

**ORDINANCE  
(AS AMENDED)  
CITY OF NEW ORLEANS**

**CITY HALL: June 6, 2019**

**CALENDAR NO. 32,691**

**NO. 28157 MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBERS GISLESON PALMER, MORENO AND BANKS**

AN ORDINANCE to amend and reordain Article XI of Chapter 26 of the Code of the City of New Orleans, relative to Short-Term Rentals, to establish application procedures, permit types and fees, operating regulations, enforcement parameters, and penalties; and to provide otherwise with respect thereto.

**SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,** That Article XI of Chapter 26 of the Code of the City of New Orleans, be, and the same is hereby amended and reordained to read as follows:

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

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**ARTICLE XI – STANDARDS FOR SHORT TERM RENTALS**

**DIVISION 1 – IN GENERAL**

**Sec. 26-613. – Purpose**

A) This Article sets forth comprehensive standards governing the short-term rental of immovable property for lodging or sleeping purposes, and establishes requirements and enforcement mechanisms intended to encompass and regulate all persons engaged in the business of short-term rentals, including without limitation, property owners, property managers, leasing agents, and platforms that facilitate Short-Term Rentals.

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

**Sec. 26-614. – Definitions**

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

*"Booking Transaction"* means any contractual agreement between a Guest and an Owner relative to a Short-Term Rental.

*"Department"* means the Department of Safety and Permits, unless otherwise specified herein.

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

*"Guest"* means any person who occupies a Dwelling Unit pursuant to a Short-Term Rental.

*"Operator"* means a natural person possessing a Short-Term Rental Operator's Permit. An Operator who meets the legal requirements may also possess a Short-Term Rental Owner Permit.

*"Owner"* means a person who owns at least a 50% interest in a Dwelling Unit used for Short-Term Rentals.

“Platform” means one or more portals, listing services, or websites under common ownership or control through which a person, other than an Owner, collects or receives a fee, directly or indirectly, for facilitating Booking Transactions. A Platform shall not include a service that merely posts advertisements for Short Term Rentals.

“*Primary Residence*” means the Owner’s bona fide principal home, as indicated by the possession of a valid homestead exemption authorized by the Orleans Parish Assessor’s Office.

“*Short-Term Rental*” means the use and enjoyment of a Dwelling Unit, or any portion thereof, by guests for a period of less than thirty consecutive days, in exchange for money, commodities, fruits, services, or other performances. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in the CZO separately from Short-Term Rentals are not considered to be Short-Term Rentals.

**Sec. 26-615. – Short-Term Rental Permits Required**

A) No Dwelling Unit in Orleans Parish shall be used as a Short-Term Rental unless:

- 1) the 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 fully complies with all legal requirements and duties imposed herein with respect to each and every Short-Term Rental; and
- 2) the Owner has designated an Operator possessing a valid Short-Term Rental Operators Permit, issued in accordance with Division 3 of this Article, and such Operator fully complies with all legal requirements and duties imposed herein with respect to each and every Short-Term Rental.

B) No Platform shall facilitate or conduct any Booking Transaction for a Short-Term Rental in Orleans Parish without first obtaining and maintaining a Short-Term Rental Platform Permit issued in accordance with Division 4 of this Article.

C) The permits required by this Article are regulated privileges, not rights, and can be revoked or suspended by the City in accordance with the provisions provided herein.

D) Any permit issued pursuant to this Article is non-transferable.

E) Any change in ownership requires a new Short-Term Rental Owner Permit.

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

**Sec 26-616. – Short-Term Rental Permit Fees**

A) There shall be the following Short-Term Rental Owner Permit classifications, which shall correspond to the types of Short-Term Rental uses set forth by the Comprehensive Zoning Ordinance:

- 1) Short-Term Rental Partial-Unit Residential
- 2) Short-Term Rental Small Residential
- 3) Short-Term Rental Large Residential
- 4) Short-Term Rental Commercial

B) The annual permit fees, and renewals thereof, shall be due upon application filing and shall be as follows:

- 1) Short-Term Rental Owner Permit (per Dwelling Unit used as a Short-Term Rental):
  - a. Type R – Residential
    - i. Partial-Unit – \$250.00

- 82                   ii. Small Residential – \$500.00
- 83                   iii. Large Residential – \$500.00
- 84               b. Type C – Commercial - \$1,000.00
- 85       2) Short-Term Rental Operator Permit
- 86           a. If the Owner is the Operator, no fee shall be required.
- 87           b. If the Operator is a natural person other than the Owner, for Type-R Residential
- 88               Short-Term Rental(s):
- 89                   i. 1 Short-Term Rental – \$150.00;
- 90                   ii. 2+ Short-Term Rentals - \$1,000.00
- 91           c. Type-C, Commercial Short-Term Rentals - \$1,000.00.
- 92       3) Short-Term Rental Platform Permit – \$10,000.00

93       C) The Owner shall remit to the City a \$5.00 fee for each night of occupancy of a  
94       Dwelling Unit used as a Short-Term Rental for Type-R – Residential, and a \$12.00 fee  
95       for each night for Type-C – Commercial Short Term Rentals, permitting enforcement  
96       and other costs borne by the City. Fees shall be due and remitted along with tax  
97       submissions.

