

CHAPTER 18.48  
HOME-SHARING

**§ 18.48.010. Purpose and intent.**

It is the purpose of this chapter to establish regulations and criteria for home-sharing in a manner which is consistent with the following objectives:

- A. To help ensure that suitable, safe housing is available at a cost that is affordable to current and future residents of the city consistent with the goal, objectives, and policies of the city's housing element.
- B. To minimize the adverse impacts relating to the state's declared housing crisis, on the city's housing supply, and on persons and households of all income levels resulting from the potential loss of residential units through their conversion to exclusive transient use.
- C. To prevent adverse impacts on residential neighborhoods that can occur when residential units are converted to exclusive transient use and are operated by agents and/or absentee owners/lessees who exercise little or no supervision or control of occupants.

(Ord. 452 § 3, 2019)

**§ 18.48.020. Applicability.**

No person or entity shall undertake, authorize, offer, facilitate an offer, maintain, advertise, book, or provide a dwelling unit or any portion thereof, in a residential zone or dwelling unit as provided for in Section 17.24.060(D) or as provided for in any specific plan, for rent for thirty consecutive calendar days or less to any transient, except as provided for in accordance with this chapter.

(Ord. 452 § 3, 2019)

**§ 18.48.030. Definitions.**

For the purposes of this chapter, the following definitions shall apply:

"Booking service" means any reservation or payment service provided by a person or entity who facilitates a home-sharing transaction between a host and a prospective transient occupant.

"Exclusive transient use" means that none of the dwelling unit's primary residents resides on site, in the dwelling unit, throughout the transient occupant's stay.

"Home-sharing" means an accessory use of a dwelling unit whereby the host rents his or her primary residence to one or more transient occupants, for compensation, for periods of thirty consecutive days or less, while the host resides on site, in the dwelling unit, throughout the transient occupant's stay. Rental of units located within city-approved hotels, motels, bed and breakfasts, and boarding houses, single-room occupancy buildings, and dwelling units for which a tenant has a month-to-month rental agreement and the rental payments are paid on a monthly basis shall not be considered home-sharing. An approved accessory dwelling unit, as defined by the zoning ordinance, constitutes a separate dwelling unit for the purpose of defining a home-sharing use. An approved guest house, as defined by the zoning ordinance, shall not constitute a separate dwelling unit for the purpose of defining a home-sharing use. The term "home-share" may be used interchangeably with the term "home-sharing." "Host" means any person who offers

his or her primary residence to a transient occupant(s) for home-sharing. A host may be an owner, lessee, or sub-lessee. "Host" shall have the same meaning as "operator" in Chapter 3.20 (Transient Occupancy Tax).

"Hosting platform" means a person or entity who participates in the home-sharing business by collecting or receiving a fee, directly or indirectly, through an agent or intermediary, for conducting a booking service using any means of facilitation. Hosting platforms usually, although not necessarily, provide booking services through an online platform that allows a host to advertise the residential unit through a website provided by the hosting platform and hosting platform conducts a transaction by which potential transient occupants arrange home-sharing use and payment, whether the transient occupant pays rent directly to the host or to the hosting platform.

"Primary residence" means a dwelling unit that is a host's permanent residence or usual place of return for housing as documented by at least two of the following and in the host's name: motor vehicle registration; driver's license; voter registration; tax documents showing the dwelling unit as the host's primary residence; or a utility or phone bill dated within the last thirty days. A host shall have only one primary residence and must reside there no less than two hundred seventy-five days per calendar year in which the residential unit is used for home-sharing.

"Reside" means is present in the location for at least five hours within every twenty-four-hour period during which the dwelling unit is being used for home-sharing.

"Transient" shall have the same definition as provided in Title 3, Chapter 3.20, Section 3.20.020(G). As provided in this chapter, "transient occupant" shall mean the same thing as "transient."

"Vacation rental" means rental of any dwelling unit, in whole or in part, to any transient occupant(s) for exclusive transient use for periods of thirty consecutive days or less. Rental of units located within city-approved hotels, motels, bed and breakfasts, boarding houses, single-room occupancy buildings, and dwelling units for which a tenant has a month-to-month rental agreement and the rental payments are paid on a monthly basis shall not be considered vacation rentals.

(Ord. 452 § 3, 2019; Ord. 461 § 1, 2022)

#### **§ 18.48.040. General provisions.**

- A. Home-Sharing—New. Except as otherwise stated herein, on and after the effective date of the ordinance codified in this chapter, no home-sharing use shall be established without first obtaining a home-sharing permit and business license pursuant to this chapter and being in compliance with the requirements of this chapter.
- B. Home-Sharing—Not Authorized by Home-Sharing Permit. Except as provided for in subsection A of this section, on and after the effective date of the ordinance codified in this chapter, all existing dwelling units operating as home-sharing uses shall be considered an unlawful use in accordance with Section 17.04.050. Elimination of unlawful status may be achieved by filing the appropriate application, receiving a home-sharing permit and business license as required by this chapter, and complying with all requirements of this chapter.
- C. Home-sharing shall be prohibited in any inclusionary housing or other income-restricted

housing unit.

D. Vacation Rentals.

1. Vacation rentals shall be a prohibited use in every zoning district and dwelling unit in the city.
2. On and after the effective date of the ordinance codified in this chapter, all existing dwelling units operating as vacation rentals shall be prohibited and shall be considered an unlawful use in accordance with Section 17.04.050 and shall cease operation immediately.
3. Advertisement of vacation rentals shall be prohibited.

- E. All hosts and their respective properties, authorized by the city for home-sharing purposes pursuant to this section, shall be listed on a registry created by the city and updated periodically by the city. The registry shall include the home-sharing permit number assigned to each home-sharing activity in accordance with Section 18.48.050(A). The city shall publish the registry on the city's website.

(Ord. 452 § 3, 2019)

**§ 18.48.050. Home-sharing permit required.**

- A. No home-sharing use shall be conducted in any residential zone or dwelling unit as provided for in Section 17.24.060(D)(8) unless a home-sharing permit has been issued by the city for such use prior to conducting the home-share use. A home-sharing permit number shall be assigned to each home-sharing application that is approved in accordance with this chapter.
- B. An application for a home-sharing permit shall be in a form and contain the information required by the planning department, in addition to documentation required pursuant to this chapter.
- C. The host shall be the applicant named on the home-sharing permit. If the applicant is not the legal owner of the property, the application shall be signed by the property owner consenting to the use of the property for home-sharing.
- D. Only one home-sharing permit shall be issued to any one dwelling unit as provided for in Section 18.48.030.
- E. If the property is part of a common interest development, the application shall include a letter of authorization from the homeowner's association indicating that use of the property for home-sharing is permitted under the homeowner's association's covenants, conditions, and restrictions (CC&Rs).
- F. The planning department (the department) may issue a home-sharing permit only if the department is satisfied that the applicant's operation of the home sharing use will comply with all provisions of this chapter and the applicant has agreed, in writing, to comply with such provisions.
- G. A home-sharing permit must be renewed annually to remain valid. Failure to renew a home-sharing permit within thirty calendar days of the expiration date will result in the home-

sharing permit being terminated.

H. A home-sharing permit shall be subject to applicable inspections by the city, including inspections by the fire department.

(Ord. 452 § 3, 2019)

**§ 18.48.060. Performance standards and operational requirements.**

Notwithstanding any provisions of this code to the contrary, a home-sharing host shall operate the home-sharing use in compliance with the following performance standards and operational requirements:

- A. Home-sharing shall not adversely affect the residential character of the neighborhood nor shall the use generate noise, traffic, parking, trash, or other effects that unreasonably interfere with any person's reasonable enjoyment of his or her residence.
- B. A host shall obtain and maintain at all times a current city business license.
- C. The host shall collect and remit transient occupancy tax (TOT), in coordination with any hosting platform if utilized in accordance with Section 18.48.070(A), to the city and shall comply with all city TOT requirements as set forth in Chapter 3.20 (Transient Occupancy Tax) of the Lemon Grove Municipal Code.
- D. No person shall advertise any home-sharing without a city-issued home-sharing permit number depicted in a visible location on the advertisement, including any listing on a hosting platform.
- E. The host shall be responsible for any nuisance violations arising at the property at all times during home-sharing activities.
- F. The host shall respond in person or telephonically within thirty minutes of being contacted by any law enforcement, fire department, or other city official.
- G. The host and transient occupants shall comply with all home-sharing permit and city business license conditions and requirements, and all applicable local, state, and federal laws, including, but not limited to, health, safety, fire, and building codes.
- H. The dwelling unit used for a home-sharing use shall not be subject to any outstanding enforcement of the Lemon Grove Municipal Code and all other relevant laws and ordinances, including, but not limited to, any notices of violations, orders of abatement, cease and desist orders, or correction notices. If any such violation occurs once a dwelling unit has been approved for home-sharing in accordance with the provisions of this chapter, the planning department shall suspend the home-sharing permit until the violation has been corrected.
- I. The host shall post a clearly printed sign inside his or her dwelling unit on the inside of the front door that provides the following information: the location of all fire extinguishers, carbon monoxide detectors, gas shut-off valves, emergency exit routes, fire alarms, and emergency contact information for the host for periods when the host is off site as provided for in Section 18.48.030.
- J. Home-sharing shall not be used by more than two transient occupants per bedroom,

excluding the host's bedroom, plus one additional transient occupant at one time. The transient occupant limit does not include minor children under the age of eighteen who are accompanied by an adult. Rental to unaccompanied minors under the age of eighteen is prohibited.

- K. The minimum duration of a home-share is three days, two nights.
- L. All parking for the home-sharing use shall be provided on site, and shall not be located within a required front or side yard setback. The host shall limit the number of vehicles associated with the overnight occupancy of the home-share to a specific number of vehicles, with the maximum number of vehicles being the number of off-street parking spaces available at the property, in addition to the off-street parking required for the primary use in accordance with Section 17.24.010 (Off-street parking) of the LGMC.
- M. No signs shall be posted on the exterior of the residential unit advertising the home-sharing use.
- N. Events, parties, group gatherings that exceed the maximum number of allowed transients as provided for in this chapter, and other special events, including, but not limited to, weddings, banquets, and corporate retreats, are prohibited from occurring on site in association with the home-sharing use.
- O. No host shall offer or engage in home-sharing any part of the property not approved for residential use, including, but not limited to, a vehicle parked on the property, storage shed, trailer, recreational vehicle, garage, tree house, or any temporary structure such as a tent.
- P. The host shall maintain records for three years demonstrating compliance with this chapter, including, but not limited to: information demonstrating primary residency; the number of days per calendar year he or she has occupied the residential unit; the number of days per calendar year the residential unit has been rented as a home-sharing use; and compliance with the insurance requirement in subsection Q. These records shall be made available to the planning department upon request.
- Q. The host shall maintain liability insurance appropriate to cover the home-sharing use in the aggregate of not less than five hundred thousand dollars, or the host shall conduct each home-sharing transaction through a hosting platform that provides equal or greater coverage. Such coverage shall defend and indemnify the host(s), as named additional insured, and any tenant(s) in the building or dwelling unit for their bodily injury and property damage arising from the home-sharing use.
- R. The host shall sign an indemnification and hold harmless agreement in a form approved by the city attorney, agreeing to indemnify, save, protect, hold harmless, and defend the city of Lemon Grove, the city council of the city of Lemon Grove, individually and collectively, and the city of Lemon Grove representatives, officers, officials, employees, agents, and volunteers from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising out of host's actions or inaction in the operation, occupancy, use, and/or maintenance of the property.

(Ord. 452 § 3, 2019)

**§ 18.48.070. Hosting platform responsibilities.**

- A. Hosting platforms shall be responsible for collecting all applicable TOTs and remitting the same to the city. The hosting platform shall be considered an agent of the host for purposes of TOT collections and remittance responsibilities as set forth in Chapter 3.20 (Transient Occupancy Tax).
- B. Subject to applicable laws, hosting platforms shall disclose to the city on an annual basis each home-sharing listing located in the city, the names of the person(s) responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price paid for each stay.
- C. Hosting platforms shall not complete any booking transaction for any residential property or unit unless it is listed on the city's registry created under Section 18.48.040(E), at the time the hosting platform receives a fee for the booking transaction.
- D. Hosting platforms shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to a vacation rental or unpermitted home-share, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.
- E. Safe Harbor. A hosting platform operating exclusively on the Internet, which operates in compliance with subsections A, B, C, and D of this section, shall be presumed to be in compliance with this chapter.

(Ord. 452 § 3, 2019)

**§ 18.48.080. Appeal.**

In the event of denial of any home-sharing permit or the suspension or revocation thereof, a written appeal may be made to the planning commission, whose decision shall be final. Appeals shall be considered by the planning commission in a public hearing which shall be scheduled within sixty days from the filing of the application. Notice of the hearing shall be given as set forth in Section 17.28.090 of the city zoning ordinance. A fee of twenty-five dollars shall be paid at the time of application to cover the expense of appeal procedures. When a home-sharing permit application has been denied, no application for the same business at the same property and/or by the same applicant shall be accepted for a period of one year from the date of the denial.

(Ord. 452 § 3, 2019)

**§ 18.48.090. Revocation of home-sharing permit.**

Home-sharing permits are subject to revocation by the planning department after a hearing by the department, following reasonable notice to the permittee, in the event that zoning regulations applicable to the premises are amended to prohibit such use, or when evidence has been produced that one or more of the conditions of the permit are not being fulfilled, or that any other violation of this chapter exists or any other applicable local, state or federal laws. After receiving written notification of violation, the holder of the home-sharing permit shall, within ten days of such notification, comply with all applicable city regulations or the home-sharing permit will be subject to revocation after hearing. If a home-sharing permit is revoked, the host must wait at a minimum

of one year from the date of revocation before he or she can reapply for a home-sharing permit.  
(Ord. 452 § 3, 2019)

**§ 18.48.100. Enforcement—Penalties for violations.**

It shall be the duty of planning department to enforce all of the provisions of this chapter. Violation of the provisions of this chapter shall be considered a misdemeanor and violators shall, upon conviction, be punishable by a fine or imprisonment as set forth in Section 17.04.070 of the city's zoning ordinance.

(Ord. 452 § 3, 2019)

**§ 18.48.110. Fees.**

The fee for a home-sharing permit shall be as established and modified from time to time by resolution of the city council. All applicable fees and deposits shall be paid in full prior to processing any application.

(Ord. 452 § 3, 2019)