ordinance Violations) as they pertain to violations related to real property.

Short term rental licenses may be suspended or revoked if the licensee fails to meet the standards set forth in this Chapter and/or the requirements of the license. Short term rental licenses shall not be renewed if there have been more than two verified violations of the standards or administrative procedures during the previous two-year licensing period.

#### **5.41.080 Definitions**

Terms used in this Chapter are defined below, or when undefined below are subject to the definitions in Marin County Code Titles 20 and 22.

Agency Director: The Marin County Community Development Agency Director or their designee.

Change of ownership: A change in ownership of the property as defined in California Revenue and Taxation Code section 60 et seq., or its successor.

Guest or Guests: The individual(s) occupying the short term rental for the purpose of overnight lodging, including any individual(s) invited to a short term rental by those occupying the unit for the purposed of overnight lodging.

Host: A host is a person identified by a short term rental licensee to reside at the property at which a short term rental is located.

Hosted Short Term Rental: A short term rental that is the primary residence of a host, or that is located on the same property as the short term rental to which the host’s role relates.

Local Contact Person: The person or business designated by the short term rental owner to receive and respond to communications regarding a short term rental.

Long Term Tenant: A property lessee who occupies a unit as a primary residence for a period exceeding 30 days.

Natural Person: A human being as distinguished from a person (as a corporation) created by operation of law.

**Primary Residence:** The dwelling in which a person lives for at least six months each year. A person must demonstrate a property is their primary residence by claiming a homeowner's exemption on the property for the purpose of property tax assessment, or by providing document sufficient to establish, as determined by the Agency Director, the required residency, such as motor vehicle registration, driver's license, voter registration, a utility bill, and lease.

**Property owner:** The owner(s) of record of the real property on which the short term rental is operated, and to the extent any such owner is a legal entity, any and all natural persons with an interest in such legal entity.

**Short Term Rental (STR):** A rental of a residential unit, or a portion of a residential unit, for a time period of less than 30 consecutive nights. Short term rentals are a residential use of property.

**Unhosted Short Term Rental:** Short-term rental occupancy of a residential unit on a property that does not provide a primary residence for the property owner or a long term tenant.