## 98   **DIVISION 2 – SHORT-TERM RENTAL OWNER PERMIT**

### 99   **Sec. 26-617 – Permit and Application – Eligibility**

100   A) No Dwelling Unit may be used as a Short-Term Rental unit unless the Owner possesses a  
101   Short-Term Rental Owner Permit in accordance with this Article.

- 102       1) A Short-Term Rental Owner Permit shall be valid for one year from the date of
- 103       issuance, and shall be reapplied for and renewed 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.

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, address, phone number, and email contact information of the Owner.

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.

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 URL links soliciting the Short-Term Rental, if any.

- 127 2) A floor plan depicting all:
- 128 i. entrance and exit doors,
- 129 ii. windows,
- 130 iii. Guest bedrooms and bedrooms,
- 131 iv. bathrooms,
- 132 v. kitchens, and
- 133 vi. interior doors.
- 134 3) An evacuation plan indicating:
- 135 i. the fire exits and escape routes;
- 136 ii. the location of smoke detectors;
- 137 iii. the location of fire extinguishers; and
- 138 iv. the location of carbon monoxide detectors.

- 139 4) A site plan indicating the location of any required parking.
- 140 5) If the application is for a Commercial Permit:
- 141 i. A Noise Abatement Plan;
- 142 ii. A Security and Operation Plan; and
- 143 iii. A Sanitation Plan.
- 144 6) An attestation signed by the Owner providing that:
- 145 i. the Dwelling Unit has no outstanding property taxes or City liens
- 146 associated with the lot-of-record, nor does the owner owe any other
- 147 outstanding taxes to the City, including taxes and fees owed in
- 148 connection with Short-Term Rentals;
- 149 ii. the Dwelling Unit complies, and will comply during any Short-Term
- 150 Rental of the Dwelling Unit, with all standards contained in the City's
- 151 Minimum Property Maintenance Code and all health safety requirements
- 152 contained in the Building Code;
- 153 iii. the Dwelling Unit has working smoke detectors inside and outside every
- 154 bedroom, carbon monoxide alarms outside every bedroom, and a
- 155 properly maintained and charged fire extinguisher on all habitable
- 156 floors;
- 157 iv. the Dwelling Unit is not subject to any contractual restrictions
- 158 precluding the Dwelling Unit from being used for Short-Term Rentals,
- 159 including but not limited to: homeowner association agreements,
- 160 condominium bylaws, restrictive covenants, or building restrictions; and
- 161 v. the Owner has read, understands, and agrees to comply with all legal
- 162 duties imposed by this Article and the Comprehensive Zoning
- 163 Ordinance.
- 164 • The Owner possesses insurance that meets the requirements of
- 165 Sec. 26-618 (A)(1).



- For all Residential permits, the Dwelling Unit used as a Short-Term Rental is located on the same lot of record as the owner's primary residence, and the owner possesses a valid Homestead Exemption at that property.

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

D) Every Short-Term Rental Owner Permit issued by the Department shall contain the following information:

- 1) Short-Term Rental Owner Permit number,
- 2) Municipal address of the Dwelling Unit associated with the permit;
- 3) Owner's name and contact information;
- 4) Operator's name and contact information;
- 5) Permit type, including the Residential sub-type, if applicable;
- 6) The permit's effective and expiration dates; and
- 7) The Guest bedroom and occupancy limit of the Dwelling Unit associated with the permit.

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

- i. Completion and submission of a form created by the Department of Finance providing the associated Short-Term Rental taxes and fees paid to the City for the previous permit year. The form, which shall be deemed confidential tax records for purposes of La. R.S. 47:1508, shall include at a minimum:

- a) A statement indicating if the required taxes and fees were paid by the Owner, a Platform, or both, for the preceding tax year and in what total amounts;
- b) The total number of nights the dwelling unit used as a Short-Term Rental was rented in the previous calendar year; and

197 c) The rates charged for each nightly rental; and

198 ii. Updated contact information, if applicable;

199 iii. An attestation signed by the Owner providing that, in addition to the  
200 continued compliance with the items specified in subpart (C), that the  
201 Short-Term Rental Owner Permit has not been revoked in the previous  
202 year;

203 iv. An updated list of Platforms that are used to solicit Books Transactions  
204 for the Dwelling Unit associated with the Short-Term Rental Owner  
205 Permit, and correlating print-outs of the Universal Resource Locator  
206 (URL) soliciting the Short-Term Rental (for example:  
207 <http://www.vrbo.com/XXXXXX> or <https://www.airbnb.com/rooms/xxxxxx>)  
208 ; and

209 v. If a Type C – Commercial Short-Term Rental, proof of a favorable,  
210 annual City fire inspection.

211 **Sec. 26-618 - Legal Duties of a Short-Term Rental Owner Permit Holders**

212 **A. Legal Duties.** An Owner possessing a Short-Term Rental Owner Permit shall comply at all  
213 times with the following requirements:

214 1) **Insurance.** The Owner shall maintain in full force and effect at all times, a minimum of  
215 \$1,000,000 in “commercial general liability” insurance per occurrence, combined single  
216 limit, for bodily injury, personal injury, and property damage arising in any way from  
217 the issuance of the permit or activities conducted pursuant to the permit, for each  
218 dwelling unit used as a Short-Term Rental.

219 2) **Guest Records.** The Owner shall maintain Guest registration records, which shall  
220 contain the actual dates of occupancy, total number of Guests per party, per stay, and the  
221 rate(s) charged. Such records shall be maintained for three years and shall be provided to  
222 the City upon request, in accordance with applicable law. Personally identifiable Guest  
223 information may be redacted.

224 3) **Short-Term Rental Advertisements.** The Owner shall ensure that the following  
225 information be provided in connection with any Short-Term Rental advertisement:

226 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 and legible to both Guests and neighbors.
  - b. The Owner shall ensure that the following are displayed in a location clearly visible and legible to Guests:
    - i. An evacuation diagram identifying fire escapes and all means of egress from the Dwelling Unit and the building in which the Dwelling Unit is located; and
    - ii. Trash disposal and recycling collection days.
- 6) **Health and Safety.** The Owner shall ensure that each Dwelling Unit governed by this Article complies with the following standards:
- a) Walls, ceilings, floors, windows, fixtures and furnishings throughout the Dwelling Unit shall be maintained in a clean condition at all times and shall be in good repair.

- b) All rooms shall be adequately lighted and properly ventilated by natural or artificial means or both, and shall be provided with adequate heating and air-conditioning facilities. All natural gas fired heaters shall be vented to the outside atmosphere.
- c) Each Guest shall be furnished with clean towels, washcloths, and bed linens. Sheets must be of sufficient width and length to completely cover the mattress and be turned under the mattress so as to properly secure the sheet. All towels, washcloths and bed linens shall be kept in good repair and changed between rentals.
- d) All dishes, utensils, pots, pans and other cooking utensils shall be provided to Guests in a safe and sanitary condition. The Permittee shall ensure that all perishables left by the Guests are disposed of at the conclusion of a Short-Term Rental.
- e) Each Dwelling Unit shall have a working fire extinguisher, smoke alarms, and carbon monoxide detectors and shall comply with all applicable fire codes;
- f) The Dwelling Unit shall have working locks, operable by Guests, at all points of ingress and egress;
- g) Every Dwelling Unit shall comply with applicable provisions of the Comprehensive Zoning Ordinance, the Minimum Property Maintenance Code as provided in Chapter 26, Article IV, and the New Orleans Building Code, as provided in Sec. 26-14 *et. seq.*

7) **Short-Term Rental Guest Use Limitations.** The Owner shall ensure that no Dwelling Unit used as a Short-Term Rental, is used as a reception facility, or any other commercial use defined by the Comprehensive Zoning Ordinance, during Guest use of the Short-Term Rental.

8) **Criminal Activity.** The Owner shall timely report any known or suspected criminal activity by a Guest to the New Orleans Police Department.

285 9) **Reasonable Inspections.** The Owner shall submit to inspections authorized by Sec. 26-  
286 624.

287 10) **Owner/Operator Availability.**

288 The Owner shall:

289 a. Ensure the permitted Operator is available during all periods  
290 of Guest occupancy, including nights and weekends, to  
291 facilitate compliance with this Article. Availability requires,  
292 at a minimum, that the Operator be:

293 1. accessible by telephone; and

294 2. able to be physically present at the Short-  
295 Term Rental within one hour of being  
296 contacted.

297 b. Serve as the point of contact for Guests.

298 c. Receive and timely resolve complaints from neighbors  
299 regarding disruptive Short-Term Rentals.

300 11) **Taxes and Fees.** Except for those instances in which a Platform bears the responsibility  
301 for collecting and remitting taxes and fees applicable to Short-Term Rentals, as provided  
302 in Sec. 26-622.1, the Owner shall timely remit all applicable local, state, and federal  
303 taxes and City fees owed in connection with any Short-Term Rental. The failure of a  
304 Platform to collect and remit taxes and fees pursuant to Sec. 26-622.1 shall not relieve  
305 an owner of the obligation to pay taxes and fees owed pursuant to this Article.

306 12) **Compliance with Other Laws.** The Owner shall ensure that any Short-Term Rental  
307 fully complies with this Article, the Comprehensive Zoning Ordinance, and all other  
308 applicable laws.

309 B) **Prohibited Acts.** The following acts shall be prohibited and may be grounds for suspension  
310 or revocation of a Short-Term Rental Owner Permit, or any other remedy authorized by the  
311 Article.

312 1) Advertising an illegal Short-Term Rental.

313 2) Exceeding in any advertisement, the legally available dwelling-unit-per-lot-of-  
314 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 excessive loud sound, offensive odors, public drunkenness, unlawful loitering, lewd conduct by Guests or 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.
- 12) Short-Term Rental use that places loads on structural elements or components of buildings, including, but not limited to, porches, balconies, and roof decks, in excess of the minimum design loads required by the Building Code.
- 13) Violations of the submitted Noise Abatement Plan, Security and Operation Plan, or the Sanitation Plan.

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

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

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 & Application – Eligibility**

A) Every Dwelling Unit used as a Short-Term Rental in Orleans Parish shall be operated by a natural person holding a Short-Term Rental Operator Permit.

1) A natural person who holds a Short-Term Rental Owner Permit may act as the Operator, but must separately apply for and obtain a Short-Term Rental Operator Permit.

2) The Short-Term Rental Operator Permit is valid for one year from the date of issuance, and shall be reapplied for and renewed annually.

3) A separate Short-Term Rental Operator Permit shall be required for each Dwelling Unit used as a Short-Term Rental.

B) The application for a Short-Term Rental Operator Permit shall be on forms created by the Department, which shall require, at a minimum, the following information:

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

2) The municipal addresses of all Dwelling Units for which the Operator is responsible, together with the name and contact information of the Owner of said units, if different from the Operator.

- 373 3) An attestation that the Operator has read, understands, and agrees to comply with all  
374 legal duties imposed by this Article, and in the Comprehensive Zoning Ordinance.
- 375 4) Proof that the Operator is at least 18 years of age.
- 376 5) A Nuisance Prevention and Neighborhood Complaint Response Plan for each  
377 Dwelling Unit used as a Short-Term Rental.
- 378 C) Renewals shall be obtained in the same or substantially similar form and manner as the  
379 initial permit, and shall require:
- 380 i. An attestation signed by the Operator providing that, in addition to the items  
381 specified in subpart (B), that a Short-Term Rental Operator Permit has not  
382 been revoked in the previous year; and
- 383 ii. Updated contact information, if applicable.

384 **Sec. 26-620 - Legal Duties of Short-Term Rental Operator Permit Holders**

385 A) **Legal Duties.** Any person possessing a Short-Term Rental Operator Permit shall comply at  
386 all times with the following requirements:

387 1) **Operator Availability.** The Operator shall:

- 388 a) Be available during all periods of Guest occupancy, including nights and  
389 weekends, to facilitate compliance with this Article. Availability requires, as  
390 a minimum, that the Operator:

- 391 1. be accessible by telephone; and  
392 2. be able to be physically present at the  
393 Dwelling Unit within one hour of being  
394 contacted.

395 b) Serve as the point of contact for Guests.

396 c) Receive and timely resolve complaints from neighbors regarding disruptive  
397 Short-Term Rentals.

398 2) **Guest Records.** The Operator shall be solidarily responsible with the Owner for  
399 ensuring full compliance with the Guest record-keeping requirements set forth in Sec.  
400 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 Sec. 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 Sec. 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 Sec. 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 Sec. 26-618(A)(6)(a) through (g).

7) **Short-Term Rental Guest Use Limitations.** The Operator shall be solidarily responsible with the Owner for ensuring that no Dwelling Unit associated with a Short-Term Rental Owner Permit be used as a reception facility, or any other commercial use as set forth in Sec. 26-618(A)(7).

8) **Criminal Activity.** The Operator shall be solidarily responsible with the Owner for reporting any known or suspected criminal activity by a Short-Term Rental Guest to the New Orleans Police Department as set forth in Sec. 26-618(A)(8).

9) **Reasonable Inspections.** The Operator shall be solidarily responsible with the Owner for facilitating inspections required by Sec. 26-618(A)(9).

10) **Compliance with Other Laws.** The Operator shall ensure that any Short-Term Rental fully complies with this Article, the Comprehensive Zoning Ordinance, and all other applicable laws.

B) **Prohibited Acts.** The following acts shall be prohibited and may be grounds for suspension or revocation of a Short-Term Rental Operator Permit, or any other remedy authorized by the Article.

1) Advertising an illegal Short-Term Rental.

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

- 3) Exceeding in any advertisement, the legally available Guest bedroom limitation set forth in the Comprehensive Zoning Ordinance.
- 4) Exceeding in any advertisement, the legally available Guest occupancy limitations set forth in the Comprehensive Zoning Ordinance.
- 5) Exceeding the dwelling-unit-per-lot-of-record limitation set forth in the Comprehensive Zoning Ordinance.
- 6) Exceeding the Guest bedroom limitation set forth in the Comprehensive Zoning Ordinance.
- 7) Exceeding the Guest occupancy limitations set forth in the Comprehensive Zoning Ordinance.
- 8) No Dwelling Unit associated with a Short-Term Rental Owner Permit may be used as a reception facility, or any other commercial use defined by the Comprehensive Zoning Ordinance. No special event permit shall be obtained for an event occurring at a Dwelling Unit during any period of Guest occupancy.
- 9) Rental of the Dwelling Unit by the hour or for a period less than one night.
- 10) Rental of a single Dwelling Unit to more than one party of Guests at one time.
- 11) Short-Term Rental use that generates excessive loud noise, offensive odors, public drunkenness, unlawful loitering, lewd conduct by Guests or 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.
- 12) Short-Term Rental use that places loads on structural elements or components of buildings, including, but not limited to, porches, balconies, and roof decks, in excess of the minimum design loads required by the Building Code.
- 13) Violations of the submitted Noise Abatement Plan, Security and Operation Plan, or the Sanitation Plan.
- 14) Discriminating against any Guest, or potential Guest, because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income.

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

#### **DIVISION 4 – SHORT-TERM RENTAL PLATFORM PERMIT**

##### **Sec. 26-621. - Annual Short-Term Rental Platform Permit & Application**

A) Any Platform that receives anything of value for directly or indirectly facilitating or conducting a Booking Transaction for Short-Term Rentals in Orleans Parish shall possess a Short-Term Rental Platform Permit.

B) The Short-Term Rental Platform Permit is valid for one year from the date of issuance, and shall be reapplied for and renewed annually.

C) The Short-Term Rental Platform Permit application shall require the following information, at a minimum:

- 1) The applicant's name, trade name, address, and telephone number;
- 2) Proof that the applicant is in good standing with the Louisiana Secretary of State and authorized to do business within the State of Louisiana;
- 3) The name, address, phone number and e-mail address of the Platform's local agent authorized for service of process; and
- 4) The name, address, phone number and e-mail address of the Platform's local agent authorized by the applicant to address and remedy any violation of this Article.
- 5) The names and web addresses of any portal, listing service, or website under the applicant's ownership or control that facilitates booking transactions in Orleans Parish.

##### **Sec. 26-622. - Legal Duties of Short-Term Rental Platform Permit Holders.**

Any person possessing a Short-Term Rental Platform Permit shall comply at all times with the following requirements:

- 486 1) No Platform may conduct, facilitate, or complete any Booking  
487 Transaction for a Short-Term Rental of a Dwelling Unit in Orleans  
488 Parish that is not in compliance with this Article. A Short-Term  
489 Rental is not in compliance with this Article if (i) the Owner of the  
490 Dwelling Unit does not possess a valid Short-Term Rental Owner  
491 Permit for that Dwelling Unit; (ii) the Dwelling Unit is not  
492 operated by an Operator with a valid Short-Term Rental Operator  
493 Permit, or (iii) use of the Dwelling Unit for Short Term Rentals  
494 would contravene the Code of the City of New Orleans, the  
495 Comprehensive Zoning Ordinance, or any other municipal, state,  
496 or federal law.
- 497 2) Each Platform shall have a duty to obtain commercial general  
498 liability insurance, with limits of not less than \$1,000,000 per  
499 occurrence, for bodily injury, personal injury (if commercially  
500 available) and property damage arising in any way from the  
501 issuance of the Short-Term Rental Platform Permit or activities  
502 conducted pursuant to that permit. Each policy of insurance shall:  
503 (i) be issued by an insurer authorized to insure in the State of  
504 Louisiana; (ii) name the City of New Orleans as an additional  
505 insured on a primary, noncontributory basis for any liability arising  
506 directly or indirectly from the issuance of the permit (if  
507 commercially available); (iii) be maintained in full force and effect  
508 for the duration of the permit period; and (iv) include a provision  
509 requiring 30 calendar days' advance notice to the Department prior  
510 to cancellation or lapse of the policy.
- 511 3) A Platform shall ensure that any portal, listing service, or website  
512 under its ownership or control that facilitates booking transactions  
513 in Orleans parish complies with the terms and requirements of this  
514 Article.

515 B) The provisions of Division 4 shall be interpreted in accordance with other applicable State  
516 and Federal law(s).

517 **Sec. 26-622.1 – Collection of Payments of Taxes/Fees for Booking Transactions**

- 518 A) With respect to any Booking Transaction facilitated by or through a Platform, the  
519 Platform shall be responsible for collecting and remitting all applicable sales and use  
520 taxes owed by the Owner in accordance with the provisions of that Chapter.
- 521 B) With respect to any Booking Transaction facilitated by or through a Platform, the  
522 Platform shall collect from the Owner and remit to the City the occupancy fee imposed  
523 by Sec. 26-616(C) of this Chapter. The foregoing shall be collected and remitted  
524 contemporaneously with, and in the manner prescribed for, applicable sales and use  
525 taxes.
- 526 C) When collecting and remitting taxes and fees on behalf of an Owner, each Platform shall  
527 comply with all applicable federal, state and local laws and regulations regarding  
528 collection and payment of taxes.
- 529 D) Every Platform remitting taxes pursuant to this section shall maintain its records in such  
530 a manner and in such detail that will permit the Director of Finance or his duly  
531 authorized agents to readily verify the correctness of any tax or fee due pursuant to this  
532 Article. In furtherance of this requirement and in accordance with applicable law, the  
533 Director may perform an audit and examine the books, records, papers, vouchers,  
534 accounts and documents of a Platform to ensure full compliance with this Section.

535 **Sec. 26-623. – Platform Safe Harbor**

536 Platforms shall be deemed in compliance with the legal duties set forth in Sec. 26-622 (A)(1) if:

- 537 A) The Platform requires any person who lists a Dwelling Unit located in Orleans Parish for a  
538 Short-Term Rental to provide the Short-Term Rental Owner Permit number and the Short-  
539 Term Rental Operator Permit number associated with the Dwelling Unit at the time of the  
540 listing;
- 541 B) The Platform does not permit the listing of a Dwelling Unit located in Orleans Parish for a  
542 Short-Term Rental if the required Owner and Operator permit information is omitted or  
543 appears blank, ensuring that the City may assess whether the Dwelling Unit possesses the  
544 appropriate permits and is otherwise operating in accordance with law; and
- 545 C) The Platform removes any improper listings within seven days of the Department  
546 providing written notification of an unpermitted or unauthorized Short-Term Rental.

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

## **DIVISION 5– DEPARTMENT OF SAFETY AND PERMIT’S SHORT-TERM RENTAL RESPONSIBILITIES AND POWERS**

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

A) **Receive Short-Term Rental applications.** The Department shall receive and process all Short-Term Rental permit applications and determine applicant eligibility.

B) **Issue Eligible Short-Term Rental permits.** The Department shall issue permits only to eligible applicants, as determined by the Department.

#### **C) Inspections.**

1) The Director of the Department or a duly authorized representative shall have the power to inspect any Short-Term Rental to determine compliance with this Article.

2) Inspection may occur at any reasonable time, upon the production of proper identification by a representative of the Department, whenever the Director of the Department has a reasonable belief that a Dwelling Unit or a Short-Term Rental is in violation of any of the provisions of this Article, the Comprehensive Zoning Ordinance, or the Building Code as provided in City Code Sec. 26-14 *et seq.*

3) Prior to any inspection of an occupied Dwelling Unit, the Department shall present credentials to the Owner, Operator, or Guest and request entry. If the Short-Term Rental is unoccupied, the Department shall attempt to locate the Owner or Operator and request entry. If the Department does not obtain timely consent to enter a Dwelling Unit, it may attempt to secure entry as provided in subpart (4), below.

573 4) Warrant for inspection. If the Owner or Operator of the Short-Term Rental  
574 refuses within 72 hours of Department's request, admittance to the Director of  
575 the Department or his/her duly authorized representative for the purpose of  
576 making an inspection or examination of the premises, the Director or his  
577 representative may present an affidavit to any judge of the municipal court  
578 stating that he has cause to believe that an inspection of the designated  
579 premises will reveal designated violations of this article.

580 a) The affidavit alleging probable cause shall identify the factual basis  
581 for the belief that the Short-Term Rental is not in compliance with  
582 this Article, or correlating provisions in the Comprehensive Zoning  
583 Ordinance.

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

588 5) An Owner may avoid an inspection authorized by Subpart C of this Section by  
589 voluntarily forfeiting his or her Short-Term Rental Owner's Permit, in which  
590 case the permit shall be deemed revoked. Nothing herein shall limit the  
591 authority of a law enforcement body to secure a search warrant in connection  
592 with criminal activity at a Dwelling Unit unrelated to compliance with this  
593 Article or the authority of the Department to conduct lawful inspections of a  
594 Dwelling Unit unrelated to compliance with this Article.

595 D) **Rescission of permits issued in error.** The Department is authorized to cancel a permit  
596 issued under this Article whenever a permit so issued is in error, or in contravention of  
597 this Article or the Comprehensive Zoning Ordinance.

598 E) **Enforcement.** The Department shall not be responsible for the enforcement of  
599 correlating taxation provisions dictated by Chapter 150 of the Code of the City of New  
600 Orleans.

601 F) **Records.** The Department shall maintain a registry of all permit types and correlating  
602 permit numbers issued to Owners, Operators, and Platforms pursuant to this Article.

603 **Sec. 26-625 – Permit Issuance and Renewal – Departmental Determination**

- 604 A) The Department shall have discretion to determine whether an applicant for a permit is  
605 eligible, and if the Dwelling Unit identified in the application meets the criteria  
606 established by law, and whether a permit should be issued. The department may decline  
607 to issue or renew a permit when it has good cause to do so. In determining whether “good  
608 cause” exists, the Department may consider prior violations of this Chapter, as well as  
609 prior suspensions and revocations. If a permit is not ultimately issued or renewed by the  
610 Department, an applicant may appeal as provided in Sec.26-625(B).
- 611 B) If a permit is denied, the Department shall provide written reasons to the applicant upon  
612 request. The written reasons shall be sent to the e-mail provided in the application. The  
613 applicant can appeal the Department’s determination, within 30 days of the transmission,  
614 by requesting in writing a hearing with the Department.

615 1) If the denial is due to any conflict with the Comprehensive Zoning  
616 Ordinance, the appeal shall directed to and heard by the Board of  
617 Zoning Adjustments.

618 2) If the denial is for any reason other than a conflict with the  
619 Comprehensive Zoning Ordinance, the appeal shall be docketed by  
620 the Department for a hearing before an Administrative Hearing  
621 Officer in accordance with the procedures provided in Chapter 6,  
622 Article II of the Code of the City of New Orleans.

- 623 C) The issuance or renewal of a permit under this Article shall not be deemed to warrant, on  
624 behalf of the City, that the Owner, Operator, or Platform is in compliance with law or that  
625 a Dwelling Unit is fit for occupancy. This Article shall not create any right of action  
626 against the City by a Guest or any third-party.

627 **DIVISION 6 –ENFORCEMENT**

628 **Sec. 26-626. – Violations – Notice and Hearing**

- 629 A) Any violation of this Article is prohibited, and shall subject the Owner, Operator, or  
630 Platform to penalties as provided in Sec. 26-629.
- 631 B) Notice and hearing requirements for determining violation(s) shall be in accordance  
632 with the administrative procedures provided in Chapter 6, Article II of the Code of  
633 the City of New Orleans.



**Sec. 26-627. – Immediate Suspension Procedures – Owner Permit**

- A) If the Department has good cause to believe that the use of a Dwelling Unit as a Short-Term Rental presents an imminent threat to public health, safety, or welfare, the Director of the Department, by issuance of a written order stating the reasons for such belief, may immediately suspend the Short-Term Rental Owner Permit with respect to the unit without a hearing. The Department shall transmit notice of the Director's written order within twenty-four hours of the determination, and shall send said order to the Owner's contact information provided to the Department in the Owner Permit application.
- B) No Dwelling Unit subject to an order of suspension may be used as a Short-Term Rental.
- C) Within 14 days of the written order of suspension, a Short-Term Rental Owner may request a hearing in writing, directed to the Director of the Department. The hearing shall take place within 7 business days of the written request for a hearing. If the Owner fails to timely request a hearing, the Short-Term Rental Owner's Permit shall be deemed revoked.

