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Orinda moves to make restrictions on short-term rentals permanent

By Sora O'Doherty

Following a public hearing on Aug. 3, the Orinda City Council took the first step toward making permanent the urgency ordinance regulating short-term rentals that was adopted by the city in response to an incident in Orinda on Halloween in 2019 where multiple victims were shot and killed at a party in a short-term rental. In the wake of the shootings, the city council moved swiftly to enact an urgency ordinance that required, among other things, that short-term rentals could only occur when the host lived on the property and was present during the rental, that rentals must be for a minimum of two days, and that short-term rentals must be registered with the city. The urgency ordinance also restricted the number of guests allowed in short-term rentals. The city council approved the first reading of a permanent ordinance, that will return to the council on Sept. 7 for the second reading.

The new ordinance not only adopts the restrictions imposed by the urgency ordinance on short-term rental (STR) units, but now had added restrictions that affect STR platforms, such as Airbnb. The staff report noted that since 2019, the major STR platforms have agreed to comply with local ordinances that require registration numbers with their listings, and prohibit transacting STR bookings if the address is found to be out of compliance with local regulations. The new Orinda ordinance has been modeled on recently-adopted ordinances in other California communities as well as incorporating the previous urgency ordinance.

If adopted in September, the ordinance will become effective on Oct. 7, with the exception of the provision for imposing additional rules on the hosting platforms which will take effect in January 2022.

The new ordinance would require hosting platforms to prompt hosts to include the city-issued registration number in their listings. If notified by the city that a listing is non-complaint, the hosting platform must cease any booking transactions for the listing within five days and may not resume until notified by the city that the property is in compliance with local registration requirements. Platforms would also be required to retain records documenting compliance for three years.

When the matter came before the planning commission, two commissioners voted against it, commissioners Brandyn Iverson and Lina Lee. When asked about this by Council Member Nick Kosla, Planning Director Drummond Buckley explained that commissioner Lee did not elaborate but commissioner Iverson raised an issue of being supportive of property rights and wanting to limit the amount of regulation.

Council Member Darlene Gee said she was glad to see the permanent ordinance, glad to hear about the improvements it contains and to hear that the platforms are willing to assist the city. "I feel very positive about taking this step," she said, recalling an "incredible moment in Orinda's history and a heartbreaking one."

Council Member Inga Miller agreed with Gee, and added that ensuring that large parties with devastating effects don't occur outweighs property rights. Mayor Amy Worth concurred. She noted that California Sen. Steve Glazer shares the city's concern, having introduced a bill that would allow for much greater fines for city code violations by short-term rentals. She also welcomed the additional element of platform reform.

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