

ORDINANCE NO. _____

An ordinance amending Section 12.22.A.32 of Article 2 of Chapter I of the Los Angeles Municipal Code to add a private right of enforcement provision and corresponding definitions pertaining to Home-Sharing.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subdivision (b) of Subdivision 32 of Subsection A of Section 12.22, Article 2, Chapter I of the Los Angeles Municipal Code is amended in its entirety to read as follows:

(b) **Definitions.** The following definitions shall apply to this subdivision:

(1) **Administrative Guidelines.** The Department of City Planning or Office of Finance may promulgate regulations, which may include, but are not limited to, application requirements, interpretations, conditions, reporting requirements, enforcement procedures, and disclosure requirements, to implement the provisions, and consistent with the intent, of this subdivision.

(2) **Aggrieved Neighbor.** Tenant(s) or owner(s) of property(ies) within 1000 feet of a Host's Primary Residence that is claimed to be in violation of this section.

(3) **Booking Service.** Any reservation and/or payment service provided by a Person that facilitates a Short-Term Rental transaction between a Person and a prospective guest or Transient user, and for which the Person collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment of services provided for the transaction.

(4) **Citation.** Includes any enforcement citation, order, ticket or similar notice of violation, relating to the condition of or activities at a Person's Primary Residence or property, issued by the Los Angeles Department of Building and Safety, Los Angeles Housing Department, Los Angeles Police Department or Los Angeles Fire Department, including an Administrative Citation issued pursuant to [Article 1.2](#) of the Los Angeles Municipal Code. **(Amended by Ord. No. 187,122, Eff. 8/8/21.)**

(5) **City.** The term "City" shall mean the City of Los Angeles, and its departments, employees and authorized representatives.

(6) **Extended Home-Sharing.** Home-Sharing that is permitted for an unlimited number of days in a calendar year.

(7) **Hosting Platform.** A Person that participates in Short-Term Rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a Booking Service transaction using any medium of facilitation.

(8) **Host.** An individual who is registered for Home-Sharing as the term is defined in Section [12.03](#) of this Code.

(9) **Person.** Shall have the same meaning as that term is defined in Section [21.7.2](#) of this Code, provided that the term “Person” shall not include the City.

(10) **Platform Agreement.** A signed agreement between a Home-Sharing Hosting Platform (Platform) and the City, which, among other things, provides that the Platform will collect and submit the Transient Occupancy Tax to the City on behalf of Hosts and Persons listed for Short Term Rentals.

(11) **Primary Residence.** The sole residence from which the Host conducts Home-Sharing and in which the Host resides for more than 6 months of the calendar year.

(12) **Rental Unit.** A Dwelling Unit, Guest Room, Accessory Living Quarters, other residential structure, or portion thereof.

(13) **Short-Term Rental.** A Rental Unit, rented in whole or in part, to any Person(s) for transient use of 30 consecutive days or less. Rental Units within City- approved Hotels, motels, Transient Occupancy Residential Structures and Bed and Breakfasts shall not be considered a Short-Term Rental.

(14) **Transient.** Shall have the same meaning as that term is defined in Section [21.7.2](#) of this Code.

Sec. 2. A new Subdivision (5) of Subdivision (g) of Subdivision 32 of Subsection A of Section 12.22, Article 2, Chapter I of the Los Angeles Municipal Code is added to read as follows:

(5) **Private Right of Action.**

(i) An Aggrieved Neighbor may institute civil proceedings for injunctive relief, direct money damages, and any other relief the Court deems appropriate against a Person, a Host, or a Hosting Platform alleged to have violated this subdivision, including, at the discretion of the

Court, an award of a civil penalty up to \$5,000 per violation depending on the severity of the violation.

a. The Court may award reasonable attorney's fees and costs to an Aggrieved Neighbor who prevails in any such action against a Person, Host, or a Hosting Platform.

b. The City shall not be responsible for any damages, attorneys' fees or costs incurred by any Person, including an Aggrieved Neighbor, Person, Host, or Hosting Platform pursuant to this subdivision.

(ii) A civil proceeding by an Aggrieved Neighbor under this section shall be subject to the following limitations:

a. The Aggrieved Neighbor shall provide the City Clerk with notice by certified mail, addressed to the Office of the City Attorney, of the specific provisions of this subdivision alleged to have been violated, including the facts and theories to support the alleged violations.

b. If it does not intend to investigate the alleged violations, the Office of the City Attorney shall inform the Aggrieved Neighbor within 60 calendar days of the postmark date of the notice given pursuant to paragraph (ii) a. If the Office of the City Attorney does not intend to investigate or does not inform the Aggrieved Neighbor whether it intends to investigate within 65 calendar days of the postmark date of the notice given pursuant to paragraph (ii)a., then the Aggrieved Neighbor may commence a civil action pursuant to this section.

c. If the Office of the City Attorney intends to investigate the alleged violations, it shall inform the Aggrieved Neighbor within 65 calendar days of the postmark date of the notice given pursuant to paragraph (ii) a. If the Office of the City Attorney does not take an enforcement action pursuant to this subdivision within 120 calendar days of giving notice to the Aggrieved Neighbor of its intent to investigate pursuant to this paragraph, then the Aggrieved Neighbor may commence a civil action pursuant to this section.

d. The Aggrieved Neighbor shall provide written notice to the Person, Host, or Hosting Platform alleged to have committed the alleged violation, and that Person, Host, or Hosting Platform is provided 15 days from the receipt of the notice to cure the alleged violation.

e. The Aggrieved Neighbor shall provide the City Clerk with a copy of the written notice to the Person, Host, or Hosting Platform alleged to have committed the violation of their intent to commence civil proceedings if the alleged violation is not cured, within 5 days of service of the notice upon the Person, Host, or Hosting Platform.

f. Any action taken by an Aggrieved Neighbor pursuant to this section shall not preclude the Office of the City Attorney from taking any enforcement action to enforce the specific provisions of this subdivision, including but not limited to a civil action filed on behalf of the City of Los Angeles or the People of the State of California.

(iii) If an Aggrieved Neighbor institutes civil proceedings against a Person, Host, or Hosting Platform, the Aggrieved Neighbor shall provide the City Clerk with a copy the complaint, petition, or other commencement of legal action, within 5 days of filing of the civil proceedings.

(iv) Notwithstanding any other provision of law, no Aggrieved Neighbor nor any other Person shall be permitted to sue or recover any damages, fees or costs or otherwise assert a claim against the City pursuant to this subdivision.

(v) The remedies in this paragraph apply on the effective date of this section, are not exclusive, and do not preclude any person from seeking any other remedies, penalties or procedures provided by law.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

Pursuant to Charter Section 559, I
approve this ordinance on behalf
of the City Planning Commission and
recommend that it be adopted.

By _____

KAIULANI LIE
Deputy City Attorney

VINCENT P. BERTONI, AICP
Director of Planning

Date _____

Date _____

File No. _____

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The Clerk of the City of Los Angeles
hereby certifies that the foregoing
ordinance was passed by the Council
of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____