

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: September 7, 2023

CALENDAR NO. 34,385

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS MORRELL, MORENO, HARRIS AND GREEN

AN ORDINANCE to amend and reordain sections 26-615, 26-616, 26-617, 26-618, 26-619, 26-620, 26-624, and 26-628 of the Code of the City of New Orleans to provide relative to the regulation of short-term rentals; and otherwise to provide with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY
ORDAINS, That sections 26-615, 26-616, 26-617, 26-618, 26-619, 26-620, 26-624, and 26-628 of the Code of the City of New Orleans are amended 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

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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 strictly personal and may not be transferred or assigned.
- (e) In the event the holder of a short-term rental owner's permit ceases to own the property or fails to renew the permit timely, the permit shall be immediately void, and short-term rental use shall be prohibited on the property.
- (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) The only short-term rental owner permit classification is a Short-term rental, commercial.
- (b) A non-refundable application fee of \$50.00 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, commercial owner permit: \$1,000.00.
 - (2) Operator card replacement fee: \$25.00.
 - (3) Short-term rental operator permit: \$1,000.00.
 - (4) Short-term rental platform permit: \$10,000.00.

- (d) The owner shall remit to the city a \$12.00 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) A short-term rental owner permit shall be valid for one year from the date of issuance and shall be reapplied for annually.
- (2) A separate short-term rental owner permit shall be required for each dwelling unit used as a short-term rental.
- (3) 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.
- (4) Any dwelling unit permitted for short-term rental use must meet all applicable building, zoning, and addressing regulations, as determined by the department.
- (5) 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.
- (6) All juridical owners must be in good standing with the State of Louisiana to be eligible for a commercial short-term rental owner permit.

(7) 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.

(8) The owner or resident of a dwelling unit required to be affordable by the Mandatory Inclusionary Zoning, Voluntary Inclusionary Zoning, Affordable Housing Planned Development, or Small Multifamily Affordable Housing provisions of the Comprehensive Zoning Ordinance 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;
- 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 device.

(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) 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;

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

323 vi. The owner possesses insurance that meets the requirements of section 26-
324 618(a)(1); and

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

329 (9) Proof of completion of a short-term rental course, to be provided by the department
330 and made available virtually.

331 (d) The department shall deny any short-term rental application that does not contain all of
332 the information listed in section 26-617(b) and (c).

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

335 (1) Short-term rental owner permit number;

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

337 (3) Owner's name and contact information;

338 (4) Operator's name and contact information;

339 (5) The permit's effective and expiration dates;

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

(7) Contact information for the city's short term rental administration to facilitate reporting complaints.

(f) 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;
- c. The rates charged for each nightly rental; and
- d. Any IRS Forms 1099 or other financial reports or documents provided to owners or operators by any platform related to rental activity on each platform used.

(2) Updated owner and operator contact information, if applicable;

(3) 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;

(4) 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/XXXXXX> or <https://www.airbnb.com/rooms/XXXXXX>);

(5) Proof of a favorable, annual city fire inspection; and

(6) Proof of completion of a short-term rental course, to be provided by the department and made available virtually, within the previous permit year.

(g) For co-owned property, only one owner's permit shall be required, provided that the applicant certifies to the department that all owners independently meet the requirements for an owner's permit and that the applicant has secured all necessary approvals from the other owners to obtain a short-term rental permit.

Sec. 26-618. - Legal duties of a 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:

- 409 i. An evacuation diagram identifying fire escapes and all means of
410 egress from the dwelling unit and the building in which the dwelling
411 unit is located;
- 412 ii. Trash disposal and recycling collection days; and
- 413 iii. Contact information for the city's short-term rental administration to
414 facilitate reporting complaints.
- 415 (6) Health and safety. The owner shall ensure that each dwelling unit governed by this
416 article complies with the following standards:
- 417 a. Walls, ceilings, floors, windows, fixtures and furnishings throughout the
418 dwelling unit shall be maintained in a clean condition at all times and shall
419 be in good repair.
- 420 b. All rooms shall be adequately lighted and properly ventilated by natural or
421 artificial means or both, and shall be provided with adequate heating and
422 air-conditioning facilities. All natural gas fired heaters shall be vented to the
423 outside atmosphere.
- 424 c. Each guest shall be furnished with clean towels, washcloths, and bed linens.
425 Sheets must be of sufficient width and length to completely cover the
426 mattress and be turned under the mattress so as to properly secure the sheet.
427 All towels, washcloths and bed linens shall be kept in good repair and
428 changed between rentals.
- 429 d. All dishes, utensils, pots, pans and other cooking utensils shall be provided
430 to guests in a safe and sanitary condition. The permittee shall ensure that all

431 perishables left by the guests are disposed of at the conclusion of a short-
432 term rental.

