**ORDINANCE**

**CITY OF NEW ORLEANS**

**CITY HALL: March 2, 2023**

**CALENDAR NO. 34,082**

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

**BY: COUNCILMEMBER MORENO**

 **AN ORDINANCE** to amend and reordain Sections 26-613, 26-614, 26-615, 26-616, 26-617, 26-618, 26-619, 26-620, 26-623, 26-624, 26-625, 26-628, and 26-629 of the Code of the City of New Orleans and to ordain Section 26-630 of the Code of the City of New Orleans relative to short-term rentals, to establish application procedures, permit types and fees, operating regulations, enforcement parameters, penalties, and to provide for an effective date; and to provide otherwise with respect thereto.

**SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,** That Sections 26-613, 26-614, 26-615, 26-616, 26-617, 26-618, 26-619, 26-620, 26-623, 26-624, 26-625, 26-628, and 26-629 of the Code of City of New Orleans be amended and reordained to read as follows:

**“Chapter 26 – BUILDINGS, BUILDING REGULATIONS AND HOUSING STANDARDS**

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**ARTICLE XI. - STANDARDS FOR SHORT-TERM RENTALS**

**DIVISION 1. – IN GENERAL**

Sec. 26-613. - Purpose.

(a) This article sets forth comprehensive standards governing the short-term rental of immovable property for lodging or sleeping purposes, and establishes requirements and enforcement mechanisms intended to encompass and regulate all persons engaged in the business of short-term rentals, including without limitation, property owners, operators, guests, and platforms that facilitate short-term rentals.

(b) This article is adopted pursuant to the city's police power to preserve the city's permanent housing stock, balance the economic opportunity created by short-term rentals with the need to maintain a supply of long-term rental housing stock available at a range of prices, reduce any indirect negative effects on the availability of affordable housing that results from the dedication of long-term housing stock to short-term rental use, create a level playing field for all parties engaged in the business of providing lodging, ensure the sufficient collection of tax revenue, mitigate the disruptive effects that unmonitored short-term rentals can have on neighborhoods, and protect the livability and quality of life of the city's residential neighborhoods.

**Sec. 26-614. - Definitions.**

Except as otherwise expressly provided in this article, the following terms and their variant forms shall mean the following:

 *Booking transaction* means any contractual agreement between a guest and an owner relative to a short-term rental.

 *Department* means the department of safety and permits, unless otherwise specified herein.

 *Dwelling unit* means a room, or group of rooms, providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation for one or more persons.

 *Guest* means any person who occupies a dwelling unit pursuant to a short-term rental.

 *Operator* means a natural person possessing a short-term rental operator permit. An operator who meets the legal requirements may also possess a short-term rental owner permit.

 *Owner* means a person with an ownership interest in a property used for short-term rentals.

 *Platform* means one or more portals, listing services, or websites under common ownership or control through which a person, other than an owner, collects or receives a fee, directly or indirectly, for facilitating booking transactions. A platform shall not include a service that merely posts advertisements for short-term rentals.

 *Short-term rental* means the use and enjoyment of a dwelling unit, or any portion thereof, by guests for a period of less than 30 consecutive days, in exchange for money, commodities, fruits, services, or other performances. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in the Comprehensive Zoning Ordinance separately from short-term rentals are not considered to be short-term rentals.

**Sec. 26-615. - Short-term rental permits required.**

(a) No dwelling unit in Orleans Parish may be used as a short-term rental unless:

(1) An owner of the dwelling unit possesses a valid and current short-term rental owner permit issued for the dwelling unit in accordance with Division 2 of this article, and all owners fully comply with all legal requirements and duties imposed herein; and

(2) An owner has designated an operator possessing a valid short-term rental operator permit, issued in accordance with Division 3 of this article, and such operator fully complies with all legal requirements and duties imposed herein.

(b) No platform may facilitate or conduct any booking transaction for a short-term rental in Orleans Parish without first obtaining and maintaining a short-term rental platform permit issued in accordance with Division 4 of this article.

(c) The permits required by this article are regulated privileges, not rights, and can be revoked or suspended by the city in accordance with the provisions provided herein.

(d) Any permit issued pursuant to this article is non-transferable.

(e) Any change in ownership requires a new short-term rental owner permit.

(f) If any required contact information changes for any permit, the person possessing the permit shall immediately notify the department in writing, and the department shall issue a revised permit to reflect the updated contact information.

**Sec. 26-616. - Short-term rental permit fees.**

(a) There shall be the following short-term rental owner permit classifications, which shall correspond to the types of short-term rental uses set forth by the Comprehensive Zoning Ordinance:

(1) Short-term rental, non-commercial (Type N); and

(2) Short-term rental, commercial (Type C).

(b) A non-refundable application fee of $50 shall be due upon submission of any new or renewal short-term rental application.

(c) The following annual permit fees, which shall be refunded in the event an application is denied, shall be due upon submission of any new or renewal short-term rental application:

(1) Short-term rental owner permit:

a. Type N — Non-commercial: $500

b. Type C — Commercial: $1,000.00.

