

URGENCY ORDINANCE NO. 3380

**AN URGENCY ORDINANCE OF THE CITY OF CORONA,
CALIFORNIA, AMENDING CHAPTER 5.55 OF THE
CORONA MUNICIPAL CODE TO PROHIBIT SHORT
TERM RESIDENTIAL RENTALS.**

WHEREAS, Article XI, § 7 of the California Constitution authorizes cities to make and enforce within their limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, on October 4, 2017, the City Council adopted Ordinance No. 3272 adding Chapter 5.55 to the Corona Municipal Code (“CMC”) to permit and establish regulations for short-term residential rentals, which is defined as the rental of any legally permitted dwelling unit, or one or more portions of any legally permitted dwelling unit, for occupancy purposes for a period of 30 consecutive calendar days or less; and

WHEREAS, since the adoption of Ordinance No. 3272, the City has received numerous noise, nuisance and neighborhood disturbance complaints concerning short-term residential rentals; and

WHEREAS, the City Council has determined that the operation of short-term residential rentals within residential areas and neighborhoods has created significant negative secondary impacts and unreasonable nuisance conditions on surrounding residential properties related to noise, traffic, safety, parking, etc., and disrupts the quietude and character of residential neighborhoods; and

WHEREAS, the City Council desires to amend CMC Chapter 5.55 to prohibit short-term residential rentals; and

WHEREAS, the City Council desires to allow Legal Nonconforming Short Term Rentals, as defined herein, to continue to operate, in strict accordance with the City’s uncodified Ordinance No. 3383 and Urgency Ordinance No. 3382, which Ordinances are deemed to be incorporated herein by this reference, but only until the expiration of the current short-term residential rental unit permit issued for that unit; and

WHEREAS, California Government Code § 36937(b) authorizes the City Council to adopt by a four-fifths vote, without following the procedures otherwise required for the adoption for an ordinance, an urgency ordinance which is necessary for the immediate protection of the public peace, health and safety; and

WHEREAS, the City Council has determined that an urgency ordinance is necessary to amend the CMC to prohibit short-term residential rental units upon adoption of this Urgency Ordinance to ensure that applications for short-term residential rental unit permits are not

submitted or issued after the adoption of this Urgency Ordinance, which would thwart the City's efforts to eliminate short-term residential rental units within the City and require legal nonconforming short-term residential rental units to cease operations.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA DOES ORDAIN AS FOLLOWS:

SECTION 1. Urgency Findings. In accordance with California Government Code Section 36937(b) and in order to protect the public peace, health and safety, the City Council finds as follows:

A. The Recitals stated above are incorporated herein by reference.

B. CMC Chapter 5.55 currently regulates the establishment and operation of short-term residential rental units in the City and provides the application process and operational requirements for short-term residential rental units.

C. Based upon the significant negative secondary impacts and unreasonable nuisance conditions created by short-term residential rental units, the City Council has determined that short-term residential rental units should no longer be a permissible use within the City effective October 18, 2023.

D. This Urgency Ordinance must take effect immediately upon adoption to ensure that no new applications for short-term residential rental permits are issued after the adoption of this Urgency Ordinance. Waiting 30 days from adoption after a first and second reading of an ordinance prohibiting short-term residential rental units would pose a risk to the public peace, health and safety in that the City's lawful efforts to eliminate short-term residential rental units within the City would be thwarted by the possibility of persons submitting applications for a short-term residential rental unit permit under the current CMC regulations. With the adoption of Urgency Ordinance No. 3382 and Ordinance No. 3383, the City has provided an amortization period for legal nonconforming short-term residential rental units to cease operations and this Urgency Ordinance is necessary to prevent the establishment of additional legal nonconforming short-term residential rental units after the City Council has determined that short-term residential rental units will no longer be permitted within the City.

E. The proposed amendments to the CMC attached hereto are consistent with all of the objectives, policies, general land uses, programs and actions of all elements of the Corona General Plan, and none of the proposed regulations conflict with current General Plan.

F. The proposed amendments to the CMC attached hereto are not detrimental to and are instead necessary for the immediate preservation and protection of the public convenience, health, safety and general welfare of the City, its residents and businesses, since the amendments will prohibit the establishment of any new short-term residential rental units, which will address the significant negative secondary impacts and unreasonable nuisance conditions that such units impose upon surrounding residential properties.

G. All legal prerequisites to the adoption of this Urgency Ordinance have occurred.

SECTION 2. CEQA Findings. This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action amends the Corona Municipal Code to prohibit short-term residential rentals, and there is no possibility that adopting this Urgency Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required.

SECTION 3. Amendments to Chapter 5.55. Chapter 5.55 (Short-Term Residential Rentals) of Title 5 (Business Licenses and Regulations) of the Corona Municipal Code is hereby amended in its entirety to read as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

SECTION 4. Severability. If any provision or clause of this Urgency Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Urgency Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Urgency Ordinance are declared to be severable.

SECTION 5. Conflicting Ordinances. This Urgency Ordinance shall supersede all other previous City Council resolutions and ordinances that may conflict with, or be contrary to, this Urgency Ordinance.

SECTION 6. Effective Date. This Urgency Ordinance shall become effective immediately upon adoption, if adopted by at least a four-fifths (4/5) vote of the City Council.

SECTION 7. Publication. The Mayor shall sign this Urgency Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a newspaper and circulated in the City of Corona.

PASSED, APPROVED AND ADOPTED this 18th day of October 2023.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Urgency Ordinance was regularly introduced and adopted at a regular meeting of the City Council of the City of Corona, California duly held on the 18th day of October, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 18th day of October, 2023.

City Clerk of the City of Corona, California

[SEAL]

EXHIBIT “A”

**CHAPTER 5.55
SHORT-TERM RESIDENTIAL RENTALS**

Sections

5.55.010	Purpose.
5.55.020	Definitions.
5.55.030	Short-term residential rentals prohibited.
5.55.040	Hosting platforms.
5.55.050	Penalties and enforcement.

5.55.010 Purpose.

It is the purpose of this chapter to establish that, effective October 18, 2023, short-term residential rentals shall no longer be a permissible use on any property within the City. From and after October 18, 2023, the advertisement for, operation, and/or establishment of a short-term residential rental unit within the City shall be prohibited.

5.55.020 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section unless from the context a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(A) “**Advertisement**” means any printed or lettered announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, internet website application, online marketplace, or any other form.

(B) “**Director**” means the Planning and Development Director for the City of Corona or his or her designee.

(C) “**Hosting platform**” means any person, corporation or entity of any kind who participates in the short-term residential rental business by placing, facilitating or hosting advertisements, or collecting or receiving a fee, directly or indirectly through an agent or intermediary, for short-term residential rental units in the City.

(D) “**Legal nonconforming short-term residential rental unit**” means a short-term residential rental unit that, as of October 18, 2023, has a short-term residential rental unit permit duly issued by the City, pursuant to the Corona Municipal Code sections in effect as of the date issued.

(E) “**Occupancy**” means the use or possession, or the right to the use or possession, of any short-term residential rental for dwelling, lodging or sleeping purposes.

(F) **"Owner"** means the person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject short-term residential rental unit.

(G) **"Short-term residential rental"** is defined as the rental or occupancy of any dwelling unit, as that term is defined in Chapter 17.04 of this code, or one or more portions of any dwelling unit, for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying a short-term residential rental shall be deemed to be occupying for a period of 30 days or less until the period of 30 days has expired, unless there is a contract or agreement in writing between the owner and the occupant providing for a longer period of occupancy. **Short-term residential rental** includes any contract or agreement that initially defined the rental term to be greater than 30 consecutive days and which was subsequently amended, either orally or in writing, to permit the occupant(s) of the owner's short-term residential rental to surrender the subject dwelling unit before the expiration of the initial rental term that results in an actual rental term of 30 consecutive calendar days or less. The rental of rooms or units within city-approved hotels, motels, and bed and breakfasts shall not be considered a short-term rental.

(H) **"Short-term residential rental unit"** is any dwelling unit, as that term is defined in Chapter 17.04 of this code, all or any portion of which is made available or used as a short-term residential rental.

5.55.030 Short-term residential rentals prohibited.

(A) Rental Prohibited. From and after October 18, 2023, it shall be unlawful for any person or entity to offer or make available for rent or to rent (by way of a rental agreement, lease, license, or any other means, whether oral or written), for compensation or any consideration, a short-term residential rental unit.

(B) Advertising Prohibited. From and after October 18, 2023, it shall be unlawful for any person or entity to place or maintain any advertisement for a short-term residential rental unit prohibited by this chapter.

(C) Occupancy Prohibited. From and after October 18, 2023, it shall be unlawful for any person or entity to occupy, pursuant to a rental agreement, lease, license, or any other means, whether oral or written, for compensation or any consideration, a short-term residential rental unit.

(D) Legal Nonconforming Short-Term Rentals. From and after October 18, 2023, legal nonconforming short-term residential rental units may continue to operate, in strict accordance with the City's uncodified Ordinance No. 3383 adopted by the City Council on October 18, 2023 and incorporated herein by this reference, but only until the expiration of the current short-term residential rental unit permit issued for that unit.

5.55.040 Hosting platforms.

(A) Booking Prohibited. Hosting platforms shall not complete any booking transaction for short-term residential rentals in the City.

(B) Notice to City. No later than 30 days after any person seeks to use a hosting platform to list a short-term residential rental in the City, the hosting platform shall provide, in writing, to the Director the names of and contact information for any person responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price quoted for each such stay.

(C) Compensation Prohibited. Hosting platforms shall not collect or receive any compensation, whether monetary or non-monetary, either directly or indirectly through an agent or intermediary, for facilitating or providing for the renting of a short-term residential rental unit in the City, including, but not limited to, any ancillary service related thereto, such as insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the property or unit.

(D) Severability. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, any such law(s).

5.55.050 Penalties and enforcement.

(A) Any person violating any of the provisions of this chapter, or uncodified Ordinance No. 3383 adopted by the City Council on October 18, 2023, shall be deemed guilty of an infraction, and shall be subject to all applicable penalties or punishments available to the city, including, without limitation, those provided for in Chapter 1.08 of this code and, to the extent applicable, uncodified Ordinance No. 3383.

(B) Except as otherwise provided, enforcement of this chapter and uncodified Ordinance No. 3383, is at the sole discretion of the persons authorized to enforce this chapter and or uncodified Ordinance No. 3383. Nothing in this chapter or uncodified Ordinance No. 3383 shall create a right of action in any person against the city or its agents for damages or to compel public enforcement of this chapter or uncodified Ordinance No. 3383 against private parties.

(C) In addition to any other penalties available to the city, in accordance with the provisions of Chapter 9.29 of this code, the owner, the owner's agent, the renter or any other person responsible for an event at a short-term residential rental unit, or at a legal nonconforming short-term residential rental unit, may be issued an administrative fine for a subsequent police response to such event.