PLANNING BOARD DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALAMEDA AMENDING CHAPTER 30 OF THE ALAMEDA MUNICIPAL CODE TO ADOPT REGULATION OF SHORT-TERM RENTALS

WHEREAS, there is within the City a diverse array of rentals for visitors, including hotels, motels, bed and breakfasts, home sharing and vacation rentals; and

WHEREAS, there are approximately 400 active short-term rentals in the City at any given time, occupying entire homes, rooms within homes, apartments, and accessory buildings representing approximately 1 percent of the housing stock in the city; and

WHEREAS, the City of Alameda adopted the Housing Element of its General Plan on November 15, 2022 as “the blueprint for how and where the community will meet the housing needs of current and future members of the community, including seniors, families, single-person households, single parent households, people with disabilities, lower-income households, and people experiencing or facing the prospect of homelessness”; and

WHEREAS, Policy H19 of the Housing Element provides “Limit short-term rentals…. which reduce the supply of long-term housing units for sale or rent”; and

WHEREAS, short term rentals can take the form of home sharing wherein the permanent resident is in the same residence as the transient guest and of a vacation rental in which the permanent resident provides the short term rental in another space on the same property; and

WHEREAS, operations of home sharing and vacation rentals may have external impacts to the residential character of neighborhoods and adversely impact the community due to parking, noise, refuse accumulation, rapid turnover, and other effects that are different from a more stable resident population; and

WHEREAS, proper regulation of home sharing and vacation rental activities can better ensure that they do not threaten or harm the public health, safety, or general welfare; and

WHEREAS, short term rentals provide an alternative accommodation for visitors that may attract new business, investment and participation in the cultural and recreational

assets of the city, and provide a supplemental income stream to hosts that can support the maintenance of the city's diverse housing stock and retention of existing residents; and

WHEREAS, the City intends to balance preserving the City's available housing stock, protecting the residential character of neighborhoods, and permitting owners and long-term residents to host guests as home share and vacation rentals; and

WHEREAS, the Planning Board conducted public study sessions on February 10 and April 28, 2025 and conducted a public hearing to make a recommendation to Council on July 13, 2026; and

WHEREAS, the City Council conducted a public hearing to consider the Planning Board recommendation and to deliberate on its own action on_____; and

WHEREAS, the City Council now wishes to amend Chapter 30 of the Alameda Municipal Code to establish various land use regulations to protect the public health, safety, and general welfare related to home sharing and vacation rentals.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Alameda Municipal Code Chapter 30 is hereby amended to read as follows:

30-19 - SHORT TERM RENTALS

30-19.1 Title

This section shall be known as the Short-Term Rental (STR) Ordinance.

30-19.2 Purpose and Findings.

These regulations are adopted to:

a. Implement Policy H19 of the 2023-2031 Housing Element, which provides "Limit short-term rentals…. which reduce the supply of long-term housing units for sale or rent."
b. Minimize and avoid external impacts to the residential character of

neighborhoods and adverse impacts to the community due to parking, noise, refuse accumulation, rapid turnover, and other effects that are different from a more stable resident population.

c. Balance preserving the City's available housing stock, protecting the residential character of neighborhoods, and allowing the economic use by owners and long-term residents of available space for short term rentals.
d. Ensure that short-term rentals are operated in a manner that is safe for visitors.
e. Provide a permit process for the City to track and enforce the regulations for short-term rentals including ensuring that proper taxes are remitted.

30-19.3 Definitions

For purposes of this section, these words and phrases have the following meanings.

Bedroom shall mean any habitable space in a dwelling unit other than a kitchen or living room that is intended for or capable of being used for sleeping, is at least 70 square feet in area, is separated from other rooms by a door, and is accessible to a bathroom without crossing another bedroom.

Booking Transaction shall mean any reservation or payment service provided by a person who facilitates a home-sharing or vacation rental transaction between a prospective visitor and a host.

Director shall mean the Director of the Planning Building and Transportation Department.

Home sharing shall mean an activity whereby the residents host visitors in their primary residence, for compensation, for periods of thirty (30) consecutive days or less, while at least one (1) of the dwelling unit's primary residents lives on-site in the dwelling unit.

Host shall mean any person who is an owner, lessee, or sub-lessee of a residential property or unit offered for use as a home share or vacation rental.

Hosting platform shall mean a person who participates in the home-sharing or vacation rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

Lives on site shall mean a person that maintains a physical presence in the

dwelling unit, including, but not limited to, sleeping overnight, preparing and eating meals, and engaging in other activities in the dwelling unit, of the type typically maintained by a natural person as a primary residence.