(2) Short-term rental operator permit:

a. Type N — Non-commercial: $150

b. Type C — Commercial: $1,000.00.

(3) Short-term rental platform permit: $10,000.00.

(c) The owner shall remit to the city a $12 fee for each night of occupancy of a dwelling unit used as a short-term rental to offset the costs of enforcement and other costs borne by the city. Fees shall be due and remitted along with tax submissions.

**DIVISION 2. - SHORT-TERM RENTAL OWNER PERMIT**

**Sec. 26-617. - Permit and application—Eligibility.**

(a) No dwelling unit may be used as a short-term rental unit unless an owner possesses a short-term rental owner permit issued in accordance with this article. Issuance of a short-term rental owner permit shall be subject to the following rules and criteria:

(1) Only natural persons age 18 or over may own a property used as a non-commercial short-term rental. Ownership, in whole or in part, by a business entity, trust, or any other juridical person is prohibited.

(2) No person may possess more than one short-term rental owner permit or own, in whole or in part, more than one property used as a non-commercial short-term rental.

(3) A short-term rental owner permit shall be valid for one year from the date of issuance, and shall be reapplied for annually.

(4) A separate short-term rental owner permit shall be required for each dwelling unit used as a short-term rental.

(5) A short-term rental owner permit shall be consistent with the dwelling-unit-per-lot-of-record, guest bedroom, guest occupancy, and any other applicable density limitations set forth in the Comprehensive Zoning Ordinance.

(6) Any dwelling unit permitted for short-term rental use must meet all applicable building, zoning, and addressing regulations, as determined by the department.

(7) An owner of a property with outstanding taxes, fines, fees or penalties levied by the City, or that has been found to be liable of an unabated violation of the City Code by an administrative hearing officer or court shall not be eligible for a short-term rental owner permit with respect to said property.

(8) All juridical owners must be in good standing with the State of Louisiana to be eligible for a commercial short-term rental owner permit.

(9) An owner of a property with open permits for new construction, structural or non-structural renovation, or electrical or mechanical work, or open violation cases for electrical or mechanical code violations or work without permits, shall not be eligible for a short-term rental owner permit with respect to said property without the written approval of the Chief Building Official of the City of New Orleans or a designee.

(10) The owner or resident of a dwelling unit subject to the City’s inclusionary zoning requirements or which holds an inclusionary zoning permit shall not be eligible for a short-term rental permit for that dwelling unit.

(b) The application for a short-term rental owner permit shall be on forms created by the department, which shall, at a minimum, require the following information from applicants:

(1) The name, age, address, phone number, and email contact information of all owners;

(2) The municipal address of the dwelling unit associated with the short-term rental owner permit;

(3) The total number of dwelling units located on the lot-of-record containing the dwelling unit associated with the short-term rental owner permit application; and

(4) The name, address, phone number, email contact information, and permit number of the operator designated by the owner to satisfy the requirements of this article with respect to the dwelling unit associated with the short-term rental owner permit. If the designated operator has not yet received a permit number, the applicant shall provide evidence of a contemporaneous application for a short-term rental operator's permit by the designated operator.

(c) The following additional documentation shall be submitted to the department, along with the application, prior to processing:

(1) A list of platforms that will be used to solicit booking transactions for the dwelling unit associated with the short-term rental owner permit, and correlating print-outs or Universal Resource Locator (URL) links soliciting the short-term rental, if any.

(2) A floor plan depicting all:

i. entrance and exit doors;

ii. windows;

iii. bedrooms, including an indication of which are used for guests and any which is reserved exclusively for use by the resident operator in a non-commercial short-term rental;

iv. bathrooms;

v. kitchens; and

vi. interior doors.

(3) An evacuation plan indicating:

i. the fire exits and escape routes;

ii. the location of smoke detectors;

iii. the location of fire extinguishers; and

iv. the location of carbon monoxide detectors.

(4) A site plan indicating the location of any required parking.

(5) A noise abatement plan that provides, at a minimum, a noise monitoring system.

(6) A sanitation plan that provides, at a minimum, for daily visual inspections on the property, as well as regular litter and trash collection and procurement of an adequate number of trash bins to securely hold all trash generated by the property in a lidded container.

(7) If the application is for a Type C permit, a security and operation plan.