**Sec. 26-628. – General Suspension and Revocation Procedures**

- A) A permit issued pursuant to this Article may be suspended for a term or revoked in its entirety for violations of this Article or any other law incorporated herein.
- B) If a permit is revoked, the Permittee may not reapply for a permit for a period of one year from the date of revocation.
- C) The decision to suspend or revoke a permit shall be at the discretion of the hearing officer based on the severity of the violation and any other mitigating or aggravating circumstances surrounding the violation.
- D) Without limiting the situations in which the hearing officer might deem revocation appropriate, revocation shall be mandatory in the following circumstances:
  - 1) A Short Term Rental Owner Permit shall be revoked if the hearing officer determines by a preponderance of the evidence that:
    - i. The Owner violated Sec. 26-618(A)(4).
    - ii. The Owner violated Sec. 26-618(A)(6).
    - iii. The Owner violated Sec. 26-618(B)(8).
    - iv. The Owner violated Sec. 26-618(B)(10).

- v. Three separate violations of Sec. 26-618(B)(11) have occurred at the Dwelling Unit during a three-month period.
- vi. The Owner violated Sec. 26-618(B)(14).
- vii. The Owner made false, misleading or fraudulent statement(s) in the permit application, or misrepresented material facts in the permit application, or used any scheme or subterfuge for the purpose of evading any requirement of this Article.

2) A Short Term Rental Operator Permit shall be revoked if the hearing officer determines by a preponderance of the evidence that:

- i. The Operator violated Sec. 26-620(A)(4).
- ii. The Operator violated Sec. 26-620(A)(6).
- iii. The Operator violated Sec. 26-620(B)(8).
- iv. The Operator violated Sec. 26-620(B)(10).
- v. Three separate violations of Sec. 26-618(B)(11) have occurred at the Dwelling Unit during a three-month period.
- vi. The Operator violated Sec. 26-620(B)(14).
- vii. The Operator made false, misleading or fraudulent statement(s) in the permit application, or misrepresented material facts in the permit application, or used any scheme or subterfuge for the purpose of evading any requirement of this Article.

#### **Sec. 26-629. – Penalties**

- A) Any person who violates this Article or the Comprehensive Zoning Ordinance shall be subject to a fine of not less than \$500.00 for each offense. Each day that such violation exists shall constitute a separate and distinct offense. Multiple violations can occur during a single Guest stay, and may be noticed and heard in a single administrative hearing.
- B) In addition to any fine or penalty imposed by this Article, the City may seek all available relief in a court of competent jurisdiction to enjoin any violation.
- C) The City may seek any remedy to compel compliance with the requirements of this Article or any correlating provision in the Comprehensive Zoning Ordinance, including the discontinuance of electrical service and the filing of property liens.

695 D) The City may revoke or suspend any and all permits required by this Article, as provided  
696 herein. If a permit issued pursuant to this Article is revoked, such revocation shall  
697 remain in effect for a period of one year from the date of revocation. The duration of  
698 suspensions shall be as dictated by the hearing officer's order.

699 **SECTION 2.** The effective date of this ordinance shall be December 1, 2019.

700 **SECTION 3.** Should any section, paragraph, sentence, clause, phrase or word of this Chapter be  
701 declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
702 unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses,  
703 phrases or words of this Chapter.

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS AUGUST 8, 2019**

**HELENA MORENO**  
**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON AUGUST 9, 2019**

**APPROVED:**

**~~DISAPPROVED:~~ AUGUST 16, 2019**

**LATOYA CANTRELL**  
**MAYOR**

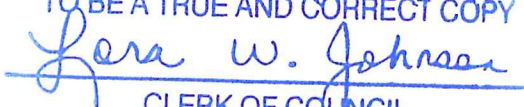
**RETURNED BY THE MAYOR ON AUGUST 16, 2019 AT 3:55 P.M.**

**LORA W. JOHNSON**  
**CLERK OF COUNCIL**

**ROLL CALL VOTE:**

**YEAS:** Banks, Brossett, Giarrusso, Gisleson Palmer, Moreno, Nguyen, Williams - 7  
**NAYS:** 0  
**ABSENT:** 0  
**RECUSED:** 0

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THE FOREGOING IS CERTIFIED  
TO BE A TRUE AND CORRECT COPY  
  
CLERK OF COUNCIL