Local contact shall mean a person designated by the host who shall be available during the term of any short-term rental for the purpose of (a) Responding within sixty (60) minutes to complaints regarding the condition or operation of the dwelling unit or portion thereof used for STR or the conduct of STR guests, and (b) Taking appropriate remedial action on behalf of the Host, up to and including termination of the short term rental, if allowed by and pursuant to the short term rental agreement, to resolve such complaints.

Primary residence shall mean the usual place of return for housing of an owner or long-term resident as documented by at least two of the following: motor vehicle registration, driver's license, California State identification card, voter registration, income tax return, property tax bill, or a utility bill. A person can only have one primary residence.

Short-Term Rental or STR shall mean the use of any dwelling unit, accessory dwelling unit or accessory building, or portions thereof for dwelling, sleeping or lodging purposes by short-term rental transients. Includes home sharing and vacation rental formats. Rentals of units located within City-approved hotels, motels, and bed and breakfasts shall not be considered short term rentals.

STR Permit shall mean the permit required by this section to operate an STR.

Vacation rental shall mean an activity whereby the residents host visitors on a property that is their primary residence, for compensation, for periods of thirty (30) consecutive days or less, while at least one (1) of the dwelling unit's primary residents lives on-site but not in the same short term rental unit as the short term rental visitor.

Visitor shall mean a natural person who rents a home share or vacation rental.

30-19.4 General Provisions

a. *Accessory Use.* Short-term rentals must be accessory to a primary residential use. A STR may not be the sole or primary use of a property.
b. *Primary Residence and Other Hosting Requirements*. The location to be rented as a STR must be the host’s primary, permanent residence. A person may have only one primary residence. The host may not operate an STR on any other property within the City of Alameda.

1. If the host is a tenant rather than owner of the property, they may only host in the dwelling unit that they live in. The tenant must obtain the property owner's written permission to operate a STR in the dwelling unit.
2. If the host is the property owner, they may host in either:
   (a) The unit that they live in; or
   (b) Another unit or portion thereof, or other space suited to overnight accommodation, located on the same property, as long as the property contains no more than four dwelling units.
3. A host may rent no more than one dwelling unit or other habitable space as a STR on the same property at the same time.

c. *Where Permitted*.

1. *Types of Buildings and Spaces*. STRs are permitted in the following types of residential buildings and spaces:

   (a) Single-family dwellings, two-family dwellings, and multifamily dwellings.

   (b) An entire dwelling unit or a portion of a dwelling unit containing one or more bedrooms.

   (c) Floating homes and live aboards.

   (d) Separate sleeping quarters and associated habitable space that is part of or accessory to a lawfully established residential use.

2. *Exclusions*.

   (a) The following spaces may not be used as a STR.

      (1) Residential care facilities, shared living, supportive housing, or transitional housing, as defined in Section 30-2, Definitions.

      (2) All dwelling units created as or converted to an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling unit (JADU).

      (3) Dwelling units created pursuant to the provisions of Government Code Section 65852.21, also known as "SB 9."

      (4) Inclusionary Units built to satisfy the requirements of AMC Section 30-16, Inclusionary Housing Requirements for Residential Projects.

      (5) Dwelling units for which rents are subsidized or regulated by federal law or by regulatory agreements between a landlord and the City, the

Housing Authority, or any agency of the State of California or the federal government.

(6) Dwelling units that have been the subject of an eviction for the purposes of owner move-in, pursuant to AMC Section 6-58.80.E, F or G, within the five-year period prior to application for an STR Permit, unless such a dwelling unit is the owner's primary residence.

(7) If any dwelling unit on the property has been the subject of an eviction pursuant to the Ellis Act and the City of Alameda's Ellis Act Policy Resolution No. 15517 within the five-year period prior to application for a STR Permit, then no dwelling unit on the property is eligible to be used as a short-term rental.

(8) Dwelling units that have been the subject of a government order for health and safety reasons, pursuant to AMC Section 6-58.80.H unless the landlord has faithfully complied with subsection H.1 and H2 as determined by the records of the Rent Program.

(b) *Rental Income Limit*. Residents of dwelling units that are controlled or partially controlled under the City's rent program may only be operated as a home share. The monthly revenue from the home share may not exceed the monthly allowable rent.

3. *Code Compliance*.

1. Residential Occupancy. Any building, or portion thereof, that is used for short-term rentals must be designed and built for residential occupancy.

2. Housing Code Compliance. Any building, or portion thereof, that is used as a STR shall comply with the Alameda Housing Code.

3. Habitable Space. Space in a building used as a STR shall meet the minimum requirements of the Alameda Residential Code for habitable space.

4. Life Safety. Space in a building used as a STR must have a functional smoke detector, a fire extinguisher, a carbon monoxide detector, and adequate egress, all as required by current codes and regulations.

5. Host Responsibility. It is the host's responsibility to ensure that the building, or portion thereof, to be rented is and remains in compliance with all applicable codes regarding fire, building and safety, health and safety,

and other relevant laws. The host shall complete a self-certification form and submit it with the application for a STR Permit.

30-19.5 Operational Standards

STRs must conform to all of the following operating standards and requirements.

a. *Host Presence (or Host Availability).* A host must either:

   1. Live on site during the guest stay; or

   2. Designate a local contact person.

   The host, or their designated local contact person, shall be available 24 hours per day, seven days per week, to respond to complaints regarding the condition or operation of the STR or the conduct of transients/guests. The host or local contact person must be available to respond in person to complaints within 60 minutes.

b. *Maximum Occupancy*. The number of guests in a short-term rental shall not exceed the allowable occupancy established in this section.

c. *Events*. Commercial and Assembly Uses Prohibited. Short-term rentals are limited to dwelling, lodging, and sleeping purposes only. Use of the short-term rental for any other commercial uses, facility rentals, or assembly uses, such as weddings, pool or sport court rentals, corporate events, or parties, is prohibited.

d. *Noise.* Short-term rentals shall be operated in compliance with the Alameda Noise Regulations (AMC Section 4-10, Noise Control).

e. *Trash and Refuse*. Trash and refuse shall be stored outside of public view, except in proper containers for the purpose of collection by the City's authorized waste hauler on scheduled trash collection days.

f. *Notices to be Posted in the STR*. The permittee shall post or provide a good neighbor policy in the dwelling unit that at a minimum includes the maximum occupancy, smoking regulations, instructions on managing noise or any other disturbance (including, but not limited to, the quiet and orderly arrival and departure of visitors), neighborhood parking restrictions and property upkeep, including, but not limited to, trash disposal.

g. *Liability Insurance*. Liability insurance for renting a dwelling unit or portion of a dwelling unit is required of the host, or hosting platform on behalf of the host, in the amount of no less than $1,000,000. Proof of liability insurance is not required if

hosting activity is only handled by a hosting platform that already extends similar liability coverage.

h. *Advertisements for STRs*. All advertising appearing in any written publication or on any website that promotes the availability or existence of a STR shall include the City-issued permit number as part of the rental offering. No person shall advertise the use of a dwelling as a short-term rental unless the City has approved a STR Permit pursuant to this chapter.

30-19.6 Short Term Rental Permit.

a. *Permit Required.* It shall be unlawful for any person to establish, operate, or maintain a STR without first obtaining a STR Permit pursuant to the procedures described in this subsection.

b. *Limitation on Listings.* It shall be unlawful to publicly advertise or list a STR for rent without a valid STR Permit as required by subsection a. Any public advertisement or listing for a STR shall include the number of the associated STR Permit.

   Within seven (7) days following the expiration, revocation, or suspension of a STR Permit, the holder thereof shall remove or cause to be removed all public advertisements and listings for the STR associated with the expired, revoked, or suspended STR Permit.

c. *Ministerial Review*. Application for a STR Permit shall be reviewed ministerially without discretionary review or public hearing when in compliance with the standards of this section.

d. *Application.* Application for a STR Permit shall include, at a minimum:

   1. *Address*. The address of the proposed STR.
   2. *Host Contact Information*. The name, address, and telephone number of the host of the STR.
   3. *Proof of Residence*. At least two of the following forms of documentation showing that the location of the proposed STR is the host's primary residence:

      (a) Motor vehicle registration;

      (b) California driver's license or state identification card;

      (c) Voter registration;

      (d) Income tax return;

(e) Property tax bill; or

(f) Utility bill.

4. *Owner Consent*. If the host is not the property owner, the host must provide written authorization from the property owner or authorized agent of the owner allowing for a STR in the host's residence.
5. *Size and Type of Rental*. Square footage, number of bedrooms and whether the space is a complete dwelling unit, portion of a dwelling unit, or other space.
6. *Local Contact Person*. The name, address, and 24-hour telephone number of the local contact person.
7. *Insurance.* Proof of liability insurance as required in this section.
8. *Health and Safety Certification*. A completed health and safety self-certification, on a form provided by the Planning and Building Department.
9. *Other*. Such other information as the Planning Building and Transportation Director deems reasonably necessary to administer this section.
10. *Acknowledgment*. A copy of regulations for short-term rentals, signed by the host, certifying that the host has read and understands the regulations.
11. *Application Fee*. An application fee as established by resolution by the City Council.

e. *Grant or Denial of Short-Term Rental Permit*.

1. The Director (or their designee) shall grant a STR Permit if the STR, as proposed by the applicant, would comply with the provisions of this section.
2. The Director may deny a STR Permit application for one or more of the following reasons:

(a) The application is incomplete and the required supplementary documents were not submitted within 30 days of a request for these documents.

(b) The applicant made a material misstatement or omission in the application.

(c) The STR, as proposed by the applicant, would not comply with the provisions of this chapter 30.19.

f. *Suspension, Revocation, or Modification*. A STR Permit shall be subject to revocation for the violation of any provision of this code or for any grounds that would warrant the denial of the issuance of such original permit in which case the host shall cease operation of the STR immediately. Any violation relating to building

code compliance (30-19.4.d) shall result in immediate suspension, until cured. Other violations shall receive a warning for the first occasion; 2nd and 3rd occasions shall receive a 30-day suspension; 4th occasions shall result in revocation and the applicant shall not be eligible to reapply for 180 days. Provided, the Director may suspend or revoke for any violation if they make a written finding that the severity so warrants. Provided further, that Director may waive a violation/penalty if they make a written finding that the host has made reasonable efforts to remedy the situation/guest behavior (i.e. self-reported the potential violation, confronted guests, called police, etc.).

g. *Appeals.* An applicant that is dissatisfied with a decision of the Planning Director to deny, suspend, revoke or modify a STR permit may file an appeal to the Planning Board within ten (10) calendar days from the date the applicant is informed in writing of that decision. Failure to file a timely appeal shall result in a waiver of the right to appeal. The appeal shall state in detail the factual basis for the appeal. Appeals shall be heard pursuant to Section 30-25, except that the decision of the Planning Board shall be final.

h. *Amnesty Period.* STRs operating on or before the enactment of this section shall apply for a STR Permit within 60 days of its effective date or shall cease operation and be prohibited from resuming unless and until the host has obtained a STR Permit.

i. *Conditions*. Hosts shall comply with each of the following requirements:
   1. Take responsibility for and actively prevent any nuisance activities that may take place as a result of STR activities.
   2. Ensure that basic health and safety features are provided, including fire extinguishers, smoke detectors, and carbon monoxide detectors.
   3. Do not book or rent to more than two groups of visitors for any given date.
   4. Limit the occupancy of the STR (including the host, all other residents, and all visitors) to the lesser of (i) 10 persons; (ii) one person per 200 square feet of the dwelling unit; or (iii) two persons (excluding minor children) per bedroom.
   5. Maintain liability insurance with minimum limits of not less than $1,000,000 or conduct each home-sharing transaction through a hosting platform that provides equal or greater coverage.

6. Comply with Section 30-19.5 governing advertisements.
7. Comply with all applicable laws, including the noise limitations set forth in Chapter 4-10 of this Code, and all health, safety, building, fire protection, and rent control laws.
8. Comply with all regulations promulgated pursuant to this Chapter.

j. *Duty to Amend Application*. If there are any material changes to the information submitted on a STR Permit application, the host shall submit an amended application on a form to be provided by the City and signed by the host under penalty of perjury within 30 days of any such changes. Failure to submit an amended permit application may result in revocation of the permit and business license.

k. *Term of Permit*. Notwithstanding any provision of this Code to the contrary, any Short Term Rental Permit shall be effective for the same period as the term of the host's business license.

l. *Renewal of Permit.* A host may renew their STR Permit by submitting a completed permit renewal application on a form to be provided by the City and signed by the host under penalty of perjury. The permit renewal application shall verify all of the information required for an initial application.

m. *No Transfer or Assignment*. A STR Permit may not be assigned or transferred to any other person.

n. *Business License.* Prior to establishing the STR, the host must obtain and maintain a current business license from the City of Alameda.

o. *Transient Occupancy Tax.* The STR host, or the hosting platform on behalf of the host, shall comply with the applicable requirements of AMC Section 3-61, Transient Occupancy Tax.

30-19.7 Administrative Regulations.

The City Manager, Director, or designee may promulgate regulations, which may include, but are not limited to, permit conditions, residency requirements, reporting requirements, inspection frequencies, enforcement procedures, additional advertising restrictions, disclosure requirements, administrative subpoena procedures or additional insurance requirements, to implement the provisions of this Chapter. No person shall fail to comply

with any such regulation.

30-19.8. Fees.

The City Council may establish and amend by resolution all fees and charges as may be necessary to effectuate the purpose of this Chapter, including, but not limited to, the application fee.

30-19.9. Enforcement.

Violations of this section shall be enforced pursuant to AMC 1-7.

SECTION 2. Any provision of the Alameda Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption, and shall apply to all home-shares, including those operating under business licenses obtained prior to the effective date of this Ordinance.