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

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

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

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

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

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

450 (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:

i. Accessible by telephone.

ii. Able to resolve complaints within one hour of being contacted by neighbors regarding disruptive short-term rentals.

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

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

(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.

- 538 (2) The short-term rental operator permit is valid for one year from the date of issuance,
539 and shall be reapplied for annually.
- 540 (3) A separate short-term rental operator permit shall be required for each dwelling
541 unit used as a short-term rental.
- 542 (b) The application for a short-term rental operator permit shall be on forms created by the
543 department, which shall require, at a minimum, the following information:
- 544 (1) The name, address, phone number and email contact information of the operator.
- 545 (2) An attestation that the operator has read, understands, and agrees to comply with
546 all legal duties imposed by this article, and in the Comprehensive Zoning
547 Ordinance.
- 548 (3) Proof that the operator is at least 18 years of age.
- 549 (4) A nuisance prevention and neighborhood complaint response plan for each
550 dwelling unit used as a short-term rental.
- 551 (5) Proof of completion of a short-term rental course, to be provided by the department
552 and made available virtually.
- 553 (c) The department shall deny any short-term rental operator application that does not contain
554 all of the information listed in section 26-619(a) and (b).
- 555 (d) Renewals shall be obtained in the same or substantially similar form and manner as the
556 initial permit, and shall require:
- 557 (1) An attestation signed by the operator providing that, in addition to the items
558 specified in subsection (b), above, that a short-term rental operator permit has not
559 been revoked in the previous year;
- 560 (2) Updated contact information, if applicable; and

(3) Proof of completion of a short-term rental course, to be provided by the department and made available virtually, within the previous permit year.

(e) 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 to 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.

(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).

- 606 (7) Short-term rental guest use limitations. The operator shall be solidarily responsible
607 with the owner for ensuring that no dwelling unit associated with a short-term rental
608 owner permit be used as a reception facility, or any other commercial use as set
609 forth in section 26-618(a)(7).
- 610 (8) Criminal activity. The operator shall be solidarily responsible with the owner for
611 reporting any known or suspected criminal activity by a short-term rental guest to
612 the New Orleans Police Department as set forth in section 26-618(a)(8).
- 613 (9) Reasonable inspections. The operator shall be solidarily responsible with the owner
614 for facilitating inspections required by section 26-618(a)(9).
- 615 (10) Compliance with other laws. The operator shall ensure that any short-term rental
616 fully complies with this article, the Comprehensive Zoning Ordinance, and all other
617 applicable laws.
- 618 (b) *Prohibited acts.* The following acts shall be prohibited and may be grounds for suspension
619 or revocation of a short-term rental operator permit, or any other remedy authorized by
620 the article. Each instance of a prohibited act may be cited separately in any enforcement
621 action.
- 622 (1) Advertising an illegal short-term rental.
- 623 (2) Exceeding in any advertisement, the legally available dwelling-unit-per-lot-of-
624 record limitation set forth in the Comprehensive Zoning Ordinance.
- 625 (3) Exceeding in any advertisement, the legally available guest bedroom limitation set
626 forth in the Comprehensive Zoning Ordinance.
- 627 (4) Exceeding in any advertisement, the legally available guest occupancy limitations
628 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 of the operator to be available as required by law.
- (16) Failure to show the operator's license card on request.
- (17) Advertising more than one dwelling unit for short-term rental in a single advertisement or listing.
- (18) 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.

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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 section 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.*

(1) The department shall prioritize the enforcement and adjudication of violations of section 26-618(b)(1) through (b)(7) and section 26-620(b)(1) through (b)(7) and section 26-618(b)(16) and take all available steps to adjudicate said violations immediately upon receiving evidence of the violation from a platform or otherwise.

(2) 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; owner and operator permits with photo ID cards; the addresses of properties the department has delisted from any platform, if available; and all addresses

with open, pending, and adjudicated violations. The dashboard shall further indicate the number of adjudications per week and the dispensation of any adjudicated violation. In addition, the dashboard shall list all lots subject to the five-year permit revocation contained in section 26-628(f). The public facing dashboard shall be updated on weekly basis.

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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 five years 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)(3).
 - ii. The owner violated section 26-618(a)(4).

- 763 iii. The owner violated section 26-618(a)(7).
- 764 iv. The owner violated section 26-618(a)(8).
- 765 v. The owner violated section 26-618(b)(1).
- 766 vi. The owner violated section 26-618(b)(2).
- 767 vii. The owner violated section 26-618(b)(3).
- 768 viii. The owner violated section 26-618(b)(4).
- 769 ix. The owner violated section 26-618(b)(5)
- 770 x. The owner violated section 26-618(b)(6)
- 771 xi. The owner violated section 26-618(b)(7)
- 772 xii. The owner violated section 26-618(b)(8)
- 773 xiii The owner violated section 26-618(b)(14)
- 774 xiv. The owner made false, misleading or fraudulent statement(s) in the permit
775 application, subterfuge for the purpose of evading any requirement of this
776 article.
- 777 xv. Any three separate violations of any of the following sections have occurred
778 during a 12-month period:
- 779 a. Section 26-618(a)(1)
- 780 b. Section 26-618(a)(2)
- 781 c. Section 26-618(a)(5)
- 782 d. Section 26-618(a)(6)
- 783 e. Section 26-618(a)(9)
- 784 f. Section 26-618(a)(10)

- 785 g. Section 26-618(a)(11)
- 786 h. Section 26-618(a)(12)
- 787 i. Section 26-618(b)(9)
- 788 j. Section 26-618(b)(10)
- 789 k. Section 26-618(b)(11)
- 790 l. Section 26-618(b)(12)
- 791 m. Section 26-618(b)(13)
- 792 n. Section 26-618(b)(15)
- 793 o. Section 26-618(b)(16)

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

- 796 i. The operator violated section 26-620(a)(3).
- 797 ii. The operator violated section 26-620(a)(4).
- 798 iii. The operator violated section 26-620(a)(7).
- 799 iv. The operator violated section 26-620(a)(8).
- 800 v. The operator violated section 26-618(b)(1).
- 801 vi. The operator violated section 26-618(b)(2).
- 802 vii. The operator violated section 26-618(b)(3).
- 803 viii. The operator violated section 26-618(b)(4).
- 804 ix. The operator violated section 26-618(b)(5).
- 805 x. The operator violated section 26-618(b)(6).

- 806 xi. The operator violated section 26-618(b)(7).
- 807 xii. The operator violated section 26-620(b)(8).
- 808 xiii. The operator violated section 26-620(b)(14).
- 809 xiv. The operator violated section 26-620(b)(17).
- 810 xv. The operator made false, misleading or fraudulent statement(s) in the permit
811 application, or misrepresented material facts in the permit application, or
812 used any scheme or subterfuge for the purpose of evading any requirement
813 of this article
- 814 xvi. Any three separate violations of any of the following sections have occurred
815 during a 12-month period:
- 816 a. Section 26-620(a)(1)
- 817 b. Section 26-620(a)(2)
- 818 c. Section 26-620(a)(5)
- 819 d. Section 26-620(a)(6)
- 820 e. Section 26-620(a)(9)
- 821 f. Section 26-620(a)(10)
- 822 g. Section 26-620(b)(9)
- 823 h. Section 26-620(b)(10)
- 824 i. Section 26-620(b)(11)
- 825 j. Section 26-620(b)(12)
- 826 k. Section 26-620(b)(13)
- 827 l. Section 26-620(b)(15)

828 m. Section 26-620(b)(16)

829 n. Section 26-620(b)(18)

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

832 (f) When an owner or operator permit is revoked under section 26-628(d)(1) or section
833 26-628(d)(2), a hearing officer shall order that a property be prohibited from operating as
834 a short-term rental for a period of five years. This order, once recorded, shall constitute a
835 charge on the immovable property that shall be effective against third parties and shall
836 prohibit all current and future owners from obtaining a short-term rental owner's permit
837 on the property for the period of five years from the date of the order.”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:

DISAPPROVED: _____

MAYOR

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

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

RECUSED: