

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: \_\_\_\_\_

CALENDAR NO. \_\_\_\_\_

NO. \_\_\_\_\_ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER (BY REQUEST)

AN ORDINANCE to ordain Article XI of Chapter 26 of the Code of the City of New Orleans, to establish permit, license requirements, and applicable standards for Short Term Rentals, as defined by the Comprehensive Zoning Ordinance, penalties, and fees relative thereto; and to otherwise provide with respect thereto.

1        **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**  
2        **ORDAINS**, that Chapter 26, Article XI of the Code of the City of New Orleans is hereby  
3        ordained to read as follows:

4        **“Article XI – Standards for Short Term Rentals**

5        **Sec. 26-613. – Permit and License – Created and Required.**

6        An annual Short Term Rental License Permit may be issued to eligible applicants by the  
7        Department of Safety and Permits, upon consultation with the Executive Director of the City  
8        Planning Commission. A Short Term Rental License Permit is a privilege, not a right, and may  
9        be revoked or not renewed based on non-compliance with the requirements of the  
10       Comprehensive Zoning Ordinance, or the requirements provided herein. There shall be three (3)  
11       license categories, as defined by the Comprehensive Zoning Ordinance.

- 12        1) Type A License for Accessory Short Term Rentals;  
13        2) Type T License for Temporary Short Term Rentals; and  
14        3) Type C License for Commercial Short Term Rentals.

No property shall be utilized as a Short Term Rental, as defined by the Comprehensive Zoning Ordinance, without an authorized Short Term Rental License Permit. No Type A License for Accessory Short Term Rentals is valid or shall be issued in the Vieux Carré, the area bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River..

**Sec. 26-614. – Submission Documents and Requirements.**

An applicant for a Short Term Rental License Permit shall furnish the following to the Department of Safety and Permits:

- 1) Floor and/or site plans, including an indication of the location of the required smoke detectors, fire extinguisher, and emergency contact/fire-exit posting, as required by subpart (7) herein;
- 2) Proof of current, valid liability insurance of \$500,000 or more.
- 3) Contact information for the owner of the short term rental unit, which includes the owner's primary physical mailing address, cell phone number, and e-mail address. Additionally, the same contact information for the operator, or a local property manager, if applicable per the Comprehensive Zoning Ordinance.
- 4) A copy of the Conditional Use Ordinance, if required by the Comprehensive Zoning Ordinance.
- 5) For a Type A License, proof of ownership via a valid homestead exemption, as required by the Comprehensive Zoning Ordinance.
- 6) The short-term rental platform(s) that will be utilized to advertise or solicit the property for use as a short-term rental.
- 7) An affidavit attesting to the following:
  - a. Working smoke detectors in every bedroom, outside sleeping areas, and on all habitable floors;

- 39           b. A properly maintained and charged fire extinguisher in each short term rental  
40           unit;
- 41           c. A posting in each short term rental unit that provides emergency contact  
42           information and a floor plan indicating fire exits and escape routes. Posting shall  
43           be displayed in a prominent location.
- 44           d. Compliance with applicable provisions of the City's Minimum Property  
45           Maintenance, Building, Electrical, Mechanical and Plumbing Codes.
- 46           e. Compliance with all of the standards and requirements for the License category as  
47           mandated in the Comprehensive Zoning Ordinance.
- 48           f. Compliance with any provisions provided by the Conditional Use Ordinance, if  
49           applicable.
- 50           g. That the owner, or operator if applicable, has notified neighbors within 150 feet of  
51           the desired Short Term Rental of the License application. A comprehensive list of  
52           addresses within said radius is available via the City Planning Commission.
- 53           h. That the property has no outstanding taxes or municipal code violation liens.
- 54       8) In addition to a Short Term Rental License Permit, an applicant shall also apply for the  
55       following additional permit(s):
- 56           a. Type A License for Accessory Short Term Rentals – Change of Use or  
57           Building Permit, as determined by the Department of Safety and Permits.
- 58           b. Type T License for Temporary Short Term Rentals – Special Event Permit.
- 59       9) Type C License for Commercial Short Term Rentals - Change of Use or Building  
60       Permit, as determined by the Department of Safety and Permits. Any fraud, material  
61       misrepresentation, or false statements contained in the affidavit or correlating application  
62       materials shall be grounds for immediate revocation of a Short Term Rental License  
63       Permit.

64 **Sec. 26-615. – Permit and License Issuance.**

65 a) Upon satisfactory submission of the required documentation in Section 26-614, the  
66 Department of Safety and Permits may issue an annual Short Term Rental License  
67 Permit. Said Permit shall contain:

68 1) The address of the short term rental;

69 2) The permit holder's name;

70 3) The type of License, permit number, and rental limitations, including bedroom  
71 limit and guest occupancy limit;

72 4) Contact Information (name, phone and e-mail) for complaints by guests or  
73 neighbors;

74 5) Dates the permit is valid.

75 b) The permit holder shall prominently display the permit on the front façade of the  
76 property, in a location clearly visible from the street.

77 c) The permit holder shall provide the valid permit number on any listing advertising or  
78 soliciting the property for use as a short term rental. The permit holder shall only  
79 advertise the short term rental as allowed by their short term rental permit.

80 d) The permit holder shall post the following information in a prominent location in the  
81 interior, clearly visible to guests:

82 1) The permit number;

83 2) The name and contact information of the owner/operator;

84 3) The name and contact information of the property manager, if applicable;

85 4) Occupancy limit;

86 5) Trash and recycling collection rules and dates; and

87 6) Additional Short Term Rental Rules and Operational Standards as provided in  
88 the Comprehensive Zoning Ordinance, including but not limited to:

prohibition on the use of the rental for commercial or social events and noise limitations.

**Sec. 26-616. - Permit and License Renewal.**

The Short Term Rental License Permit shall be valid one year from the date of issuance. Renewal permits shall be issued in the same manner as initial permits, and requires:

- 1) Providing the Department an updated copy of any of the documents required by Section 26-614, if applicable.
- 2) A revised affidavit, indicating continued compliance with the requirements in Section 26-614.
- 3) A revised list of short-term rental platform(s) that will be utilized to advertise or solicit the property for use as a short-term rental.
- 4) Proof of payment of all applicable taxes and fees as required by law.

**Sec. 26-617. - Permit and License Fees.**

Fees for the initial issuance and renewal thereof shall be as follows:

Type A License for Accessory Short Term Rentals - \$200.00

Type T License for Temporary Short Term Rentals - \$50.00, for each filed application

Type C License for Commercial Short Term Rentals - \$500.00

**Sec. 26-618- Penalties.**

Any violation of this article and the correlating provisions in the Comprehensive Zoning Ordinance may subject a violator to any remedy, legal or equitable, available to the City. Violations include but are not limited to: advertisement or rental of a Short Term Rental without proper permitting and licensure, operation outside the scope of any of the applicable Short Term Rental regulations provided by law, failure to include the license number or property address of a Short Term Rental Unit in any advertisement, and advertising a Short Term Rental outside the permitted scope of a Short Term Rental License Permit. Remedies

114 include, but are not limited to: revocation of a Short Term Rental License Permit, daily fines,  
115 property liens, and the discontinuance of electrical service. Nothing contained herein shall be  
116 construed to limit the legal remedies available to any other person for the correction of  
117 violations of this article and the correlating provisions in the Comprehensive Zoning Ordinance.  
118 **Sec. 26-619 – 26-625 – Reserved.”**

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS** \_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**DISAPPROVED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**RETURNED BY THE MAYOR ON** \_\_\_\_\_ **AT** \_\_\_\_\_

**CLERK OF COUNCIL**

**ROLL CALL VOTE:**

**YEAS:**

**NAYS:**

**ABSENT:**

Acquired by The New Orleans Advocate

## AMENDMENT TO ZONING DOCKET 61/16

CITY HALL: October 20, 2016

BY: COUNCILMEMBER (BY REQUEST)

### Relative to Accessory Short Term Rentals:

- 1) **Modify the definition of “Short Term Rental, Accessory” as recommended by the Commission to preclude renters as persons eligible to utilize this type of Short Term Rental. Accessory Short Term Rentals are only available to owners.**

Accordingly, the revised definition will read as follows:

#### *Article 26 – Definitions*

##### *26.6 Definitions*

[...]

- A. Short Term Rental, Accessory. Either (i) an owner-~~or permanent resident~~-occupied dwelling with a principal use as a permanent residential dwelling unit and which rents no more than two (2) guest rooms and three (3) total guests for overnight paid occupancy as an accessory use, or (ii) an owner-occupied two-family dwelling in which one unit of the two-family dwelling is occupied by the owner with a principal use as the owner's permanent residential dwelling unit and which the other unit of the two-family dwelling is rented with no more than three (3) guest rooms and six (6) total guests as an accessory use. Only one accessory short term rental shall be permitted in any two-family dwelling. For either type of accessory short term rental, the owner/~~permanent resident~~ shall occupy the unit and be present during the guest's stay.*
- 2) **Modify the Commission's recommendation as to “Short Term Rental, Accessory” standards, to require a valid homestead exemption for the operation of an Accessory Short Term Rental.**
- 3) **Modify the Commission's recommendation as to “Short Term Rental, Accessory” standards, to prohibit “Short Term Rental, Accessory” in the French Quarter.**

Accordingly, the revised standards will read as follows:

#### *21.6.II Accessory Short Term Rentals*

##### *21.6.II.1 – Short Term Rental General Standards*



- a. In addition to the use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
- b. All short term rentals shall require a license, but in no event shall any Accessory Short Term Rental license be issued in the Vieux Carre, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River.
- c. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
- d. Only one party of guests shall be permitted per short term rental unit.
- e. The short term rental shall appear outwardly to be a residential dwelling.
- f. Use of the short term rentals for commercial or social events shall be prohibited.
- g. ~~The short term rental shall not adversely affect the residential character of the neighborhood.~~
- h. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.
- i. Proof of ownership ~~permanent occupancy~~ shall be required via ~~with a Louisiana State issued ID to that address or a valid homestead exemption.~~
- j. ~~If renter occupied and operated, proof of the property owner's consent and signature on the license application shall be required.~~
- k. ~~If renter occupied, the operator shall provide a current rental lease.~~

#### Relative to Temporary Short Term Rentals:

- 4) Modify the Commission recommendation that Temporary Short Term Rentals are only permitted for a maximum of four (4) temporary use permits, for a total of no more than thirty (30) days, to permit a total of fifteen (15) permits, for a total of no more than one hundred and twenty (120) days.

Accordingly, the revisions will read as follows:

#### 21.8 Temporary Uses

#### 21.8.C Permitted Temporary Uses

\* \* \*

| Table 21-3: Permitted Temporary Uses |          |           |                    |                         |
|--------------------------------------|----------|-----------|--------------------|-------------------------|
| Permitted Temporary Use              | District | Timeframe | Hours of Operation | Temporary Use Standards |

|                              |                                                        |                                                                                                                      |  |                   |
|------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|--|-------------------|
| [...]                        |                                                        |                                                                                                                      |  |                   |
| Short Term Rental, Temporary | Any Zoning District where dwelling units are permitted | Maximum of fifteen (15) temporary use permits for a total of no more than one hundred and twenty (120) days per year |  | Section 21.8.C.14 |
| [...]                        |                                                        |                                                                                                                      |  |                   |

#### 21.8.C.14 Short Term Rental, Temporary

\* \* \*

#### 21.8.C.14.b Short Term Rental, Temporary Standards

1. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
2. Rentals shall be limited to a maximum of fifteen (15) ~~four (4)~~ temporary use permits for a total of no more than one hundred and twenty (120) ~~thirty (30)~~ days per year.
3. Up to five (5) bedrooms may be rented to guests.
4. Occupancy is limited to two (2) guests per bedroom or ten (10) guests, whichever is less.
5. The entire dwelling can be rented and the permanent resident is not required to be present during the party's stay.
6. No signs are allowed for a Temporary Short Term Rental.

[...]

#### Article 26 – Definitions

#### 26.6 Definitions

[...]

- B. Short Term Rental, Temporary. An owner- or permanent resident-occupied dwelling with a principal use as a permanent residential dwelling unit and which rents the entire unit with no more than five (5) guest rooms for overnight paid occupancy as a temporary use not to exceed one hundred and twenty (120) ~~thirty (30)~~ days per year. The permanent resident is not required to be present during the guest's stay.

#### Relative to Commercial Short Term Rentals:

- 5) Modify the Commission recommendation to prohibit Commercial Short Term Rentals in the French Quarter Commercial districts.

Accordingly, the revisions will read as follows:

*Article 10 – Historic Core Neighborhoods Non-Residential Districts*

*10.2 Uses*

*10.2.A Permitted and Conditional Uses*

| Table 10-1: Permitted and Conditional Uses |           |       |     |       |     |       |     |          |          |          |                         |
|--------------------------------------------|-----------|-------|-----|-------|-----|-------|-----|----------|----------|----------|-------------------------|
| Use                                        | Districts |       |     |       |     |       |     |          |          |          | Use Standards           |
|                                            | VCC-1     | VCC-2 | VCE | VCE-1 | VCS | VCS-1 | VCP | HM-C-1   | HM-C-2   | HM-MU    |                         |
| RESIDENTIAL USE                            |           |       |     |       |     |       |     |          |          |          |                         |
| [...]                                      |           |       |     |       |     |       |     |          |          |          |                         |
| <u>Short Term Rental Commercial</u>        |           |       |     |       |     |       |     | <u>P</u> | <u>P</u> | <u>P</u> | <u>Section 20.3.LLL</u> |
| [...]                                      |           |       |     |       |     |       |     |          |          |          |                         |

*10.2.B Use Restrictions*

[...]

*10.2.B.11 Commercial Short Term Rentals in the VCC-1 and VCC-2 Districts*

~~In the VCC-1 and VCC-2 Districts, conditional use approval for Commercial Short Term Rentals shall only be valid for three (3) years at which point another conditional use is required.~~

- 6) **Modify the Commission recommendation to limit Commercial Short Term Rentals to 5 bedrooms.**

Accordingly, the revisions will read as follows:

[...]

### *20.3.LLL.2 Short Term Rental, Commercial Standards*

- a. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.*
- b. Up to five (5) ~~eight (8)~~ bedrooms may be rented to guests and occupancy shall be limited to two (2) guests per bedroom with a maximum ten (10) ~~sixteen (16)~~ guests.*
- c. No signs are allowed for a Commercial Short Term Rental.*

*[...]*

### *Article 26 – Definitions*

#### *26.6 Definitions*

*[...]*

*Short Term Rental, Commercial. An entire dwelling unit in a non-residential district that rents no more than five (5) ~~eight (8)~~ guest rooms for overnight paid occupancy.*

*[...]*

*Acquired by The New Orleans Advocate*