(8) An attestation signed by the owner providing that:

i. The dwelling unit has no outstanding property taxes or city liens associated with the lot-of-record, nor do any of its owners owe any other outstanding taxes to the city, including taxes and fees owed in connection with short-term rentals;

ii. The dwelling unit complies, and will comply during any short-term rental of the dwelling unit, with all standards contained in the city's Minimum Property Maintenance Code and all health safety requirements contained in the Building Code;

iii. The dwelling unit has working smoke detectors inside and outside every bedroom, carbon monoxide alarms outside every bedroom, and a properly maintained and charged fire extinguisher on all habitable floors;

iv. The dwelling unit is not subject to any contractual restrictions precluding the dwelling unit from being used for short-term rentals, including, but not limited to, homeowner association agreements, condominium bylaws, restrictive covenants, or building restrictions;

v. The owner read, understands, and agrees to comply with all legal duties imposed by this article and the Comprehensive Zoning Ordinance;

vi. The owner possesses insurance that meets the requirements of section 26-618(a)(1); and

vii. The owner will not discriminate in guest use or rental of a short-term rental, and will comply with all applicable anti-discrimination laws, including, but not limited to, Title VII of the Civil Rights Act of 1968, the Fair Housing Act (FHA), and the Americans with Disabilities Act (ADA).

(d) Every short-term rental owner permit issued by the department shall contain the following information:

(1) Short-term rental owner permit number;

(2) Municipal address of the dwelling unit associated with the permit;

(3) Owner's name and contact information;

(4) Operator's name and contact information;

(5) Permit type;

(6) The permit's effective and expiration dates;

(7) The guest bedroom and occupancy limit of the dwelling unit associated with the permit; and

(8) Contact information for the City’s Short Term Rental Administration to facilitate reporting complaints.

(e) Renewals shall be obtained in the same or substantially similar form and manner as the initial permit, and shall also require:

1. Completion and submission of a form created by the department of finance providing the associated short-term rental taxes and fees paid to the city for the previous permit year. The form, which shall be deemed confidential tax records for purposes of La. R.S. 47:1508, shall include at a minimum:

a. A statement indicating if the required taxes and fees were paid by the owner, a platform, or both, for the preceding tax year and in what total amounts;

b. The total number of nights the dwelling unit used as a short-term rental was rented in the previous calendar year; and

c. The rates charged for each nightly rental

1. Updated owner and operator contact information, if applicable;
2. An attestation signed by the owner providing, in addition to the continued compliance with the items specified in subsection (c), above, that the short-term rental owner permit has not been revoked in the previous year;
3. An updated list of platforms that are used to solicit books transactions for the dwelling unit associated with the short-term rental owner permit, and correlating print-outs of the Universal Resource Locator (URL) soliciting the short-term rental (for example: http://www.vrbo.com/XXXXX or https://www.airbnb.com/rooms/XXXXX); and
4. If a Type C — Commercial short-term rental, proof of a favorable, annual city fire inspection.

(f) The award of owner permits in zoning districts subject to blockface or per-square caps shall be made using a lottery or other mechanism intended to ensure the equitable distribution of short-term rental permits. The department shall promulgate rules and regulations to set forth the deadlines, application procedures, processes and policies governing this selection procedure and, in doing so, may adopt a weighted lottery using factors to be determined by the department.

**Sec. 26-618. - Legal duties of short-term rental owner permit holders.**

(a) *Legal duties.* An owner possessing a short-term rental owner permit shall comply at all times with the following requirements:

1. Insurance. The owner shall maintain in full force and effect at all times, a minimum of $1,000,000.00 in "commercial general liability" insurance per occurrence, combined single limit, for bodily injury, personal injury, and property damage arising in any way from the issuance of the permit or activities conducted pursuant to the permit, for each dwelling unit used as a short-term rental.
2. Guest records. The owner shall maintain guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged. Such records shall be maintained for three years and shall be provided to the city upon request, in accordance with applicable law. Personally identifiable guest information may be redacted.

(3) Short-term rental advertisements. The owner shall ensure that the following information be provided in connection with any short-term rental advertisement and shall ensure, in any event, that each short-term rental listing advertises only one dwelling unit permitted as a short-term rental:

a. The short-term rental owner permit number;

b. The short-term rental operator permit number of the designated operator;

c. Whether the dwelling unit is wheelchair accessible or otherwise compliant with the Americans with Disabilities Act;

d. The number of available guest bedrooms as indicated on the owner permit; and

e. The maximum available occupancy of the dwelling unit as indicated on the owner permit.

(4) Adherence to dwelling and occupancy limits. Short-term rentals shall be subject to, and may not exceed, the dwelling-unit-per-lot-of-record, guest bedroom, guest occupancy, and density limitations set forth in the Comprehensive Zoning Ordinance.

(5) Required postings at the short-term rental.

a. The owner shall ensure that a copy of the owner permit is displayed in a location clearly visible from the street and legible to both guests and neighbors.

b. The owner shall ensure that the following are displayed in a location clearly visible and legible to guests:

i. An evacuation diagram identifying fire escapes and all means of egress from the dwelling unit and the building in which the dwelling unit is located;

ii. Trash disposal and recycling collection days; and.

iii. Contact information for the City’s Short Term Rental Administration to facilitate reporting complaints.

