

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

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

24 **Sec. 26-614. – Definitions**

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

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

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

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

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

34 “*Operator*” means a natural person possessing a Short-Term Rental Operator’s Permit. An

35 Operator who meets the legal requirements may also possess a Short-Term Rental Owner Permit.

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

38 “*Platform*” means a website, portal, listing service, or any other method through which a person,
39 other than an Owner, collects or receives a fee, directly or indirectly, for facilitating Booking
40 Transactions. A Platform shall not include a service that merely posts advertisements for Short-
41 Term Rentals.

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

44 “*Short-Term Rental*” means the use and enjoyment of a Dwelling Unit, or any portion thereof, by
45 guests for a period of less than thirty consecutive days, in exchange for money, commodities, fruits,
46 services, or other performances. **Solely for the purposes of this Chapter, and without**

47 **modifying or superseding any provision of Chapter 150 of the Code of the City of New**

48 **Orleans treating Short-Term Rentals as hotels for taxation purposes,** hotels, motels, bed and

49 breakfasts, and other land uses explicitly defined and regulated in the CZO separately from Short-

50 Term Rentals are not considered to be Short-Term Rentals.

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

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

- 53 1) the Owner of the Dwelling Unit possesses a valid and current Short-Term Rental
54 Owner Permit issued for the Dwelling Unit in accordance with Division 2 of this
55 Article, and fully complies with all legal requirements and duties imposed herein
56 with respect to each and every Short-Term Rental; and
- 57 2) the Owner has designated an Operator possessing a valid Short-Term Rental
58 Operators Permit, issued in accordance with Division 3 of this Article, and such
59 Operator fully complies with all legal requirements and duties imposed herein with
60 respect to each and every Short-Term Rental.
- 61 B) No Platform shall facilitate or conduct any Booking Transaction for a Short-Term Rental
62 in Orleans Parish without first obtaining and maintaining a Short-Term Rental Platform
63 Permit issued in accordance with Division 4 of this Article.
- 64 C) The permits required by this Article are regulated privileges, not rights, and can be revoked
65 or suspended by the City in accordance with the provisions provided herein.
- 66 D) Any permit issued pursuant to this Article is non-transferable.
- 67 E) Any change in ownership requires a new Short-Term Rental Owner Permit.
- 68 F) If any required contact information changes for any permit, the person possessing the
69 permit shall immediately notify the Department in writing, and the Department shall issue
70 a revised Permit to reflect the updated contact information.

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

- 72 A) There shall be the following Short-Term Rental Owner Permit classifications, which shall
73 correspond to the types of Short-Term Rental uses set forth by the Comprehensive
74 Zoning Ordinance:
- 75 1) Short-Term Rental Partial-Unit Residential

76 2) Short-Term Rental Small Residential

77 3) Short-Term Rental Large Residential

78 4) Short-Term Rental Commercial

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

81 1) Short-Term Rental Owner Permit (per Dwelling Unit used as a Short-Term Rental):

82 a. Type R – Residential

83 i. Partial-Unit – \$250.00

84 ii. Small Residential – \$500.00

85 iii. Large Residential – \$500.00

86 b. Type C – Commercial - **\$1,000** ~~\$5,000.00~~

87 2) Short-Term Rental Operator Permit

88 a. If the Owner is the Operator, **no fee shall be required.** ~~of the Type-R-~~

89 ~~Residential Short-Term Rental: \$0.00~~

90 b. If the Operator is a natural person other than the Owner, for Type-R Residential
91 Short-Term Rental(s):

92 i. 1 Short-Term Rental – \$150.00;

93 ii. 2+ Short-Term Rentals - \$1,000.00

94 c. Type-C, Commercial Short-Term Rentals - \$1,000.00.

95 3) Short-Term Rental Platform Permit – **\$10,000** ~~\$50,000.00~~

96 C) The Owner shall remit to the City a \$5.00 fee for each night of occupancy of a Dwelling
97 Unit used as a Short-Term Rental for Type-R – Residential, and a \$10.00 fee for each
98 night for Type-C – Commercial Short-Term Rentals, permitting enforcement and other
99 costs borne by the City. Fees shall be due and remitted along with tax submissions.

100 **DIVISION 2 – SHORT-TERM RENTAL OWNER PERMIT**

101 **Sec. 26-617 – Permit and Application – Eligibility**

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

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

106 2) A separate Short-Term Rental Owner Permit shall be required for each Dwelling Unit
107 used as a Short-Term Rental.

108 3) A Short-Term Rental Owner Permit shall be consistent with the dwelling-unit-per-lot-
109 of-record, Guest bedroom, Guest occupancy, and any other applicable density
110 limitations set forth in the Comprehensive Zoning Ordinance.

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

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

114 2) The municipal address of the Dwelling Unit associated with the Short-Term Rental Owner
115 Permit.

116 3) The total number of Dwelling Units located on the lot-of-record containing the Dwelling
117 Unit associated with the Short-Term Rental Owner Permit application.

118 4) The name, address, phone number, email contact information, and permit number of the
119 Operator designated by the Owner to satisfy the requirements of this Article with respect
120 to the Dwelling Unit associated with the Short-Term Rental Owner Permit. If the
121 designated Operator has not yet received a permit number, the applicant shall provide
122 evidence of a contemporaneous application for a Short-Term Rental Operator's Permit by
123 the designated Operator.

124 C) The following additional documentation shall be submitted to the Department, along with the
125 application, prior to processing:

126 ~~1) Proof of insurance that meets the requirements of Sec. 26-618(A)(1).~~

127 1) A list of Platforms that will be used to solicit Booking Transactions for the Dwelling
128 Unit associated with the Short-Term Rental Owner Permit, and correlating print-outs
129 or URL links soliciting the Short-Term Rental, if any.

130 ~~2) A tax clearance form obtained from the Department of Finance for the Dwelling~~
131 ~~Unit associated with the application.~~

132 2) A floor plan depicting all:

- 133 i. entrance and exit doors,
- 134 ii. windows,
- 135 iii. Guest bedrooms and bedrooms,
- 136 iv. bathrooms,
- 137 v. kitchens, and
- 138 vi. interior doors.

139 3) An evacuation plan indicating:

- 140 i. the fire exits and escape routes;
- 141 ii. the location of smoke detectors;
- 142 iii. the location of fire extinguishers; and
- 143 iv. the location of carbon monoxide detectors.

144 4) A site plan indicating the location of any required parking.

145 **~~5) If the application is for a Residential Permit:~~**

146 ~~i. A notarized affidavit that the Owner's Primary Residence is located~~
147 ~~on the same lot of record as the Dwelling Unit associated with the~~
148 ~~Short-Term Rental Owner Permit; and~~

149 ~~ii. A copy of the Owner's homestead exemption reflecting same.~~

150 5) If the application is for a Commercial Permit:

151 i. A Noise Abatement Plan;

152 ii. A Security and Operation Plan; and

153 iii. A Sanitation Plan.

154 6) An attestation signed by the Owner providing that:

155 i. the Dwelling Unit has no outstanding property taxes or City liens
156 associated with the lot-of-record, nor does the owner owe any other
157 outstanding taxes to the City, **including taxes and fees owed in**
158 **connection with Short-Term Rentals;**

159 ii. the Dwelling Unit complies, and will comply during any short-term rental
160 of the Dwelling Unit, with all standards contained in the City's Minimum
161 Property Maintenance Code and all health safety requirements contained
162 in the Building Code;

163 iii. the Dwelling Unit has working smoke detectors inside and outside every
164 bedroom, carbon monoxide alarms outside every bedroom, and a properly
165 maintained and charged fire extinguisher on all habitable floors;

166 iv. the Dwelling Unit is not subject to any contractual restrictions precluding
167 the Dwelling Unit from being used for Short-Term Rentals, including but
168 not limited to: homeowner association agreements, condominium bylaws,
169 restrictive covenants, or building restrictions; and

170 v. the Owner has read, understands, and agrees to comply with all legal
171 duties imposed by this Article and the Comprehensive Zoning
172 Ordinance.

- 173 vi. **The Owner will not discriminate in guest use or rental of a Short-**
174 **Term Rental, and will comply with all applicable anti-**
175 **discrimination laws, including but not limited to: Title VIII of the**
176 **Civil Rights Act of 1968, the Fair Housing Act (FHA), and the**
177 **Americans with Disabilities Act (ADA).**
- 178 vii. **The Owner possesses insurance that meets the requirements of Sec.**
179 **26-618 (A)(1).**
- 180 viii. **For all Residential permits, the Dwelling Unit used as a Short-Term**
181 **Rental is located on the same lot of record as the owner's primary**
182 **residence, and the owner possesses a valid Homestead Exemption at**
183 **that property.**

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

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

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

196 ~~i. A revised and current sales tax clearance form from the Department of~~
197 ~~Finance;~~

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

- 203 a) **A statement indicating if the required taxes and fees were**
204 **paid by the Owner, a Platform, or both, for the preceding**
205 **tax year and in what total amounts;**
206 b) **The total number of nights the dwelling unit used as a Short-**
207 **Term Rental was rented in the previous calendar year; and**
208 c) **The rates charged for each nightly rental; and**
209 ii. Updated contact information, if applicable;
210 iii. An attestation signed by the Owner providing that, in addition to **the**
211 **continued compliance with** the items specified in subpart (C)(9), **that**
212 the Short-Term Rental Owner Permit has not been revoked in the
213 previous year;
214 iv. An updated list of Platforms that are used to solicit Books Transactions
215 for the Dwelling Unit associated with the Short-Term Rental Owner
216 Permit, and correlating print-outs of the Universal Resource Locator
217 (URL) soliciting the Short-Term Rental (for example:
218 <http://www.vrbo.com/XXXXXX> or
219 <https://www.airbnb.com/rooms/xxxxxx>); and
220 v. If a Type C – Commercial Short-Term Rental, proof of a favorable, annual
221 City fire inspection.

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

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

- 225 1) **Insurance.** The Owner shall maintain in full force and effect at all times **for the full**
226 **duration of their license term, a minimum of \$1,000,000 in “commercial general**
227 **liability” insurance per occurrence, combined single limit, for bodily injury, personal**
228 **injury, and property damage arising in any way from the issuance of the permit or**
229 **activities conducted pursuant to the permit, for each dwelling unit used as a Short-**
230 **Term Rental.** ~~a Short-Term Rental insurance policy, vacation rental insurance, or~~
231 ~~equivalent insurance, with limits of not less than \$1,000,000.00 per occurrence,~~
232 ~~combined single limit, for bodily injury, personal injury, and property damage~~
233 ~~arising in any way from the issuance of the permit or activities conducted pursuant~~
234 ~~to the permit.~~ Each policy of insurance shall be issued by an insurer authorized to insure
235 in the State of Louisiana and name the City of New Orleans as additional insured on a
236 primary, noncontributory basis for any liability arising directly or indirectly from the
237 issuance of the permit.
- 238 2) **Guest Records.** The Owner shall maintain Guest registration records, **which shall that**
239 contain ~~the name and address of each Guest, as well as~~ the actual dates of occupancy,
240 ~~and~~ total number of Guests per party, per stay, **and the rate(s) charged.** Such records
241 shall be maintained for three years and shall be provided to the **City Department** upon
242 request. Personally identifiable **Guest** information may be redacted.
- 243 3) **Short-Term Rental Advertisements.** The Owner shall ensure that the following
244 information be provided in connection with any Short-Term Rental advertisement:
245 a. the Short-Term Rental Owner Permit number;
246 b. the Short-Term Rental Operator Permit number of the
247 designated Operator;
248 c. whether the Dwelling Unit is wheelchair accessible or
249 otherwise compliant with the Americans with Disabilities
250 Act;
251 d. the number of available Guest bedrooms as indicated on the
252 Owner Permit; and
253 e. the maximum available occupancy of the Dwelling Unit as
254 indicated on the Owner Permit.

255 4) **Adherence to Dwelling and Occupancy Limits.** Short-Term Rentals shall be subject to,
256 and may not exceed, the dwelling-unit-per-lot-of-record, Guest bedroom, Guest
257 occupancy, and density limitations set forth in the Comprehensive Zoning Ordinance.

258 5) **Required Postings at the Short-Term Rental.**

259 a. The Owner shall ensure that a copy of the Owner permit is
260 displayed in a location clearly visible and legible to both
261 Guests and neighbors.

262 b. The Owner shall ensure that the following are displayed in a
263 location clearly visible and legible to Guests:

264 i. An evacuation diagram identifying fire escapes and
265 all means of egress from the Dwelling Unit and the
266 building in which the Dwelling Unit is located; and

267 ii. Trash disposal and recycling collection days.

268 6) **Health and Safety.** The Owner shall ensure that each Dwelling Unit governed by this
269 Article complies with the following standards:

270 a) Walls, ceilings, floors, windows, fixtures and furnishings
271 throughout the Dwelling Unit shall be maintained in a clean
272 condition at all times and shall be in good repair.

273 b) All rooms shall be adequately lighted and properly ventilated by
274 natural or artificial means or both, and shall be provided with
275 adequate heating and air-conditioning facilities. All natural gas
276 fired heaters shall be vented to the outside atmosphere.

277 c) Each Guest shall be furnished with clean towels, washcloths,
278 and bed linens. Sheets must be of sufficient width and length
279 to completely cover the mattress and be turned under the
280 mattress so as to properly secure the sheet. All towels,
281 washcloths and bed linens shall be kept in good repair and
282 changed between rentals.

- 283 d) All dishes, utensils, pots, pans and other cooking utensils shall
284 be provided to Guests in a safe and sanitary condition. The
285 Permittee shall ensure that all perishables left by the Guests are
286 disposed of at the conclusion of a Short-Term Rental.
- 287 e) Each Dwelling Unit shall have a working fire extinguisher,
288 smoke alarms, and carbon monoxide detectors and shall comply
289 with all applicable fire codes;
- 290 f) The Dwelling Unit shall have working locks, operable by
291 Guests, at all points of ingress and egress;
- 292 g) Every Dwelling Unit shall comply with applicable provisions
293 of the Comprehensive Zoning Ordinance, the Minimum
294 Property Maintenance Code as provided in Chapter 26, Article
295 IV, and the New Orleans Building Code, as provided in Sec.
296 26-14 *et. seq.*

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

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

303 9) **Reasonable Inspections.** The Owner shall submit to inspections authorized by Sec. 26-
304 624.

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

306 The Owner shall:

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

311 1. accessible by telephone; and

312 2. able to be physically present at the Short-
313 Term Rental within one hour of being
314 contacted.

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

316 c. Receive and timely resolve complaints from neighbors
317 regarding disruptive Short-Term Rentals.

318 11) **Taxes and Fees.** Except for those instances in which a Platform bears the
319 responsibility for collecting and remitting taxes and fees applicable to Short-Term
320 Rentals, the Owner shall timely remit all applicable local, state, and federal taxes and City
321 fees owed in connection with any Short-Term Rental.

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

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

328 1) Advertising an illegal Short-Term Rental.

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

331 3) Exceeding in any advertisement, the legally available Guest bedroom limitation set
332 forth in the Comprehensive Zoning Ordinance.

333 4) Exceeding in any advertisement, the legally available Guest occupancy limitations
334 set forth in the Comprehensive Zoning Ordinance.

335 5) Exceeding the dwelling-unit-per-lot-of-record limitation set forth in the
336 Comprehensive Zoning Ordinance.

337 6) Exceeding the Guest bedroom limitation set forth in the Comprehensive Zoning
338 Ordinance.

339 7) Exceeding the Guest occupancy limitations set forth in the Comprehensive Zoning
340 Ordinance.

- 341 8) Using a Dwelling Unit as a reception facility, or for any other commercial use
342 defined by the Comprehensive Zoning Ordinance, during a Short-Term Rental. No
343 special event permit shall be obtained for an event occurring at a Dwelling Unit
344 during any period of Guest occupancy.
- 345 9) Rental of the Dwelling Unit by the hour or for any period less than one night.
- 346 10) Rental of a single Dwelling Unit to more than one party of Guests at one time.
- 347 11) Short-Term Rental use that generates excessive loud sound, offensive odors, public
348 drunkenness, unlawful loitering, lewd conduct by Guests or any effect that otherwise
349 unreasonably interferes with neighbors' quiet enjoyment of their properties. For
350 purposes of this paragraph, excessive loud sound means any noise, generated from
351 within the Dwelling Unit or having a nexus to the Dwelling Unit that is louder than
352 a conversational level, or any music that is plainly audible from the property line of
353 the lot containing the Dwelling Unit, between the hours of 10:00 p.m. and 8:00 a.m.
- 354 12) Short-Term Rental use that places loads on structural elements or components of
355 buildings, including, but not limited to, porches, balconies, and roof decks, in excess
356 of the minimum design loads required by the Building Code.
- 357 13) Violations of the submitted Noise Abatement Plan, Security and Operation Plan, or
358 the Sanitation Plan.
- 359 14) Discriminating against any Guest, or potential Guest, because of race, color, sex,
360 gender identity, age, religion, disability, national origin, ancestry, sexual orientation,
361 marital status, parental status, military discharge status or source of income.
- 362 15) Failure to comply with any other legal duty imposed by this Article or correlating
363 provisions in the Comprehensive Zoning Ordinance, and all other applicable laws.

364 C) **Ongoing Duty.** An Owner possessing a Short-Term Rental Owner Permit may delegate the
365 performance of any duties set forth in this Section to the permitted Short-Term Rental Operator
366 identified in the Owner's application to the Department. Notwithstanding that delegation, the
367 Owner remains principally responsible for the performance of all duties created hereunder, and
368 may not assert the non-performance of a Short-Term Rental Operator as a defense to any action
369 arising from a breach of the Owner's duties under this Article.

370 **DIVISION 3 – SHORT-TERM RENTAL OPERATOR PERMIT**

371 **Sec. 26-619 – Short-Term Rental Operator Permit & Application – Eligibility**

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

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

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

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

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

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

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

387 3) An attestation that the Operator has read, understands, and agrees to comply with all
388 legal duties imposed by this Article, and in the Comprehensive Zoning Ordinance.

389 4) Proof that the Operator is at least 18 years of age.

390 5) A Nuisance Prevention and Neighborhood Complaint Response Plan for each
391 Dwelling Unit used as a Short-Term Rental.

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

394 ~~i. A revised and current sales tax clearance form from the Department of~~
395 ~~Finance;~~

396 i. An attestation signed by the Operator providing that, in addition to the items
397 specified in subpart (B), that a Short-Term Rental Operator Permit has not been
398 revoked in the previous year; and

399 ii. Updated contact information, if applicable.

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

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

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

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

- 407 1. be accessible by telephone; and
- 408 2. be able to be physically present at the
409 Dwelling Unit within one hour of being
410 contacted.

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

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

414 2) **Guest Records.** The Operator shall be solidarily responsible with the Owner for
415 ensuring full compliance with the Guest record-keeping requirements set forth in Sec.
416 26-618(A)(2).

417 3) **Short-Term Rental Advertisements.** The Operator shall be solidarily responsible
418 with the Owner for ensuring full compliance with the advertising requirements set forth
419 in Sec. 26-618(A)(3).

420 4) **Adherence to Dwelling and Occupancy Limits.** The Operator shall be solidarily
421 responsible with the Owner for ensuring full compliance with the dwelling-unit-per-
422 lot-of-record, Guest bedroom, Guest occupancy, and density limitations set forth in
423 Sec. 26-618 (A)(4).

424 5) **Required Postings at the Short-Term Rental.** The Operator shall be solidarily
425 responsible with the Owner for ensuring full compliance with the posting requirements
426 set forth in Sec. 26-618(A)(5).

427 6) **Health and Safety.** The Operator shall be solidarily responsible with the Owner for
428 ensuring full compliance with each of the health and safety requirements set forth in
429 Sec. 26-618(A)(6)(a) through (g).

- 430 7) **Short-Term Rental Guest Use Limitations.** The Operator shall be solidarily
431 responsible with the Owner for ensuring that no Dwelling Unit associated with a Short-
432 Term Rental Owner Permit be used as a reception facility, or any other commercial use
433 as set forth in Sec. 26-618(A)(7).
- 434 8) **Criminal Activity.** The Operator shall be solidarily responsible with the Owner for
435 reporting any known or suspected criminal activity by a Short-Term Rental Guest to
436 the New Orleans Police Department as set forth in Sec. 26-618(A)(8).
- 437 9) **Reasonable Inspections.** The Operator shall be solidarily responsible with the Owner
438 for facilitating inspections required by Sec. 26-618(A)(9).
- 439 10) **Compliance with Other Laws.** The Operator shall ensure that any Short-Term Rental
440 fully complies with this Article, the Comprehensive Zoning Ordinance, and all other
441 applicable laws.
- 442 B) **Prohibited Acts.** The following acts shall be prohibited and may be grounds for suspension or
443 revocation of a Short-Term Rental Operator Permit, or any other remedy authorized by the
444 Article.
- 445 1) Advertising an illegal Short-Term Rental.
 - 446 2) Exceeding in any advertisement, the legally available dwelling-unit-per-lot-of-record
447 limitation set forth in the Comprehensive Zoning Ordinance.
 - 448 3) Exceeding in any advertisement, the legally available Guest bedroom limitation set
449 forth in the Comprehensive Zoning Ordinance.
 - 450 4) Exceeding in any advertisement, the legally available Guest occupancy limitations set
451 forth in the Comprehensive Zoning Ordinance.
 - 452 5) Exceeding the dwelling-unit-per-lot-of-record limitation set forth in the
453 Comprehensive Zoning Ordinance.
 - 454 6) Exceeding the Guest bedroom limitation set forth in the Comprehensive Zoning
455 Ordinance.
 - 456 7) Exceeding the Guest occupancy limitations set forth in the Comprehensive Zoning
457 Ordinance.

- 458 8) No Dwelling Unit associated with a Short-Term Rental Owner Permit may be used as
459 a reception facility, or any other commercial use defined by the Comprehensive Zoning
460 Ordinance. No special event permit shall be obtained for an event occurring at a
461 Dwelling Unit during any period of Guest occupancy.
- 462 9) Rental of the Dwelling Unit by the hour or for a period less than one night.
- 463 10) Rental of a single Dwelling Unit to more than one party of Guests at one time.
- 464 11) Short-Term Rental use that generates excessive loud noise, offensive odors, public
465 drunkenness, unlawful loitering, lewd conduct by Guests or any effect that otherwise
466 unreasonably interferes with neighbors' quiet enjoyment of their properties. For
467 purposes of this paragraph, excessive loud noise means any noise, generated from
468 within the Dwelling Unit or having a nexus to the Dwelling Unit that is louder than a
469 conversational level, or any music that is plainly audible from the property line of the
470 lot containing the Dwelling Unit, between the hours of 10:00 p.m. and 8:00 a.m.
- 471 12) Short-Term Rental use that places loads on structural elements or components of
472 buildings, including, but not limited to, porches, balconies, and roof decks, in excess
473 of the minimum design loads required by the Building Code.
- 474 13) Violations of the submitted Noise Abatement Plan, Security and Operation Plan, or the
475 Sanitation Plan.
- 476 14) Discriminating against any Guest, or potential Guest, because of race, color, sex,
477 gender identity, age, religion, disability, national origin, ancestry, sexual orientation,
478 marital status, parental status, military discharge status or source of income.
- 479 15) Failure to comply with any other legal duty imposed by this Article, correlating
480 provisions in the Comprehensive Zoning Ordinance, or any other applicable law.

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

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

- 483 A) Any Platform that receives anything of value for directly or indirectly facilitating or conducting
484 a Booking Transaction for Short-Term Rentals in Orleans Parish shall possess a Short-Term
485 Rental Platform Permit.
- 486 B) The Short-Term Rental Platform Permit is valid for one year from the date of issuance, and
487 shall be reapplied for and renewed annually.

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

- 490 1) The applicant's name, trade name, address, and telephone number;
- 491 2) Proof that the applicant is in good standing with the Louisiana Secretary of State and
492 authorized to do business within the State of Louisiana;
- 493 3) The name, address, phone number and e-mail address of the Platform's local agent
494 authorized for service of process; and
- 495 4) The name, address, phone number and e-mail address of the Platform's local agent
496 authorized by the applicant to address and remedy any violation of this Article.

497 D) A separate Short-Term Rental Platform Permit shall be required for each individually branded
498 Platform, even if under common ownership or control with other Platforms.

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

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

- 502 1) No Platform may conduct, ~~or~~ facilitate, **or complete** any Booking
503 Transaction for a Short-Term Rental of a Dwelling Unit in Orleans
504 Parish that is not in compliance with this Article. A Short-Term
505 Rental is not in compliance with this Article if (i) the Owner of the
506 Dwelling Unit does not possess a valid Short-Term Rental Owner
507 Permit for that Dwelling Unit; (ii) the Dwelling Unit is not operated
508 by an Operator with a valid Short-Term Rental Operator Permit, or
509 (iii) use of the Dwelling Unit for Short Term Rentals would
510 contravene the Code of the City of New Orleans, the Comprehensive
511 Zoning Ordinance, or any other municipal, state, or federal law.

512 2) Each Platform shall have a duty to obtain commercial general
513 liability insurance, with limits of not less than \$1,000,000 per
514 occurrence, for bodily injury, personal injury (if commercially
515 available) and property damage arising in any way from the issuance
516 of the Short-Term Rental Platform Permit or activities conducted
517 pursuant to that permit. Each policy of insurance shall: (i) be issued
518 by an insurer authorized to insure in the State of Louisiana; (ii) name
519 the City of New Orleans as an additional insured on a primary,
520 noncontributory basis for any liability arising directly or indirectly
521 from the issuance of the permit (if commercially available); (iii) be
522 maintained in full force and effect for the duration of the permit
523 period; and (iv) include a provision requiring 30 calendar days'
524 advance notice to the Department prior to cancellation or lapse of
525 the policy.

526 ~~3) Each Platform shall have the duty, if collecting and remitting~~
527 ~~taxes on behalf of an Owner, to comply with all applicable~~
528 ~~federal, state and local laws and regulations regarding collection~~
529 ~~and payment of taxes.~~

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

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

533 **A. With respect to any Booking Transaction facilitated by or through a Platform, the**
534 **Platform shall be deemed the “dealer” with respect to the entire transaction for**
535 **purposes of Article VI, Chapter 150 of the Code of the City of New Orleans and shall**
536 **be responsible for collecting and remitting all applicable sales and use taxes in**
537 **accordance with the provisions of that Chapter and for otherwise complying with the**
538 **provisions of Chapter 150 relative to dealers.**

539 **B. With respect to any Booking Transaction facilitated by or through a Platform, the**
540 **Platform shall collect from the Owner and remit to the City the occupancy fee**
541 **imposed by Sec. 26-616(C) of this Chapter. The foregoing shall be collected and**
542 **remitted contemporaneously with, and in the manner prescribed for, applicable sales**
543 **and use taxes.**

544 **C. When collecting and remitting taxes and fees on behalf of an Owner, each Platform**
545 **shall comply with all applicable federal, state and local laws and regulations**
546 **regarding collection and payment of taxes.**

547 **Sec. 26-622.2 – Platform Document Submittals**

548 **A Platform that remits taxes and fees pursuant to this Section shall provide the payments as**
549 **required by law, along with documentation to the Department of Finance that reasonably**
550 **identifies the taxpayer and the location associated with the taxes/fees being paid, including:**

- 551 **1. The address of the Dwelling Unit used as a Short-Term**
552 **Rental in the City for which remittance is attributed;**
- 553 **2. the name of the person responsible for listing the**
554 **Dwelling Unit used as a Short-Term Rental listing;**
- 555 **3. the length of stay for each booking at that Short-Term**
556 **Rental; and**
- 557 **4. the price paid for each night of occupancy at that Short-**
558 **Term Rental.**

559 **These records shall be deemed confidential tax records in accordance with La. R.S. 47:1508.**

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

561 **Platforms operating in compliance with Sec. 26-622 shall be presumed to be in compliance**
562 **with this Chapter if: ~~Platforms shall be deemed in compliance with the legal duties set forth~~**
563 **~~in Sec. 26-622 (1) if:~~**

- 564 A) The Platform requires any person who lists a Dwelling Unit located in Orleans Parish for a
565 Short-Term Rental to provide the Short-Term Rental Owner Permit number and the Short-
566 Term Rental Operator Permit number associated with the Dwelling Unit at the time of the
567 listing;

568 B) The Platform does not permit the listing of a Dwelling Unit located in Orleans Parish for a
569 Short-Term Rental if the **required Owner and Operator** permit information **required by**
570 **Sec. 26-623(A)** is omitted or appears blank, **ensuring that the City may assess whether**
571 **the Dwelling Unit possesses the appropriate permits and is otherwise operating in**
572 **accordance with law**;

573 ~~The Platform ensures that the Short-Term Rental Owner Permit number and the~~
574 ~~Short-Term Rental Operator Permit number identified pursuant to Sec. 26-623(A) are~~
575 ~~displayed on any listing of a Short-Term Rental so that the City may assess whether~~
576 ~~the Dwelling Unit possesses the appropriate permits and is otherwise operating in~~
577 ~~accordance with law; and~~

578 C) The Platform removes any improper listings within seven days of the Department providing
579 written notification of an unpermitted or unauthorized Short-Term Rental.

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

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

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

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

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

590 C) **Inspections.**

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

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

- 598 3) Prior to any inspection of an occupied Dwelling Unit, the Department shall
599 present credentials to the Owner, Operator, or Guest and request entry. If the
600 Short-Term Rental is unoccupied, the Department shall attempt to locate the
601 Owner or Operator and request entry. If the Department does not obtain timely
602 consent to enter a Dwelling Unit, it may attempt to secure entry as provided in
603 subpart (4), below.
- 604 4) Warrant for inspection. If the Owner or Operator of the Short-Term Rental refuses
605 within 72 hours of Department's request, admittance to the Director of the
606 Department or his/her duly authorized representative for the purpose of making an
607 inspection or examination of the premises, the Director or his representative may
608 present an affidavit to any judge of the municipal court stating that he has cause
609 to believe that an inspection of the designated premises will reveal designated
610 violations of this article.
- 611 a) The affidavit alleging probable cause shall identify the factual basis
612 for the belief that the Short-Term Rental is not in compliance with this
613 Article, or correlating provisions in the Comprehensive Zoning
614 Ordinance.
- 615 b) Upon receiving the affidavit, the judge may issue a warrant
616 authorizing the Director or his representative to search the premises.
617 The scope of the search authorized by the warrant shall be limited to
618 a search for those designated, alleged violations.
- 619 5) An Owner may avoid an inspection authorized by Subpart C of this Section by
620 voluntarily forfeiting his or her Short-Term Rental Owner's Permit, in which
621 case the permit shall be deemed revoked. Nothing herein shall limit the authority
622 of a law enforcement body to secure a search warrant in connection with criminal
623 activity at a Dwelling Unit unrelated to compliance with this Article or the
624 authority of the Department to conduct lawful inspections of a Dwelling Unit
625 unrelated to compliance with this Article.

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

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

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

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

635 A) The Department shall have discretion to determine whether an applicant for a permit **is**
636 **eligible,** and **if** the Dwelling Unit identified in the application meets the criteria established
637 by law, and whether a permit should be issued. **The department may decline to issue or**
638 **renew a permit when it has good cause to do so. In determining whether “good cause”**
639 **exists, the Department may consider prior violations of this Chapter, as well as prior**
640 **suspensions and revocations. If a permit is not ultimately issued or renewed by the**
641 **Department, an applicant may appeal as provided in Section 26-625(B).**

642 B) If a permit is denied, the Department shall provide written reasons to the applicant upon
643 request. The written reasons shall be sent to the e-mail provided in the application. The
644 applicant can appeal the Department’s determination, within 30 days of the transmission,
645 by requesting in writing a hearing with the Department.

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

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

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

658 **DIVISION 6 –ENFORCEMENT**

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

660 A) Any violation of this Article is prohibited, and shall subject the Owner, Operator, or
661 Platform to penalties as provided in Sec. 26-629.

662 B) Notice and hearing requirements for determining violation(s) shall be in accordance
663 with the administrative procedures provided in Chapter 6, Article II of the Code of
664 the City of New Orleans.

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

666 A) If the Department has good cause to believe that the use of a Dwelling Unit as a Short-
667 Term Rental presents an imminent threat to public health, safety, or welfare, the Director
668 of the Department, by issuance of a written order stating the reasons for such belief, may
669 immediately suspend the Short-Term Rental Owner Permit with respect to the unit without
670 a hearing. The Department shall transmit notice of the Director’s written order within
671 twenty-four hours of the determination, and shall send said order to the Owner’s contact
672 information provided to the Department in the Owner Permit application.

673 B) No Dwelling Unit subject to an order of suspension may be used as a Short-Term Rental.

674 C) Within 14 days of the written order of suspension, a Short-Term Rental Owner may request
675 a hearing in writing, directed to the Director of the Department. The hearing shall take
676 place within 7 business days of the written request for a hearing. If the Owner fails to
677 timely request a hearing, the Short-Term Rental Owner’s Permit shall be deemed revoked.

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

679 A) A permit issued pursuant to this Article may be suspended for a term or revoked in its
680 entirety for violations of this Article or any other law incorporated herein.

681 B) If a permit is revoked, the Permittee may not reapply for a permit for a period of one
682 year from the date of revocation.

- 683 C) The decision to suspend or revoke a permit shall be at the discretion of the hearing
684 officer based on the severity of the violation and any other mitigating or aggravating
685 circumstances surrounding the violation.
- 686 D) Without limiting the situations in which the hearing officer might deem revocation
687 appropriate, revocation shall be mandatory in the following circumstances:
- 688 1) A Short-Term Rental Owner Permit shall be revoked if the hearing officer
689 determines by a preponderance of the evidence that:
- 690 i. The Owner violated Sec. 26-618(A)(4).
 - 691 ii. The Owner violated Sec. 26-618(A)(6).
 - 692 iii. The Owner violated Sec. 26-618(B)(8).
 - 693 iv. The Owner violated Sec. 26-618(B)(10).
 - 694 v. Three separate violations of Sec. 26-618(B)(11) have occurred at the
695 Dwelling Unit during a three-month period.
 - 696 vi. The Owner violated Sec. 26-618(B)(14).
 - 697 vii. The Owner made false, misleading or fraudulent statement(s) in the
698 permit application, or misrepresented material facts in the permit
699 application, or used any scheme or subterfuge for the purpose of evading
700 any requirement of this Article.
- 701 2) A Short-Term Rental Operator Permit shall be revoked if the hearing officer
702 determines by a preponderance of the evidence that:
- 703 i. The Operator violated Sec. 26-620(A)(4).
 - 704 ii. The Operator violated Sec. 26-620(A)(6).
 - 705 iii. The Operator violated Sec. 26-620(B)(8).
 - 706 iv. The Operator violated Sec. 26-620(B)(10).
 - 707 v. Three separate violations of Sec. 26-618(B)(11) have occurred at the
708 Dwelling Unit during a three-month period.
 - 709 vi. The Operator violated Sec. 26-620(B)(14).
 - 710 vii. The Operator made false, misleading or fraudulent statement(s) in the
711 permit application, or misrepresented material facts in the permit
712 application, or used any scheme or subterfuge for the purpose of evading
713 any requirement of this Article.

714 **Sec. 26-629. – Penalties**

- 715 A) Any person who violates this Article or the Comprehensive Zoning Ordinance shall be
716 subject to a fine of not less than \$500.00 for each offense. Each day that such violation
717 exists shall constitute a separate and distinct offense. Multiple violations can occur during
718 a single Guest stay, and may be noticed and heard in a single administrative hearing.
- 719 B) In addition to any fine or penalty imposed by this Article, the City may seek all available
720 relief in a court of competent jurisdiction to enjoin any violation.
- 721 C) The City may seek any remedy to compel compliance with the requirements of this Article
722 or any correlating provision in the Comprehensive Zoning Ordinance, including the
723 discontinuance of electrical service and the filing of property liens.
- 724 D) The City may revoke or suspend any and all permits required by this Article, as provided
725 herein. If a permit issued pursuant to this Article is revoked, such revocation shall remain
726 in effect for a period of one year from the date of revocation. The duration of suspensions
727 shall be as dictated by the hearing officer’s order.”

1 SECTION 2. The effective date of this ordinance shall be December 1, 2019. ~~September 1,~~
2 ~~2019.~~

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

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: