

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

ZACHARY SMITH
DIRECTOR

DEPARTMENTAL POLICY MEMORANDUM

Date: 10/8/2019

From: Zachary Smith, AIA, Director

Subject: Standards for Short Term Rental Permitting and Licensing of Commercial STRs

This is to inform all members of the public and all staff of the Departmental standards related to the application for construction permits and licensing of Short Term Rental (STR) permits for before and after the effective date of Ordinance 28157 MCS at 12:01AM CST on December 1st 2019. The office has received numerous questions related to the sequencing of permitting and how the Department will handle applications related to STRs.

In line with the June 22, 2015 Departmental Memo Re: Standards for Complete Applications, the Department reminds all staff and public that there is no policy change related to STRs applications. All complete applications successfully submitted and received prior to the effective date of the new ordinance shall be considered under the rules at the time of the submittal.

For example, if a property is currently not subject to a twenty-five percent (25%) cap on Commercial STRs, but will be subject to such cap on December 1, 2019, valid and complete applications that adhere to the June 22, 2015 memo will be considered under the rules in effect prior to December 1, 2019.

To clarify the standards set forth in the June 22, 2015 memo as they relate to Commercial STRs, the stated use and number of Commercial STR units must be clearly identified, on the application, permit, and construction documents. This applies to any rooms, suites, guestrooms, units, apartments, lodging areas, etc. on any building plans. Any areas not clearly identified as such will not be considered as Commercial STR units.

Furthermore, in line with local and state laws, and Departmental policy, any applications filed under an applicable code will be permitted, and will continue to be reviewed, permitted, renovated, constructed, and may be issued Certificates of Occupancy (CO) for the permitted use, subject to all required inspections for code compliance.

To this end, any property that received a CO related to applications and permits prior to the effective date of the new STR ordinance will be required to obtain any related STR permits within 180 days of issuance of the CO.



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Quick references to related building and zoning ordinances:

Municipal Code Chapter 26-15

Section 105.3.2 Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Director is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.5 Expiration. A permit becomes invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work authorized on the permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Director is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Comprehensive Zoning Ordinance

Article 25.2.B. Any structures or signs legally under construction but not in accord with the requirements of this Ordinance will become nonconforming at the time this Ordinance or any subsequent amendment becomes effective.

Please let me know if you have any questions. As a special note, please be aware that due to the Thanksgiving holiday for 2019, the last expected City Hall work day prior to this deadline will be Wednesday, November 27th.

*** DSP Departmental Policy Memorandum Re: Standards for Complete Applications,
dated June 22, 2019, should be referenced when using this memorandum***