(6) Health and safety. The owner shall ensure that each dwelling unit governed by this article complies with the following standards:

a. Walls, ceilings, floors, windows, fixtures and furnishings throughout the dwelling unit shall be maintained in a clean condition at all times and shall be in good repair.

b. All rooms shall be adequately lighted and properly ventilated by natural or artificial means or both, and shall be provided with adequate heating and air-conditioning facilities. All natural gas fired heaters shall be vented to the outside atmosphere.

c. Each guest shall be furnished with clean towels, washcloths, and bed linens. Sheets must be of sufficient width and length to completely cover the mattress and be turned under the mattress so as to properly secure the sheet. All towels, washcloths and bed linens shall be kept in good repair and changed between rentals.

d. All dishes, utensils, pots, pans and other cooking utensils shall be provided to guests in a safe and sanitary condition. The permittee shall ensure that all perishables left by the guests are disposed of at the conclusion of a short-term rental.

e. Each dwelling unit shall have a working fire extinguisher, smoke alarms, and carbon monoxide detectors and shall comply with all applicable fire codes;

f. The dwelling unit shall have working locks, operable by guests, at all points of ingress and egress.

g. Every dwelling unit shall comply with applicable provisions of the Comprehensive Zoning Ordinance, the Minimum Property Maintenance Code as provided in Chapter 26, Article IV, and the New Orleans Building Code, as provided in section 26-14, et seq.

(7) Short-term rental guest use limitations. The owner shall ensure that no dwelling unit used as a short-term rental is used as a reception facility, or any other commercial use defined by the Comprehensive Zoning Ordinance, during guest use of the short-term rental.

(8) Criminal activity. The owner shall timely report any known or suspected criminal activity by a guest to the New Orleans Police Department.

(9) Reasonable inspections. The owner shall submit to inspections authorized by Section 26-624(c).

(10) Owner/operator availability. The owner shall:

a. Ensure the permitted operator is available during all periods of guest occupancy, including nights and weekends, to facilitate compliance with this article. Availability requires, at a minimum, that the operator be:

1. Accessible by telephone.
2. Able to resolve complaints within one hour of being contacted by neighbors regarding disruptive short-term rentals.
3. Able to resolve complaints within one hour of being contacted by guests.
4. Able to resolve complaints within one hour of being contacted by the City of New Orleans and any of its departments.

b. Serve as the point of contact for guests, in addition to the operator, and be able to resolve complaints within one hour of being contacted by guests.

c. Receive and resolve complaints from neighbors regarding disruptive short-term rentals within one hour.

d. Receive and resolve complaints from the City of New Orleans and any of its departments regarding disruptive short-term rentals within one hour.

(11) Taxes and fees. Except for those instances in which a platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, as provided in section 26-622.1, the owner shall timely remit all applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a platform to collect and remit taxes and fees pursuant to section 26-622.1 shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this article.

(12) Compliance with other laws. The owner shall ensure that any short-term rental fully complies with this article, the Comprehensive Zoning Ordinance, and all other applicable laws.

(b) *Prohibited acts.* The following acts shall be prohibited and may be grounds for suspension or revocation of a short-term rental owner permit, or any other remedy authorized by the article. Each instance of a prohibited act may be cited separately in any enforcement action.

(1) Advertising an illegal short-term rental.

(2) Exceeding in any advertisement, the legally available dwelling-unit-per-lot-of-record limitation set forth in the Comprehensive Zoning Ordinance.

(3) Exceeding in any advertisement, the legally available guest bedroom limitation set forth in the Comprehensive Zoning Ordinance.

(4) Exceeding in any advertisement, the legally available guest occupancy limitations set forth in the Comprehensive Zoning Ordinance.

(5) Exceeding the dwelling-unit-per-lot-of-record limitation set forth in the Comprehensive Zoning Ordinance.

(6) Exceeding the guest bedroom limitation set forth in the Comprehensive Zoning Ordinance.

(7) Exceeding the guest occupancy limitations set forth in the Comprehensive Zoning Ordinance.

(8) Using a dwelling unit as a reception facility, or for any other commercial use defined by the Comprehensive Zoning Ordinance, during a short-term rental. No special event permit shall be obtained for an event occurring at a dwelling unit during any period of guest occupancy.

(9) Rental of the dwelling unit by the hour or for any period less than one night.

(10) Rental of a single dwelling unit to more than one party of guests at one time.

(11) Short-term rental use that generates (i) excessive loud sound, (ii) offensive odors, (iii) public drunkenness, (iv) unlawful loitering, (v) litter, (vi) lewd conduct by guests or (vii) any effect that otherwise unreasonably interferes with neighbors' quiet enjoyment of their properties. For purposes of this paragraph, excessive loud sound means any noise generated from within the dwelling unit or having a nexus to the dwelling unit that is louder than a conversational level, or any music that is plainly audible from the property line of the lot containing the dwelling unit, between the hours of 10:00 p.m. and 8:00 a.m. Each instance and type of unreasonable interference defined in this paragraph shall constitute a separate violation of this section and may be cited separately in any enforcement action.

(12) Short-term rental use that places loads on structural elements or components of buildings, including, but not limited to, porches, balconies, and roof decks, in excess of the minimum design loads required by the Building Code.

(13) Violations of the submitted noise abatement plan, security and operation plan, or sanitation plan.

(14) Discriminating against any guest, or potential guest, because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income.

(15) Failure to comply with any other legal duty imposed by this article or correlating provisions in the Comprehensive Zoning Ordinance, and all other applicable laws.

(16) Failure to ensure that the licensed operator is available as required by section 26-618(a)(10).

(17) For non-commercial short-term rentals, advertising or using the bedroom(s) reserved for the owner or licensed operator (if different from the owner) as a guest bedroom.

(c) *Ongoing duty.* An owner possessing a short-term rental owner permit may delegate the performance of any duties set forth in this section to the permitted short-term rental operator identified in the owner's application to the department. Notwithstanding that delegation, the owner remains principally responsible for the performance of all duties created hereunder, and may not assert the non-performance of a short-term rental operator as a defense to any action arising from a breach of the owner's duties under this article.

**DIVISION 3. - SHORT-TERM RENTAL OPERATOR PERMIT**

Sec. 26-619. - Short-term rental operator permit and application—Eligibility.

(a) Every dwelling unit used as a short-term rental in Orleans Parish shall be operated by a natural person age 18 or over holding a short-term rental operator permit.

(1) A natural person who holds a short-term rental owner permit may act as the operator, but must separately apply for and obtain a short-term rental operator permit.

(2) The short-term rental operator permit is valid for one year from the date of issuance, and shall be reapplied for annually.

(3) A separate short-term rental operator permit shall be required for each dwelling unit used as a short-term rental.

(b) The application for a short-term rental operator permit shall be on forms created by the department, which shall require, at a minimum, the following information:

(1) The name, address, phone number and email contact information of the operator.

(2) For non-commercial short-term rentals, evidence of recorded ownership or a current residential lease, as well as such other documentation as the department may reasonably require, establishing that the operator resides on the premises being operated as a short-term rental. For both non-commercial and commercial short-term rentals, evidence that the operator has the permission of the owner to operate the property as a short-term rental in accordance with the application submitted.

(3) An attestation that the operator has read, understands, and agrees to comply with all legal duties imposed by this article, and in the Comprehensive Zoning Ordinance.

(4) Proof that the operator is at least 18 years of age.

(5) A nuisance prevention and neighborhood complaint response plan for each dwelling unit used as a short-term rental.

(c) Renewals shall be obtained in the same or substantially similar form and manner as the initial permit, and shall require:

1. An attestation signed by the operator providing that, in addition to the items specified in subsection (b), above, that a short-term rental operator permit has not been revoked in the previous year; and
2. Updated contact information, if applicable.

(d) The operator permit shall be issued in two forms:

(1) A PDF or other document that lists the operator’s contact information, as well as any other information deemed pertinent by the department; and

(2) A card bearing the photograph of the licensed operator and listing the address of the property being used as a short-term rental, owner license number, and operator license number.

**Sec. 26-620. - Legal duties of short-term rental operator permit holders.**

(a) *Legal duties.* Any person possessing a short-term rental operator permit shall comply at all times with the following requirements:

(1) Operator availability. The operator shall:

a. Be available during all periods of guest occupancy, including nights and weekends, to facilitate compliance with this article. Availability requires, at a minimum, that the operator:

i. Be accessible by telephone;

ii. Serve as the point of contact for neighbors, including receiving and resolving complaints within one hour of being contacted by neighbors regarding disruptive short-term rentals.

iii. Be able to resolve complaints within one hour of being contacted by guests.

iv. Be able to resolve complaints within one hour of being contacted by the City of New Orleans and any of its departments.

b. Serve as the point of contact for guests, including receiving and resolving inquiries and complaints within one hour of being contacted.

c. Receive and resolve complaints from neighbors regarding disruptive short-term rentals within one hour.

d. Receive and resolve complaints within one hour of being contacted by the City of New Orleans and any of its departments.

e. Reside on the property being used for a non-commercial short-term rental.

(2) Guest records. The operator shall be solidarily responsible with the owner for ensuring full compliance with the guest record-keeping requirements set forth in section 26-618(a)(2).

(3) Short-term rental advertisements. The operator shall be solidarily responsible with the owner for ensuring full compliance with the advertising requirements set forth in section 26-618(a)(3).

(4) Adherence to dwelling and occupancy limits. The operator shall be solidarily responsible with the owner for ensuring full compliance with the dwelling-unit-per-lot-of-record, guest bedroom, guest occupancy, and density limitations set forth in section 26-618(a)(4).

(5) Required postings at the short-term rental. The operator shall be solidarily responsible with the owner for ensuring full compliance with the posting requirements set forth in section 26-618(a)(5).

(6) Health and safety. The operator shall be solidarily responsible with the owner for ensuring full compliance with each of the health and safety requirements set forth in section 26-618(a)(6)a. through g.

(7) Short-term rental guest use limitations. The operator shall be solidarily responsible with the owner for ensuring that no dwelling unit associated with a short-term rental owner permit be used as a reception facility, or any other commercial use as set forth in section 26-618(a)(7).

(8) Criminal activity. The operator shall be solidarily responsible with the owner for reporting any known or suspected criminal activity by a short-term rental guest to the New Orleans Police Department as set forth in section 26-618(a)(8).

(9) Reasonable inspections. The operator shall be solidarily responsible with the owner for facilitating inspections required by section 26-618(a)(9).

(10) Compliance with other laws. The operator shall ensure that any short-term rental fully complies with this article, the Comprehensive Zoning Ordinance, and all other applicable laws.

(b) *Prohibited acts.* The following acts shall be prohibited and may be grounds for suspension or revocation of a short-term rental operator permit, or any other remedy authorized by the article. Each instance of a prohibited act may be cited separately in any enforcement action.

(1) Advertising an illegal short-term rental.

(2) Exceeding in any advertisement, the legally available dwelling-unit-per-lot-of-record limitation set forth in the Comprehensive Zoning Ordinance.

(3) Exceeding in any advertisement, the legally available guest bedroom limitation set forth in the Comprehensive Zoning Ordinance.

(4) Exceeding in any advertisement, the legally available guest occupancy limitations set forth in the Comprehensive Zoning Ordinance.

(5) Exceeding the dwelling-unit-per-lot-of-record limitation set forth in the Comprehensive Zoning Ordinance.

(6) Exceeding the guest bedroom limitation set forth in the Comprehensive Zoning Ordinance.

(7) Exceeding the guest occupancy limitations set forth in the Comprehensive Zoning Ordinance.

(8) No dwelling unit associated with a short-term rental owner permit may be used as a reception facility, or any other commercial use defined by the Comprehensive Zoning Ordinance. No special event permit shall be obtained for an event occurring at a dwelling unit during any period of guest occupancy.

(9) Rental of the dwelling unit by the hour or for a period less than one night.

(10) Rental of a single dwelling unit to more than one party of guests at one time.

(11) Short-term rental use that generates (i) excessive loud noise, (ii) offensive odors, (iii) public drunkenness, (iv), unlawful loitering, (v) litter, (vi) lewd conduct by guests or (vii) any effect that otherwise unreasonably interferes with neighbors' quiet enjoyment of their properties. For purposes of this paragraph, excessive loud noise means any noise, generated from within the dwelling unit or having a nexus to the dwelling unit that is louder than a conversational level, or any music that is plainly audible from the property line of the lot containing the dwelling unit, between the hours of 10:00 p.m. and 8:00 a.m. Each instance and type of unreasonable interference shall constitute a separate violation of this section and may be cited separately in any enforcement action.

(12) Short-term rental use that places loads on structural elements or components of buildings, including, but not limited to, porches, balconies, and roof decks, in excess of the minimum design loads required by the Building Code.

(13) Violations of the submitted noise abatement plan, security and operation plan, or the sanitation plan.

(14) Discriminating against any guest, or potential guest, because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income.

(15) Failure to reside on the premises as required by law.

(16) Failure of the operator to be available as required by law.

(17) Failure to show the operator’s license card on request.

(18) Advertising more than one dwelling unit for short-term rental in a single advertisement or listing.

(19) Failure to comply with any other legal duty imposed by this article, correlating provisions in the Comprehensive Zoning Ordinance, or any other applicable law.

(c) The licensed operator is personally responsible for fulfilling these duties and may not delegate them to any other person or entity.

**DIVISION 4. - SHORT-TERM RENTAL PLATFORM PERMIT**

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**Sec. 26-623. - Platform safe harbor.**

Platforms shall be deemed in compliance with the legal duties set forth in section 26-622(a)(1) if:

(a) The platform requires any person who lists a dwelling unit located in Orleans Parish for a short-term rental to provide the short-term rental owner permit number and the short-term rental operator permit number associated with the dwelling unit at the time of the listing;

(b) The platform does not permit the listing of a dwelling unit located in Orleans Parish for a short-term rental if the required owner and operator permit information is omitted, appears blank, or is in a format not approved by the department, ensuring that the city may assess whether the dwelling unit possesses the appropriate permits and is otherwise operating in accordance with law;

(c) The platform removes any improper listings within seven days of the department providing written notification of an unpermitted or unauthorized short-term rental; and

1. The platform requires that any person who lists any type of transient lodging not registered as a short-term rental for rental for less than 30 days, including but not limited to bed and breakfasts or hotels, provide an identification number issued to them by the department associated with the transient lodging business at the time of the listing.

A permitted platform that avails itself of this safe harbor does not warrant the accuracy of user-submitted permit data, and shall not be legally responsible for any incorrect information submitted by an owner or operator.

**DIVISION 5. - DEPARTMENT OF SAFETY AND PERMIT'S SHORT-TERM RENTAL RESPONSIBILITIES AND POWERS**

**Sec. 26-624. - Departmental authority.**

(a) *Receive short-term rental applications.* The department shall receive and process all short-term rental permit applications and determine applicant eligibility.

(b) *Issue eligible short-term rental permits.* The department shall issue permits only to eligible applicants, as determined by the department.

(c) *Inspections.*

(1) The director of the department or a duly authorized representative shall have the power to inspect any short-term rental to determine compliance with this article.

(2) Inspection may occur at any reasonable time, upon the production of proper identification by a representative of the department, whenever the director of the department has a reasonable belief that a dwelling unit or a short-term rental is in violation of any of the provisions of this article, the Comprehensive Zoning Ordinance, or the Building Code as provided in City Code Sec. 26-14 et seq.

(3) Prior to any inspection of an occupied dwelling unit, the department shall present credentials to the owner, operator, or guest and request entry. If the short-term rental is unoccupied, the department shall attempt to locate the owner or operator and request entry. If the department does not obtain timely consent to enter a dwelling unit, it may attempt to secure entry as provided in subsection (4), below.

(4) Warrant for inspection. If the owner or operator of the short-term rental refuses within 72 hours of department's request, admittance to the director of the department or his/her duly authorized representative for the purpose of making an inspection or examination of the premises, the director or his representative may present an affidavit to any judge of the municipal court stating that he has cause to believe that an inspection of the designated premises will reveal designated violations of this article.

a. The affidavit alleging probable cause shall identify the factual basis for the belief that the short-term rental is not in compliance with this article, or correlating provisions in the Comprehensive Zoning Ordinance.

b. Upon receiving the affidavit, the judge may issue a warrant authorizing the director or his representative to search the premises. The scope of the search authorized by the warrant shall be limited to a search for those designated, alleged violations.

(5) An owner may avoid an inspection authorized by this section by voluntarily forfeiting his or her short-term rental owner's permit, in which case the permit shall be deemed revoked. Nothing herein shall limit the authority of a law enforcement body to secure a search warrant in connection with criminal activity at a dwelling unit unrelated to compliance with this article or the authority of the department to conduct lawful inspections of a dwelling unit unrelated to compliance with this article.

(d) *Rescission of permits.* The department is authorized to cancel and rescind a permit issued under this article whenever a permit so issued is in error, was issued on the basis of inaccurate or misleading information, or contravenes this article or the Comprehensive Zoning Ordinance.

(e) *Suspension of permits where life safety issues are present.* The department may suspend a short-term rental owner permit issued under this article whenever the property it corresponds to is the subject of a violation of building code that may endanger the life or safety of persons on the property. This suspension shall end automatically when the Director or their designee determines that the violation has been abated.

(f) *Identification of non-short-term rental transient lodging offered on Platforms.* The department shall issue, at no charge to businesses, an identification number to any transient lodging business in good standing that uses a platform to facilitate booking transactions. To obtain this identification number, the transient lodging business must provide the department with the following information:

(1) The name of the business;

(2) The business address; and

(3) The business’s occupational license.

(g) *Enforcement.* The department shall not be responsible for the enforcement of correlating taxation provisions dictated by Chapter 150 of the Code of the City of New Orleans.

(h) *Records.* The department shall maintain a registry of all permit types and correlating permit numbers issued to owners, operators, and platforms pursuant to this article.

(i) *Rules and Regulations.* The department may issue rules and regulations related to the issuance of short-term rental licenses and enforcement of short-term rental laws.

(j) *Dashboard.*  The department shall establish a public facing dashboard listing all short-term rental applications, the addresses of properties the department has delisted from any platform, and all addresses with open, pending, and adjudicated violations. The dashboard shall further indicate the dispensation of any adjudicated violation. In addition, the dashboard shall list all lots subject to the four-year permit revocation contained in Section 26-628(f). The public facing dashboard shall be updated on weekly basis.

**Sec. 26-625. - Permit issuance and renewal—Departmental determination.**

(a) The department shall issue a permit to any applicant who meets all of the requirements set forth in this Article, as applicable; however, notwithstanding the foregoing, the department shall not issue or renew a permit for any applicant if any of the following conditions exist:

1. There is a judgment from the City related to the subject property or against the applicant which has not been fully satisfied;
2. There are unpaid taxes, fees, fines or penalties levied by the City against the property, property owner(s), or the applicant;
3. The applicant is a juridical entity that is not in good standing with the State of Louisiana;
4. There are open permits for new construction, structural or non-structural renovation, and/or electrical or mechanical work on the subject property; and/or
5. There are open violations on the subject property related to any of the following:
a. Electrical or mechanical code violations; and/or

b. Work without permits.

(b) The issuance or renewal of a permit under this article shall not be deemed to warrant, on behalf of the city, that the owner, operator, or platform is in compliance with law or that a dwelling unit is fit for occupancy. This article shall not create any right of action against the city by a guest or any third-party.

**DIVISION 6. – ENFORCEMENT**

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**Sec. 26-628. - General suspension and revocation procedures.**

(a) A permit issued pursuant to this article may be suspended for a term or revoked in its entirety for violations of this article or any other law incorporated herein.

(b) If a permit is revoked, the permittee may not reapply for a permit for a period of one year from the date of revocation.

(c) The decision to suspend or revoke a permit shall be at the discretion of the hearing officer based on the severity of the violation and any other mitigating or aggravating circumstances surrounding the violation.

(d) Without limiting the situations in which the hearing officer might deem revocation appropriate, revocation shall be mandatory in the following circumstances:

(1) A short-term rental owner permit shall be revoked if the hearing officer determines by a preponderance of the evidence that:

i. The owner violated section 26-618(a)(4).

ii. The owner violated section 26-618(a)(6).

iii. The owner violated section 26-618(b)(8).

iv. The owner violated section 26-618(b)(10).

v. Three separate violations of section 26-618(b)(11) have occurred at the dwelling unit during a three-month period.

vi. The owner violated section 26-618(b)(14).

vii. The owner violated section 26-618(b)(16).

viii. The owner made false, misleading or fraudulent statement(s) in the permit application, or misrepresented material facts in the permit application, or used any scheme or subterfuge for the purpose of evading any requirement of this article.

(2) A short-term rental operator permit shall be revoked if the hearing officer determines by a preponderance of the evidence that:

i. The operator violated section 26-620(a)(4).

ii. The operator violated section 26-620(a)(6).

iii. The operator violated section 26-620(b)(8).

iv. The operator violated section 26-620(b)(10).

v. Three separate violations of section 26-618(b)(11) have occurred at the dwelling unit during a three-month period.

vi. The operator violated section 26-620(b)(14).

vii. The operator violated section 26-620(b)(16).

viii. The operator made false, misleading or fraudulent statement(s) in the permit application, or misrepresented material facts in the permit application, or used any scheme or subterfuge for the purpose of evading any requirement of this article.

(e) An appeal with respect to the revocation of any short-term rental permit must be executed within 30 days of the issuance of the order of revocation.

(f) A hearing officer shall order that a property be prohibited from operating as a short-term rental for a period of four years when there have been sustained violations cases, regardless of whether the violations are presented in the same or different hearings, or when the hearing officer determines by a preponderance of the evidence that there was a violation of section 26-618(b)(17).  This order, once recorded, shall constitute a charge on the immovable property that shall be effective against third parties and shall prohibit all current and future owners from obtaining a short-term rental owner’s permit on the property for the period of four years from the date of the order.

**Sec. 26-629. – Penalties.**

(a) Any person who violates this article or the Comprehensive Zoning Ordinance shall be subject to a fine of not less than $500.00 for each offense. Each day that such violation exists shall constitute a separate and distinct offense. Multiple violations may relate to the same guest stay, day, action, situation, or event, and may be noticed and heard in a single administrative hearing.

(b) In addition to any fine or penalty imposed by this article, the city may seek all available relief in a court of competent jurisdiction to enjoin any violation.

(c) The city may seek any remedy to compel compliance with the requirements of this article or any correlating provision in the Comprehensive Zoning Ordinance, including the discontinuance of electrical service and the filing of property liens.

(d) The city may revoke or suspend any and all permits required by this article, as provided herein. If a permit issued pursuant to this article is revoked, such revocation shall remain in effect for a period of one year from the date of revocation. The duration of suspensions shall be as dictated by the hearing officer’s order.**”**

**SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,** That Section 26-630 of the Code of City of New Orleans be ordained to read as follows:

**“Sec. 26-630. Private Right of Action**

1. Any owner or lawful occupant of property within 300 feet of the lot line of any property operating as a short-term rental in violation of this Article, in addition to any person who otherwise satisfies the jurisprudential requirements for legal standing to assert a claim, shall have a private right of action against the owner or operator of the short-term rental to enjoin violations of this Article.
2. The requirements of this Article constitute rules of public order, violations of which may be preliminarily enjoined without the demonstration of irreparable injury.
3. Any person who successfully obtains injunctive relief by prosecuting a private action authorized by subsection (a) shall be entitled to reasonable attorney’s fee incurred in prosecuting the action.
4. The private right of action created by this section shall be in addition to, and not in lieu of, any other legal rights to seek damages or pursue injunctive or other relief against short-term rental owners and operators for nuisances or other violations of this Article or other laws.**”**

**SECTION 3. THE COUNCIL OF THE CITY OF NEW ORLEANS FURTHER ORDAINS,** That the provisions of this Ordinance shall become effective July 1, 2023.

**Adopted by the council of the city of new Orleans \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**President of the Council**

**Delivered to the Mayor on** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Approved:**

**Disapproved:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Mayor**

**Returned by the mayor on** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **at** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Clerk of Council**

**Roll call vote:**

**Yeas:**

**Nays:**

**Absent:**

**Recused:**