

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: September 25, 2025

CALENDAR NO. 35,247

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER MORRELL

AN ORDINANCE to amend and reordain Section 26-622 of the City Code to permit pre-compliance review for certain short-term rental platform reporting requirements, and otherwise to provide thereto.

WHEREAS, City Code section 26-622 was amended in October 2024 to require that platforms verify the legal eligibility of a booking transaction at certain specified times;

WHEREAS, Airbnb, a short-term rental platform, sued the City of New Orleans claiming that certain requirements set forth in section 26-622 were unconstitutional or otherwise contrary to law;

WHEREAS, The United States District Court for the Eastern District of Louisiana ruled in favor of the City on almost all claims, dismissing the suit with prejudice;

WHEREAS, The Court ruled in favor of Airbnb on the limited issue of whether some of the monthly reporting requirements contained in section 26-622(a)(6) should have provided for pre-compliance review;

WHEREAS, The City of New Orleans desires to ensure that its laws comport with the Constitution and other applicable law, as set out by the Court in its decision of September 8, 2025;

NOW THEREFORE

1 **THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That

2 Section 26-622 of the Code of the City of New Orleans, Louisiana is amended to read as follows:

3 **“Sec. 26-622. – Legal duties of short-term rental platform permit holders.**

4 (a) Any person possessing a short-term rental platform permit shall comply at all times with
5 the following requirements:

6 (1) No platform may collect a fee or anything of value in exchange for conducting, facilitating,
7 or completing any booking transaction for a short-term rental of a dwelling unit in Orleans
8 Parish that is not in compliance with this article. A short-term rental is not in compliance
9 with this article if (i) the owner of the dwelling unit does not possess a valid short-term
10 rental owner permit for that dwelling unit; (ii) the dwelling unit is not operated by an
11 operator with a valid short-term rental operator permit, or (iii) use of the dwelling unit for
12 short-term rentals would contravene the Code of the City of New Orleans, the
13 Comprehensive Zoning Ordinance, or any other municipal, state, or federal law.

14 (2) Each platform shall have a duty to obtain commercial general liability insurance, with
15 limits of not less than \$1,000,000.00 per occurrence, for bodily injury, personal injury (if
16 commercially available) and property damage arising in any way from the issuance of the
17 short-term rental platform permit or activities conducted pursuant to that permit. Each
18 policy of insurance shall: (i) be issued by an insurer authorized to insure in the State of
19 Louisiana; (ii) name the City of New Orleans as an additional insured on a primary,
20 noncontributory basis for any liability arising directly or indirectly from the issuance of the
21 permit (if commercially available); (iii) be maintained in full force and effect for the
22 duration of the permit period; and (iv) include a provision requiring 30 calendar days'
23 advance notice to the department prior to cancellation or lapse of the policy.

- 24 (3) A platform shall ensure that any portal, listing service, or website under its ownership or
25 control that facilitates booking transactions in Orleans Parish complies with the terms and
26 requirements of this article.
- 27 (4) A platform must verify the legal eligibility of each booking transaction they facilitate
28 through the city's electronic verification system. Verifications shall be made as follows:
- 29 (i) Each listing must be verified before any booking transaction is facilitated.
- 30 (ii) Each listing must be reverified at least every 30 days of the prior verification in order
31 to facilitate subsequent booking transactions.
- 32 (iii) Each listing must be reverified whenever a verifying entity knows or should know
33 that any data it used to complete the most recent verification has changed, including
34 but not limited to the host's name and the address of the listing.
- 35 (5) The short term rental owner or operator must report the address, operator name, owner
36 name, and other details contained on a permit exactly as it appears on the permit to the
37 platform for the listing to be verified through the city's electronic verification system.
38 Deviations in spelling or other information may result in a failed verification and are solely
39 the responsibility of the owner and operator.
- 40 (6) Platforms must submit a monthly report to the department, in a form approved by the
41 department, that contains the following information about each of the booking transactions
42 facilitated through the platform during the applicable reporting period:
- 43 (i) The Universal Resource Locator (URL) links of each short-term rental and exempt
44 lodging business for which booking transactions were facilitated by the platform
45 during the applicable reporting period; and

- 46 (ii) The confirmation code verifying eligibility for rental for each booking transaction
47 facilitated by the platform during the applicable reporting period.
- 48 (7) Upon issuance of a subpoena from the city, provide the following information as specified
49 in the subpoena:
- 50 (i) The total number of short-term rental properties for which booking transactions were
51 facilitated by the platform during the applicable reporting period;
- 52 (ii) The total number of exempt lodging business properties for which booking
53 transactions were facilitated by the platform during the applicable reporting period;
- 54 (iii) The address of any short-term rental or exempt lodging business listed on the platform
55 for rental;
- 56 (iv) The number of booking transactions facilitated for each short-term rental during the
57 applicable reporting period;
- 58 (v) Whether each booking transaction facilitated by the platform was for an entire unit or
59 a partial unit;
- 60 (vi) A listing of dates during which the short-term rental was rented as part of a booking
61 transaction facilitated by the platform during the applicable reporting period;
- 62 (vii) The amount of rent paid as part of each booking transaction facilitated by the platform
63 for a short-term rental;
- 64 (viii) An accounting of taxes and fees collected and paid by the platform as part of each
65 booking transaction facilitated by the platform;
- 66 (ix) The address of any short-term rental or exempt lodging business listed on the platform
67 for rental;

- 68 (x) The name of the person or entity listing any short-term rental or exempt lodging
69 business on the platform for rental;
- 70 (xi) The dates and durations of stays booked through the platform at any short-term rental
71 or exempt lodging business;
- 72 (xii) The number of guests and bedrooms specified in the listing at the time of rental; and
73 (xiii) The number of guests included in the rental, as specified by the renter.
- 74 (b) The provisions of Division 4 shall be interpreted in accordance with other applicable state
75 and federal law(s).”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE CITY COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:
DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

RECUSED:

ENGROSSED VERSION:

Sec. 26-622. – Legal duties of short-term rental platform permit holders.

- (a) Any person possessing a short-term rental platform permit shall comply at all times with the following requirements:
- (1) No platform may collect a fee or anything of value in exchange for conducting, facilitating, or completing any booking transaction for a short-term rental of a dwelling unit in Orleans Parish that is not in compliance with this article. A short-term rental is not in compliance with this article if (i) the owner of the dwelling unit does not possess a valid short-term rental owner permit for that dwelling unit; (ii) the dwelling unit is not operated by an operator with a valid short-term rental operator permit, or (iii) use of the dwelling unit for short-term rentals would contravene the Code of the City of New Orleans, the Comprehensive Zoning Ordinance, or any other municipal, state, or federal law.
 - (2) Each platform shall have a duty to obtain commercial general liability insurance, with limits of not less than \$1,000,000.00 per occurrence, for bodily injury, personal injury (if commercially available) and property damage arising in any way from the issuance of the short-term rental platform permit or activities conducted pursuant to that permit. Each policy of insurance shall: (i) be issued by an insurer authorized to insure in the State of Louisiana; (ii) name the City of New Orleans as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the issuance of the permit (if commercially available); (iii) be maintained in full force and effect for the duration of the permit period; and (iv) include a provision requiring 30 calendar days' advance notice to the department prior to cancellation or lapse of the policy.
 - (3) A platform shall ensure that any portal, listing service, or website under its ownership or control that facilitates booking transactions in Orleans Parish complies with the terms and requirements of this article.
 - (4) A platform must verify the legal eligibility of each booking transaction they facilitate through the city's electronic verification system. Verifications shall be made as follows:
 - (i) Each listing must be verified before any booking transaction is facilitated.
 - (ii) Each listing must be reverified at least every 30 days of the prior verification in order to facilitate subsequent booking transactions.

- (iii) Each listing must be reverified whenever a verifying entity knows or should know that any data it used to complete the most recent verification has changed, including but not limited to the host's name and the address of the listing.
- (5) The short term rental owner or operator must report the address, operator name, owner name, and other details contained on a permit exactly as it appears on the permit to the platform for the listing to be verified through the city's electronic verification system. Deviations in spelling or other information may result in a failed verification and are solely the responsibility of the owner and operator.
- (6) Platforms must submit a monthly report to the department, in a form approved by the department, that contains the following information about each of the booking transactions facilitated through the platform during the applicable reporting period:
- ~~(i) The total number of short term rental properties for which booking transactions were facilitated by the platform during the applicable reporting period;~~
 - ~~(ii) The total number of exempt lodging business properties for which booking transactions were facilitated by the platform during the applicable reporting period;~~
 - ~~(iii)~~ **(i)** The Universal Resource Locator (URL) links of each short-term rental and exempt lodging business for which booking transactions were facilitated by the platform during the applicable reporting period; **and**
 - ~~(iv)~~ **(ii)** The confirmation code verifying eligibility for rental for each booking transaction facilitated by the platform during the applicable reporting period;
 - ~~(v) The number of booking transactions facilitated for each short term rental during the applicable reporting period;~~
 - ~~(vi) Whether each booking transaction facilitated by the platform was for an entire unit or a partial unit;~~
 - ~~(vii) A listing of dates during which the short term rental was rented as part of a booking transaction facilitated by the platform during the applicable reporting period;~~
 - ~~(viii) The amount of rent paid as part of each booking transaction facilitated by the platform for a short term rental; and~~
 - ~~(ix) An accounting of taxes and fees collected and paid by the platform as part of each booking transaction facilitated by the platform.~~
- (7) Upon issuance of a subpoena from the city, provide the following information as specified in the subpoena:

- (i) The total number of short-term rental properties for which booking transactions were facilitated by the platform during the applicable reporting period;**
 - (ii) The total number of exempt lodging business properties for which booking transactions were facilitated by the platform during the applicable reporting period;**
 - (iii) The address of any short-term rental or exempt lodging business listed on the platform for rental;**
 - (iv) The number of booking transactions facilitated for each short-term rental during the applicable reporting period;**
 - (v) Whether each booking transaction facilitated by the platform was for an entire unit or a partial unit;**
 - (vi) A listing of dates during which the short-term rental was rented as part of a booking transaction facilitated by the platform during the applicable reporting period;**
 - (vii) The amount of rent paid as part of each booking transaction facilitated by the platform for a short-term rental;**
 - (viii) An accounting of taxes and fees collected and paid by the platform as part of each booking transaction facilitated by the platform;**
 - ~~(i)~~**(ix)** The address of any short-term rental or exempt lodging business listed on the platform for rental;
 - ~~(ii)~~**(x)** The name of the person or entity listing any short-term rental or exempt lodging business on the platform for rental;
 - ~~(iii)~~**(xi)** The dates and durations of stays booked through the platform at any short-term rental or exempt lodging business;
 - ~~(iv)~~**(xii)** The number of guests and bedrooms specified in the listing at the time of rental; and
 - ~~(v)~~**(xiii)** The number of guests included in the rental, as specified by the renter.
- (b) The provisions of Division 4 shall be interpreted in accordance with other applicable state and federal law(s).