


City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER ABEL GUILLÉN, VICE MAYOR ANNIE CAMPBELL WASHINGTON, COUNCILMEMBER DAN KALB, AND COUNCIL PRESIDENT LYNETTE GIBSON MCELHANEY

RESOLUTION TO ISSUE AN OFFICIAL STATEMENT OF POLICY TO IMPLEMENT REGULATIONS PERTAINING TO SHORT TERM RESIDENTIAL RENTAL HOUSING VIA TRANSIENT RESIDENTIAL HOSTING PLATFORMS PURSUANT TO FUTURE AMENDMENTS TO OAKLAND MUNICIPAL CODE AND OAKLAND PLANNING CODE

WHEREAS, in recent years, many cities have contended with the legality and growth of short-term residential rentals as facilitated by online rental platforms; and

WHEREAS, as more cities decide to legalize these sometimes formerly prohibited uses, issues have arisen around housing affordability, safety, parking, and enforcement; and

WHEREAS, a Transient Residential Hosting Platform (TRHP) is a person or entity that facilitates the rental of a private residential unit, or portion of a private residence offered for occupancy for tourist or transient use for compensation to the proprietor of that unit, and the Transient Residential Hosting Platform derives revenues, including booking fees, subscription charges, and/or advertising revenues. The proprietor of the residential unit is permitted to advertise the residential unit(s) on the Transient Residential Hosting Platform website(s); and

WHEREAS, TRHP arrangements are conducted over the internet through various peer-to-peer or booking agent websites such as Airbnb, FlipKey, Vacation Rental By Owner ("VRBO"), HomeAway and Craigslist. There are approximately 10 TRHP websites currently offering lodging opportunities in Oakland; and

WHEREAS, the City of Oakland embraces many of the new positive elements of the new peer-to-peer economy~~the new sharing economy market,~~

however, the City has yet to uniformly permit, regulate and collect taxes from all of these new entities; and

WHEREAS, according to the *New York Times*, the City of Oakland has been identified as one of the “52 Places To Go in 2016”, and Oakland has been ranked #13 by *Forbes* as one of the fastest growing cities in the United States for 2016; and

WHEREAS, the increase of tourism and major conventions coming to Oakland, coupled with the limited amount of transient habitation lodging options, has driven transients to use an increasing number of Short Term Residential Rentals an alternative to traditional transient habitation options; now, therefore, be it

RESOLVED: That it is the desire of City Council to allow for legal Short Term Residential Platforms under a regulatory system that protects the residential character of neighborhoods, maintains the quality of life of existing residents, and preserves the availability and affordability of existing rental ~~the~~ housing stock for Oakland residents, especially affordable rental units; and be it

FURTHER RESOLVED: That the Oakland City Council hereby directs the Planning and Building Department ~~and the Oakland City Planning Commission to~~ obtain sufficient stakeholder input and bring forward policy options ~~an ordinance~~ to the City Council within six months ~~for consideration and adoption~~ to regulate Short Term Residential Rental Housing and Transient Residential Hosting Platforms, ~~to the extent legally possible, under a framework that takes into consideration~~ the advantages and disadvantages of the following objectives ~~goals and policy options:~~

1. Clearly define and distinguish Short Term Residential Rentals as separate from commercial hotels, hostels, and other transient habitation activities.
2. Collect the Transient Occupancy Tax from all Transient Residential Hosting Platforms.
3. Identify a monitoring and enforcement system that is able to ensure that proprietors obtain a business license, pay applicable taxes and fees, and conform to applicable laws and regulations. This may include such policies as:
 - a. A requirement that THRP's provide sufficient data regarding their scope of operations in Oakland to determine accuracy in taxes owed and paid.
 - b. A registry of all legal Short Term Residential Rentals and requirement that legal Short Term Residential Rentals obtain a permit and post their registry certificate number.
 - c. Penalties for proprietors of Short Term Residential Rental that do not obtain a business license.
 - d. Proactive, randomized inspections of Short Term Residential Rentals to ensure compliance with health and safety codes.

- e. A requirement of each TRHP that they post the short-term rental registration number on each and every listing or advertisement of the property.
 - f. Setting caps on the number of rental nights per year for both Hosted and Un-Hosted Short Term Residential Rentals.
- 4. Prevent the loss of long term rental housing by limiting Short Term Residential Rentals to (a) primary residences and (b) in the case of a property with a Secondary Unit, one unit must be occupied by the owner.
 - 5. Prevent the deterioration of the quality of life to residents of neighborhoods that may be caused by the impact of Short Term Residential Rentals' on noise, parking, traffic and security through adequate monitoring and enforcement of laws.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California