SHORT-TERM RENTAL ADMINISTRATIVE GUIDELINES

Ordinance No. 2021-3514
Chula Vista Municipal Code Chapter 5.68

CITY OF CHULA VISTA

Development Services Department

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For additional information please contact:
Development Services Department
276 Fourth Avenue, Building B
Chula Vista, CA 91914
(619) 476-2332
www.chulavistaca.gov/str
complaints@chulavistaca.gov

1. Scope & Purpose

These administrative guidelines ("Guidelines") are promulgated by the Development Services Department ("Department") for the purposes of implementing the Short-Term Rental Ordinance (Ordinance No. 2021-3514) ("Ordinance") pursuant to Chula Vista Municipal Code ("CVMC") Section 5.68.200(A).

These Guidelines reflect the City's application of the Ordinance and provide detail on how property owners, Permittees, and Hosting Platforms can comply with the Ordinance to ensure that all Short-Term Rental Units ("STR Units") are lawfully registered, permitted, and operated as Short-Term Rentals ("STRs"). For full regulations and requirements please refer to Ordinance 2021-3514 and CVMC Chapter 5.68.

Capitalized terms, words, and phrases shall be as defined in the Ordinance, unless otherwise defined in the Guidelines.

The Guidelines may be amended from time to time by the Department. You may contact the Department to confirm you are viewing the current version of the Guidelines.

2. Short-Term Rental Permit Application

Chula Vista residents may each operate a maximum of one (1) Primary Residence STR and one (1) Non-Primary Residence STR.

Residents may apply for an STR permit ("STR Permit") at any time on or after June 1, 2022. The City will begin enforcement of the permit requirement on July 1, 2022.

To apply for an STR Permit, file an application and pay the application fee. Online applications may be completed by visiting https://citizenaccess.chulavistaca.gov/citizenaccess and selecting the **Licenses** tab.

The following documents and information must be provided and/or agreed upon as part of the application process:

A. STR Address. Identification of the street address where the STR Unit is located.

B. Applicant's Identification and Primary Residency Documentation. Verification of the Applicant's identity and the Applicant's Primary Residency. Identification shall include the legal name of the Applicant. Clearly legible scans or photographs of the documents below shall be provided. *Personal information on these documents other than name and address should be concealed or removed prior to submission.*

i. Photo Identification. Required documentation includes a valid federal or state-issued photo identification ("ID"), such as a driver's license, state ID card, or passport. If the ID shows an address that matches the declared primary residence, then only one of the additional Primary Residency documents (listed below) are required. If the ID does not show an address that matches the declared primary residence, then two of the following Primary Residency documents must be provided. Please note, utility bills are not acceptable documentation of primary residency if your ID address does not match the declared primary residence.

ii. Primary Residency. Either one or two (see above) of the following documents with the Applicant's full name and address of the declared primary residence are required to establish primary residency.

i. A valid California motor vehicle registration certificate showing name and home address;

ii. A valid California voter's registration card or a voter registration status document showing name and home address (may be obtained online at https://voterstatus.sos.ca.gov and printed to save as a portable document formatted ".pdf" file);

iii. A copy of a current property tax bill indicating homeowner's exemption;

iv. A utility bill issued in the last six (6) months showing name and home address. A utility bill is only acceptable documentation if your ID address matches your declared primary residence; or

v. Other documentation that, based on factors, circumstances or indications, is reliable and trustworthy, as determined in the sole discretion of the Director of Development Services (e.g., certain documents issued by a local, state, or U. S. Government agency).

iii. **Primary Residency Affirmation.** Declare Applicant's place of primary residency within the City of Chula Vista and affirm through a digitally signed declaration (accessible online) that the Applicant will reside at the subject address for a minimum of two hundred and seventy-five (275) days per calendar year.

C. **Transient Occupancy Tax (TOT) Registration**. All Applicants must register to pay TOT with the City of Chula Vista Finance Department pursuant to CVMC Section 3.40.060. TOT registration for STRs is available through Deckard Technologies.

D. **Business License.** All Applicants must secure a business license with the City of Chula Vista Finance Department pursuant to CVMC Chapter 5.02. Business license applications may be submitted to the Finance Department online. If you are applying for a new business license, please select a Business Type of either "Short Term Rental Operator (STR)" or "Short Term Rental Agent (STR)". For the business license SIC Code, please use whichever of the following is most appropriate for your Short-Term Rental Unit:

- 6514001 - Operators Of Dwellings Other Than Apartment Buildings
- 7021005 - Rental Of Furnished Rooms
- 6531019 - Time-sharing Real Estate: Sales, Leasing, And Rentals
- 7011004 - Cabins And Cottages

E. **Property Owner Approval**. If the Applicant is a Long-Term Renter or lessee, an affidavit signed by both the Applicant and the property Owner/landlord that approves the Applicant's STR use of that property. The affidavit must be on the exact form provided as Administrative Document A.1. in the Resources Section (also accessible online), dated and notarized, and shall include the names, addresses, phone numbers, and email addresses of the Applicant, the property Owner/landlord, and clearly identify the address and unit of the property being operated as an STR. A landlord may proactively prohibit STR use by tenants at any or all of the Owner's properties by submitting a notification through the permitting portal.

F. **Local Contact Person**. Identification of a local responsible contact person. Contact information shall include name, address, email address, and a phone number where the contact person can be reached and be available to access the STR 24 hours per day, 365 days per year.

G. **Hosting Platforms Used for Listings**. Identification of all Hosting Platforms that will be used to advertise the STR Unit, including the specific URL for each listing, if applicable. If an Applicant has not yet started listing, and therefore does not have a specific URL (web address), the Applicant must provide this information to the City via the online permitting portal within 24 hours of listing their property on any Hosting Platform.

H. **Residential Building**. Affirm through a digitally signed declaration that the STR will not occur in any vehicle parked on the property, storage shed, trailer, temporary structure, or other structure not built for residential use.

I. **Occupancy Limits**. A maximum of two persons per bedroom, plus two additional persons, may occupy the STR Unit at any given time. In no event shall the occupancy exceed 10 persons. Children under the age of 12 do not count toward the maximum occupancy. The Applicant shall identify the number of habitable rooms and include a digitally signed declaration that they will not advertise nor book any guest stays that exceed the maximum occupancy without first securing a STR Event Permit. STR Event Permits do not increase the maximum occupancy for lodging purposes.

J. On-Site Parking Spaces. The Applicant shall identify the number of on-site parking spaces that will be provided.

K. Safety Features. Affirm through a digitally signed declaration that the Applicant's rental unit meets the safety requirements of CVMC Section 5.68.110(F), including, but not limited to, working fire extinguishers, smoke alarms, and carbon monoxide detection devices.

L. Good Neighbor Guest Guidelines. Affirm through a digitally signed declaration that the Applicant shall post Good Neighbor Guest Guidelines inside the premises near an entry door that includes emergency contact information for the Applicant and the Local Contact Person (if different). The Good Neighbor Guest Guidelines shall also provide information about parking restrictions, restrictions on noise and amplified sound, and trash collection schedule.

M. Application Fee. Pay a non-refundable fee of $250 at the time of application.

N. General Compliance. Affirm through a digitally signed declaration that the Applicant has complied with all STR requirements and verifying the authenticity and accuracy of provided documents and information.

O. Completeness Review. The Director of Development Services (or designee) shall review each application for completeness and accuracy before it is accepted as being complete and officially filed.

P. Incomplete Application. In the event that the Director of Development Services determines that an application is incomplete or fails to provide the information and documentation required by the Ordinance, the Director of Development Services shall notify the Applicant in writing, and the Applicant shall have 30 calendar days (or longer as authorized by the Director of Development Services) in which to submit needed supplemental information or documentation as specified by the Director of Development Services. The City reserves the right to request additional information and documentation from an Applicant regarding an application for an STR Permit and to accept responses to requests for supplemental information or documentation. Failure to submit the required information within the 30-day period may be cause for denial of the STR Permit.

Q. On-Site Inspection. The Director of Development Services may require an on-site inspection of the property to be performed by an Enforcement Officer during daytime business hours before confirming that the application complies with all the applicable criteria and provisions of the Ordinance.

R. Conditions of Approval. As a part of the approval of an application, the Director of Development Services may impose such conditions in connection with the permit as he or she deems reasonably necessary in order to fulfill the purposes of the Ordinance and may require reasonable guarantees and evidence that such conditions will be satisfied.

S. Bases for Denial. Pursuant to authority granted to the City Manager to establish additional administrative rules, regulations and standards governing the issuance, denial or renewal of STR Permits or STR Event Permits (CVMC Section 5.68.200(A)), the Director of Development Services is authorized to deny an application and decline to issue a permit for any of the following reasons, in his/her discretion.

- **i.** Failure to meet the eligibility requirements.
- **ii.** Failure to meet the conditions of permit issuance, including payment of the required fees.

iii. Failure to resolve violations of applicable codes regarding fire, building and safety, health and safety, and other relevant laws, regulations, and ordinances applicable to residential uses and the underlying zone, as more fully described in CVMC Section 5.68.110(A).

iv. Determination that the Applicant has made a false, misleading, or fraudulent statement or omission of fact in the application or in the application process.

v. Determination that the Applicant, Owner, or Agent has been adversely sanctioned, or penalized by the City, or any other city, county, or state, for a violation of applicable laws or regulations related to STR operations.

vi. Determination that the Applicant, Owner, or Agent has conducted, facilitated, caused, aided, abetted, suffered, or concealed unlawful STR activity in the City or any other jurisdiction.

T. Denial Process. If an application for an STR Permit is denied, the Director of Development Services shall notify the Applicant in writing of the determination. The notice will set forth the reasons for denial and the procedures for an appeal of the determination.

U. Appeal. The Director of Development Services' determination on the issuance or denial of an STR Permit application may be appealed in accordance with the appeal procedures of CVMC 5.68.180 and Section 18.

3. Eligibility

Prior to issuing an STR Permit, the City will verify that the Short-Term Rental Property ("STR Property") and STR Unit meet the following eligibility requirements using City data sources.

A. Primary Residency. The Applicant's Primary Residence must be located in the City of Chula Vista. A person may have only one (1) Primary Residence and must reside there for a minimum of 275 days per calendar year. Primary Residency may be documented by providing at least two of the following:

- **i.** Motor vehicle registration
- **ii.** Driver's license
- **iii.** Voter registration
- **iv.** Tax documents showing the residential unit as the person's residence
- **v.** Utility bill (a maximum of one utility bill shall be accepted for purposes of this section)

B. Housing Restrictions. The STR Unit shall not be a deed-restricted affordable housing unit, in a special group residence, or a single-room occupancy. Further, the STR Unit shall not be an Accessory Dwelling Unit ("ADU") or Junior Accessory Dwelling Unit ("JADU") for which a construction permit was applied for on or after January 1, 2020.

C. Long-Term Tenants. A Long-Term Tenant shall not operate an STR without the prior written approval of the property Owner. Approval of the property Owner may be demonstrated through submission of a "Landlord's Authorization to Conduct Short-Term Rental" Affidavit (provided as Administrative Document A.1. in the Resources Section (also accessible online).

D. Applicant Prior Revocation. The Applicant shall not have been subject to a STR Permit revocation during the previous twenty-four (24) month period.

E. Property Prior Revocation. The STR Unit shall not have been subject to a STR Permit revocation during the previous twenty-four (24) month period. The Director of Development Services may consider 100% transfers in ownership of the Dwelling Unit in implementing this provision.

F. More than One Non-Primary Residence STR. An Applicant may not hold an STR Permit for more than one (1) Non-Primary Residence STR at any given time.

See CVMC Section 5.68.050 for all eligibility requirements.

4. Term and Renewal

A. **Term**. STR Permits shall have a twelve (12) month term and shall expire on the last day of the month (e.g., a Permit issued on July 15, 2022 shall expire on July 31, 2023.)

B. **Voluntary Cancellation**. At any time during the twelve (12) month term of the STR Permit, the Permittee may voluntarily cancel their Permit by notifying the Director of Development Services, in writing, of their intent to cancel. There is no specific form of notice required.

To renew an STR Permit, file a renewal application and pay the renewal fee. Online renewals may be completed by visiting https://citizenaccess.chulavistaca.gov/citizenaccess and selecting the **Licenses** tab.

C. **Renewal**. Applications for renewal must be filed no later than thirty (30) days prior to the Expiration Date set forth on the Permit. Renewal applications must indicate any changes to the information or requirements set forth in CVMC 5.68.070.

D. **Renewal Fee**. Applications for renewal must be accompanied by a renewal fee in the amount of $175.00.

E. **Completeness Review**. The Director of Development Services (or designee) shall review each application for renewal of a duly issued permit for completeness and accuracy before it is accepted as being complete and officially filed.

F. **Incomplete Renewal Application.** In the event that the Director of Development Services determines that an application for renewal is incomplete or fails to provide the information and documentation required by the Ordinance, the Director of Development Services shall notify the Permittee in writing, and the Permittee shall have thirty (30) calendar days (or longer as authorized by the Director of Development Services) in which to submit needed supplemental information or documentation as specified by the Director of Development Services. The City reserves the right to request additional information and documentation from a Permittee regarding an application for renewal of an STR Permit and to accept responses to requests for supplemental information or documentation. Failure to submit the required information within the 30-day period may be cause for denial of the renewal.

G. **On-Site Inspection.** The Director of Development Services may require an on-site inspection of the property to be performed by an Enforcement Officer during daytime business hours before confirming that the application complies with all the applicable criteria and provisions of the Ordinance.

H. **Conditions of Approval.** As a part of the approval of a renewal application, the Director of Development Services may impose such conditions in connection with the permit as they deem reasonably necessary in order to fulfill the purposes of the Ordinance and may require reasonable guarantees and evidence that such conditions will be satisfied.

I. **Denial.** If an application for renewal of a duly issued STR Permit is denied, the Director of Development Services shall notify the Permittee in writing of the determination. The notice will set forth the reasons for denial and the procedures for an appeal of the determination.

J. Appeal. The Director of Development Services' determination on the issuance or denial of an STR Permit renewal may be appealed in accordance with the appeal procedures of CVMC 5.68.180 and Section 18.

See CVMC Sections 5.68.080 and 5.68.100 for all renewal requirements and term information.

5. STR Categories (Whole-Home, Partial-Home, Primary Residence, and Non-Primary Residence)

A. Whole-Home STR. The rental of the entirety of an STR Unit while the Permittee is not physically present and residing in the unit is considered a Whole-Home STR.

B. Partial-Home STR. The rental of any portion of an STR Unit while the Permittee is physically present and residing in the unit is considered a Partial-Home STR.

C. Applicability to STR Properties with Multiple Habitable Structures. The rental of an ADU or JADU, or any other accessory habitable structure that is not a Primary Residence is considered a Partial-Home STR if the Owner or a Long-Term Tenant is physically present and residing in at least one of the Dwelling Units on the STR Property during the rental period. If the Owner or Long-Term Tenant is not physically present and residing in at least one of the Dwelling Units on the STR Property during the rental period, this is considered a Whole-Home STR.

D. Limits on Days per Year, Primary Residence STR. Whole-Home Rental of a Primary-Residence STR is limited to a maximum of 90 days per year. There is no limit on the number of days per year that a Primary Residence STR may be partially rented.

E. Limit on Days per Year, Non-Primary Residence STR. There is no limit on the number of days per year that a Non-Primary Residence STR may be rented (whether Whole-Home Rental or Partial-Home).

F. Minimum Stay, Primary Residence STR. There is no minimum stay required for Primary Residence STRs.

G. Minimum Stay, Non-Primary Residence STR. There is a two-consecutive night minimum stay required for the Whole-Home rental of a Non-Primary Residence STR. There is no minimum stay required for Partial-Home rental of a Non-Primary Residence STR.

The following examples are provided to illustrate the applicability of these rules.

Example 1: Duplex Dwelling Unit, Both Units Occupied

Resident A owns a duplex and resides in one unit. Resident B is a long-term tenant that resides in the other unit.

Both units function independently as a primary residence, for purposes of the Ordinance. Resident A can apply for an STR Permit for their unit, and Resident B can also apply for an STR Permit for their unit, with Resident A's written approval.

Each unit may each be rented as a Whole-Home STR for up to 90 days per year. There is no limit on the number of days that each unit can be rented as a Partial-Home STR. There is no minimum stay for either unit.

Example 2: Single-Family with a Pre-2020 Accessory Dwelling Unit (ADU)

Resident C owns and resides in a single-family home. There is one ADU on the property that was constructed in 2005. The ADU is not occupied by a long-term tenant.

Resident C can apply for STR Permits for both the single-family residence and the ADU (each would require its own permit).

The entirety of the property (the single-family residence + the ADU) may be rented as a Whole-Home STR for up to 90 days per year. There is no limit on the number of days per year that each unit can be rented as a Partial-Home STR. As long as Resident C resides in either the single-family residence or the ADU during the Short-Term rental of the other unit, the rental is considered a Partial-Home STR.

There is no minimum stay for the single-family residence or the ADU.

Example 3: Multiple Properties

Resident D owns two single-family properties in Chula Vista. Property 1 includes a single-family dwelling and an ADU constructed in 2005. Property 2 includes a single-family dwelling. Resident D resides in the single-family dwelling on Property 1.

Resident D can apply for STR Permits for both single-family residences and the ADU (each would require its own permit).

Property 1 (Primary Residence): The entirety of the property (the single-family residence + the ADU) may be rented as a Whole-Home STR for up to 90 days per year. There is no limit on the number of days per year that each unit can be rented as a Partial-Home STR. As long as Resident D resides in either the single-family residence or the ADU during the Short-Term rental of the other unit, the rental is considered a Partial-Home STR.

There is no minimum stay for the single-family residence or the ADU.

Property 2 (Non-Primary Residence):
There is no limit on the number of days per year the single-family dwelling can be rented as a Whole-Home STR; however, rental as a Partial-Home STR is limited to 90 days per year. Partial-Home STR also requires Resident D to be physically present and residing in Property 2 during the rental period.

If rented as a Whole-Home STR, a two-consecutive night minimum stay is required. There is no minimum stay if rented as a Partial-Home STR.

6. Operating Rules & Requirements: General

A. Insurance. Permittees shall maintain liability insurance appropriate to cover the STR use in the aggregate of not less than $1,000,000. Alternatively, Permittees may conduct all STR transactions through a Hosting Platform that provides equal or greater insurance coverage.

B. Advertising. All advertising appearing in any written publication or any website that promotes the availability or existence of an STR must include the City's issued STR Permit number.

C. Signage. STR Properties must comply with all signage restrictions and requirements applicable to the zone they are located in.

D. Display of Business License. The City issued Business License (or a copy) must be prominently displayed in a visible interior location of the STR Property during rental periods. It is required to present the Business License upon request of any police officer, firefighter, fire marshal, code enforcement officer, or designee of the City's Finance Director.

E. Display of STR Permit. The City issued STR Permit (or a copy) must be prominently displayed in a visible interior location of each STR Unit during rental periods. It is required to present the STR Permit upon request of any police officer, firefighter, fire marshal, code enforcement officer, or designee of the City's Development Services Director.

F. Display of Good Neighbor Guest Guidelines. Good Neighbor Guest Guidelines, as outlined in Section 7, Paragraph B (Operating Rules & Requirements: Good Neighbor Rules), must be prominently displayed in a visible interior location in close proximity to an entry point of each STR Unit during rental periods.

G. Transient Occupancy Tax (TOT). All STRs are subject to the City's TOT, as required by CVMC Chapter 3.40.

H. Receipts to be Maintained. The Permittee shall maintain the amounts and sources of gross receipts, including but not limited to Rent and TOT paid for each stay.

I. Occupancy Limits. A maximum of two persons per bedroom, plus two additional persons, may occupy each STR Unit at any given time. In no event shall the occupancy exceed ten (10) persons. Children under the age of twelve (12) do not count toward the maximum occupancy. If the STR Permit limits occupancy to a number less than the number calculated per this section, the limit in the STR Permit applies.

J. No Large Events. STR Units and STR Properties shall not be used for large-scale events exceeding the maximum allowed occupancy per Section H above, unless an STR Event Permit has been issued. STR Event Permits do not increase the maximum occupancy for lodging purposes.

K. Update Changed Information. If any change occurs in any facts that were set forth in the initial application or renewal request, the Permittee shall notify the City of the change immediately. In no case shall this notification occur later than fourteen (14) calendar days after the change occurred.

L. Responsible Person. A Responsible Person at least twenty-one (21) years of age and an Occupant of the STR during the term of the rental must enter into the written STR rental agreement (see Section 9 for additional rental agreement requirements). The Responsible Person is legally responsible for ensuring that all occupants of the STR Unit comply with all applicable laws, rules, and regulations pertaining to the use and occupancy of the STR Unit and may be held liable for any violation of applicable laws, rules, and regulations set forth in the Ordinance.

M. Covenants, Conditions, and Restrictions. It is the responsibility of the Permittee to investigate, verify with the relevant homeowners' association or maintenance organization, and determine that the use of a Dwelling as an STR does not violate any applicable covenants, conditions, and restrictions or any of the regulations or rules of the homeowners' association or maintenance organization having jurisdiction in connection with the STR Property. Notwithstanding the City's issuance of an STR Permit, the City shall not have any obligation or be responsible for making a determination regarding whether or not the issuance of an STR Permit or the use of a Dwelling as an STR is permitted under any covenants, conditions and restrictions or any of the regulations or rules of the homeowners' association or maintenance organization having jurisdiction in connection with the STR Property, and the City shall have no enforcement obligations in connection with such covenants, conditions and restrictions or such regulations or rules.

N. Garages. Unless the garage of the Dwelling has been included in the calculation of the number of available off-street parking spaces pursuant to the Ordinance, a garage may be used by the Permittee and Occupants of an STR as a game room; provided, however, that:

- **i.** no couches or other furniture designed for use as, or conducive to, sleeping accommodations shall be located inside a garage;
- **ii.** no independent living accommodations and facilities (including provisions for living, sleeping, eating, cooking, or sanitation) shall be located inside a garage;
- **iii.** the garage door must be kept closed and the Director of Development Services may require soundproofing of the garage as a condition of permit issuance on the basis of substantiated complaints of noise emanating from the garage;
- **iv.** a garage may not be used at any time for sleeping purposes; and
- **v.** a garage may not be permanently modified to preclude its future use for the parking of vehicles.

O. Inspections. Consistent with applicable law, the City shall have the authority to conduct random inspections of STR Properties and STR Units as the Director of Development Services deems necessary or prudent to ensure compliance with the provisions of the Ordinance, including without limitation, based upon any complaints or violations that occur or prior to a renewal of a permit.

P. Additional Conditions. The Director of Development Services shall have the authority at any time to impose additional conditions on the use of any STR Unit or STR Property to ensure that any potential secondary effects unique to the subject STR Unit or STR Property are avoided or adequately mitigated.

Q. Hardships. The Director of Development Services is authorized to modify the standard conditions upon request of an Applicant, Permittee, or their Agent, based on site-specific circumstances for the purpose of allowing accommodation of an STR Unit. All requests must be in writing and shall identify how the strict application of one or more of the standard conditions creates an actual and unreasonable hardship to a property such that, if the requirement is not modified, reasonable use of the property for an STR would not be allowed. Any hardships identified must relate to physical constraints to the STR Property and shall not be self-induced or economic. Any modifications of the standard conditions shall not further exacerbate an already existing problem. An Applicant or Permittee may be required to provide such other supplemental information as may be requested

by the Director of Development Services. The Director of Development Services shall only allow modifications which are consistent with the purpose and intent of the Ordinance.

R. Inspections. Each Permittee, Agent, or representative of any Owner shall: (1) provide to the Director of Development Services such records relating to the use and occupancy of the STR Unit, and (2) cooperate in the conduct of inspections of the STR Unit, as may be reasonably requested by the Director of Development Services, to determine that the objectives and conditions of the Ordinance are met.

See CVMC Section 5.68.110 for all operational requirements. See CVMC Section 5.68.140 for all audit inspection requirements.

7. Operating Rules & Requirements: Good Neighbor Rules

A. Local Contact Person Available. While an STR unit is rented, the Permittee, the Permittee's Agent, and/or a designated Local Contact Person (the "local contact") must be available 24 hours per day, seven days per week to respond to complaints from the renter and/or the public regarding the use, condition, operation, or conduct of occupants of the STR unit. The local contact must be on the premises of the STR at the request of a Code Enforcement Officer or the City's Police Department within 1 hour of contact. The local contact is expected to correct or take remedial actions that may be necessary to resolve any complaint, alleged nuisance, or other violation of the Ordinance by occupants occurring at the STR Property.

B. Good Neighbor Guest Guidelines. Each STR shall post Good Neighbor Guest Guidelines inside the permitted premises near an entry door. The Good Neighbor Guest Guidelines shall be in a form authorized by the Director of Development Services. The Good Neighbor Guest Guidelines shall, at a minimum, provide information that is consistent with the requirements and prohibitions relating to parking restrictions, occupancy limitations, trash and debris requirements, and quiet hours, in accordance with CVMC Section 5.68.110(H).

C. Good Neighbor Owner Handout. Within ten (10) calendar days of the issuance, renewal, or transfer of an STR permit, the Permittee shall mail or personally deliver in writing a Good Neighbor Owner Handout to the owners and occupants of properties located on all sides and directly across the street (including alleys or other rights-of-way) from the STR Property. The Good Neighbor Owner Handout shall be in a form authorized by the Director of Development Services. A certification of the distribution of the Good Neighbor Owner Handout shall be submitted to the Development Services Department within thirty (30) days of the issuance/renewal/transfer. If at any time during the STR permit period, the Permittee or Local Contact Person information in the Good Neighbor Owner Handout changes, the Permittee shall promptly provide an updated Good Neighbor Owner Handout (following the previously described process, including submitting a certification to the Director of Development Services).

D. Off-Street Parking. Off-street parking shall not include the use of landscaped areas, any private or public sidewalk, parkway, walkway, or alley (or any portion thereof). The term sidewalk includes the portion of the public right-of-way that is delineated for pedestrian travel, including where it crosses a driveway. Off-street parking spaces may be in tandem to other off-site parking spaces, or in any other on-site location and/or configuration as may be approved by the Director of Development Services. If a garage is included in the determination of available off-street parking spaces for the STR, access to the garage for parking purposes must be provided by the Permittee.

E. On-Street Parking. A maximum of one (1) on-street parking space may be used by each STR property. If the STR is located in a permit parking district, the Permittee may purchase one parking permit or placard from the City, to be used by STR guests. If a permit or placard is required, it must be visibly displayed inside the vehicle of the STR occupant.

F. No Recreational Vehicles. During the time that an STR Property is being rented, no recreational vehicle or other vehicle used or designed for use as lodging or sleeping accommodations, bus, boat, trailer, camper, cargo container, or personal watercraft may be parked at or on the STR Property, unless 1) it belongs to the Permittee; 2) the Permittee is also physically occupying the

STR Property during that period; 3) the vehicle is not being used by STR Occupants; and 4) in the case of an RV, a valid RV parking permit has been secured for the vehicle.

G. Duty to Minimize Noise, Disturbance, and Disorderly Conduct. The Permittee, Permittee's Agent, and Local Contact Person, as applicable, shall use reasonably prudent business practices to ensure that the Occupants of an STR Unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the STR Unit. This includes, without limitation, violation of CVMC Section 17.24.040 or Chapter 19.68.

H. Quiet Time from 10:00 pm to 9:00 am. The hours between 10:00 pm and 9:00 am are "quiet time". No outdoor activity shall disturb the peace and quiet of the neighborhood adjacent to an STR Property or cause discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. It is a major violation of the Ordinance if any STR Occupants engage in outdoor activities during quiet time that involve the use of fire pits, barbecues, swimming pools, hot tubs, spas, tennis courts, paddleball courts, or other similar and related improvements or play equipment. It is also a major violation of the Ordinance if STR Occupants engage in outdoor parties, outdoor singing, shouting, clapping or other activities generally associated with partying or engage in outdoor drunk or disorderly conduct during quiet time. Any other outdoor conduct during quiet time that disturbs the peace and quiet of the neighborhood adjacent to an STR Property or causes discomfort or annoyance to any reasonable person of normal sensitivity is a minor violation of the Ordinance. It is not a violation of the Ordinance for an Occupant to merely be outdoors during quiet time hours, so long as there is no conduct that disturbs the peace and quiet of the neighborhood or causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. Notice of quiet time shall be posted near all doors leading to the exterior of the STR Unit. The notice shall be in a form acceptable to the Director of Development Services.

I. Trash and Debris. Trash and refuse shall not be stored within public view, except in proper containers for the purpose of collection between the hours of 5 pm the day before and 12 midnight the day of scheduled trash collection. The Permittee shall provide sufficient trash collection containers and service to meet the demands of the Occupants. The STR Property shall be free of debris both on site and in the adjacent portion of the site.

See CVMC Section 5.68.110 for all operational requirements.

8. Operating Rules & Requirements: Guest Safety Requirements

A. The property address must be visible from the street and in contrasting colors.

B. Smoke alarms must be installed in all habitable areas except the kitchen, in accordance with the Chula Vista Building Code.

C. At least one 2A:10BC-rated portable fire extinguisher must be installed in plain sight and within each reach on each floor of the STR. The fire extinguisher must be fully charged and operable at all times.

D. One or more carbon monoxide devices that meet the standards of Section 13262 of the California Health and Safety Code must be installed in common stairways and hallways. The devices must be tested and maintained properly.

E. Exterior gates leading to and from the front, side, and/or back yards shall not be padlocked.

F. Hallway doors and exit doors shall not be obstructed or otherwise prohibited from fully opening.

G. No double-keyed dead bolt locks may be installed on exit doors.

H. If the home has a swimming pool (as defined in the adopted California Building Code) gates and other safety devices that conform to the specifications and requirements of the adopted California Building Code must be employed.

I. Operable emergency escape and rescue openings must be provided in accordance with the adopted California Building Codes. Specifically, basements, habitable attics, and all sleeping rooms shall have at least one operable emergency escape and rescue opening. Emergency escape and rescue openings shall open directly into a public right-of-way, or to a yard or court that opens to a public right-of-way.

J. Garages may not be used at any time for sleeping purposes and no independent living accommodations and facilities (including provisions for living, sleeping, eating, cooking, or sanitation) shall be located inside a garage.

K. The use and sale of pyrotechnic devices, dangerous fireworks, and “safe and sane” fireworks are prohibited.

See CVMC Section 5.68.110 for all operational requirements.

9. Operating Rules & Requirements: Written Rental Agreement

For each separate rental occasion, the Permittee or the Permittee's Agent shall enter into a written rental agreement with a Responsible Person. This agreement shall be entered into prior to occupancy and shall establish and set out the terms and conditions of the rental and require the Responsible Person to:

- **A.** Provide his or her name, age, address, driver's license number or passport number;
- **B.** Provide the vehicle license number for any car to be parked on the street (limit of 1 per rental);
- **C.** Agree to be accessible to the Permittee, the Permittee's Agent, and the Local Contact Person (if any) by telephone at all times;
- **D.** Acknowledge his or her understanding of all City of Chula Vista STR rules; and
- **E.** Agree that they are liable for any fines incurred by Occupants and legally responsible for compliance by all Occupants of the STR Unit with all provisions of the Ordinance and the CVMC.

The written rental agreement shall also include the following terms, notifications, and disclosures.

- **F.** The maximum number of Occupants that are permitted and notification that failure to conform to the maximum occupancy is a violation of the Ordinance.
- **G.** The number of off-street parking spaces provided on the STR Property and the maximum number of vehicles that are permitted, along with the number of available permits for parking on the public street (if any, maximum of one), with the requirement to display such permits in the vehicles, and a summary of all applicable parking rules.
- **H.** The trash pick-up day(s) and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the STR Property.
- **I.** Notification that Occupants may be cited or fined by the City and/or that the Permittee or the Permittee's Agent has the right to immediately terminate the rental agreement and immediately evict the Responsible Person and all Occupants upon any violation of the Ordinance or the CVMC by any Occupant.
- **J.** The name of the Permittee's Agent and the name of the Local Contact Person (if any) and a telephone number at which those Persons may be reached at all times and 9-1-1 emergency information.
- **K.** A clear and conspicuous statement that Occupants must obey the requirements set forth in the Ordinance even if these requirements are stricter than the applicable covenants, conditions and restrictions or other rules or regulations of the governing body of any homeowners' association or maintenance organization having jurisdiction over the STR Property.
- **L.** A summary of any applicable covenants, conditions and restrictions and rules and regulations, including pool location and hours, of the governing body of any homeowners' or maintenance association having jurisdiction over the STR Property.
- **M.** A copy of the Ordinance, as may be amended from time to time.

A copy of the rental agreement shall be provided to each Occupant and shall be readily available to review upon inspections conducted by any Code Enforcement Officer or Police Officer.

See CVMC Section 5.68.110 for all operational requirements.

10. Transfers

A. Within 14 calendar days of a change of ownership or long-term tenancy of an STR Property, the new Owner or Long-Term Tenant or their Agent shall submit to the Director of Development Services an application for a transfer of an STR Permit, if they wish to continue to operate the STR Unit. The application shall be accompanied by the payment of such fee or fees as presently designated, or as may be in the future amended, in the master fee schedule of the City. Such application shall contain all the information set forth in Section 2.

B. If a timely and complete transfer application is submitted, and the STR Permit is valid and in effect prior to its Expiration Date, then the STR Permit shall be extended until the date a determination is made by the Director of Development Services to approve or deny the transfer application.

C. No purchaser of the real property upon which a permitted STR is located shall operate an STR under a previous Permittee's STR Permit if a completed transfer application is not submitted within the 14-day period specified above. Failure to submit the required complete application within the 14-day period may be cause for denial.

D. Any building, electrical, plumbing, mechanical, fire, health, police or code enforcement matter involving a risk to public or private health or safety, including any notices of violation, notices to cure, orders of abatement, cease and desist orders, or correction notices, may be cause for denial of an application for a transfer of an STR Permit if not cured within a reasonable period of time, not to exceed 30 calendar days, after the date on a notice from the Director of Development Services to the Owner or Long-Term Tenant to do so, unless a further extension is granted in writing by the Director of Development Services.

E. No Person shall transfer or attempt to transfer an STR Permit to any other Person, except as authorized by the Ordinance. Any such attempt shall be void and constitute a violation of the Ordinance.

F. No Person shall convey or attempt to convey an STR Permit from one property to another property. Any attempt to convey an STR Permit from one property to another property shall be void and constitute a violation of the Ordinance.

See CVMC Section 5.68.090 for all permit transfer requirements.

11. Short-Term Rental Event Permits

A. Event Permit Required. If you would like to host a large-scale event at an STR Unit or STR Property that exceeds the maximum occupancy allowed pursuant to CVMC 5.68.110, you must first secure a Short-Term Rental Event Permit ("STR Event Permit"). Large-scale events requiring an STR Event Permit include, but are not limited to, commercial parties, weddings, fundraisers, conferences, and other similar assemblies that are separate from the purpose of lodging. STR Event Permits are only required if you are charging a fee for the use of the STR Property (Rent). Hosting an event for yourself, a family member, etc., that is not in exchange for a fee does not require an STR Event Permit.

B. Term. Each STR Event Permit will have a maximum term of twelve (12) hours. If your event will run for more than twelve (12) hours, you must apply for additional permits sufficient to cover the full term of your event.

C. Permits Limited. Each permitted STR Unit is eligible for a maximum of twelve (12) STR Event Permits per term (each twelve (12) month period).

D. Lodging Purposes Excluded. STR Event Permits do not increase the maximum occupancy for lodging purposes.

To apply for an STR Event Permit, submit an STR Event Permit application and pay the STR Event Permit fee. Online applications may be completed by visiting https://citizenaccess.chulavistaca.gov/citizenaccess and selecting the **Licenses** tab.

E. Eligibility. You must have a valid STR Permit in order to apply for an STR Event Permit.

F. STR Event Permit Fee. Each application for an STR Event Permit must be accompanied by a fee in the amount of $40.00.

See CVMC 5.68.120 for all STR Event Permit regulations.

12. Hosting Platform Responsibilities

A. Take Down Notice. Upon written or electronic notification from the City that the City has not issued a permit for an STR which is listed or advertised on the internet website provided or maintained by a Hosting Platform, the Hosting Platform shall discontinue and remove the listing or advertisement within 10 calendar days from the transmittal date of the notification. The Hosting Platform thereafter shall not list or advertise the STR without written certification from the City that the required permit has been issued.

B. Information to Be Provided to Responsible Person. A Hosting Platform operating in the City shall provide the following information to any Person listing a Dwelling Unit through the Hosting Platform's service:

- **i.** Notice of the requirements listed in the Ordinance, including the requirement to obtain a business license and STR Permit prior to any listing;
- **ii.** Notice of the TOT requirements (Chapter 3.40 CMVC).

Upon request by the City, a Hosting Platform shall provide documentation to the City demonstrating that the Hosting Platform provided the required notification. Hosting Platform's failure to provide written notification shall not excuse any Person from complying with any local regulations.

C. TOT Collection Responsibilities. The Hosting Platform shall collect all required TOT (Chapter 3.40 CMVC) on accommodation transactions facilitated by the Hosting Platform and shall remit the taxes on a monthly basis to the City with the completion of a form approved by the City. A Hosting Platform collecting and remitting transient occupancy taxes under this section shall issue a receipt to each Responsible Person. The Hosting Platform shall separately state on the receipt the amount of the transient occupancy tax charged and maintain a duplicate of such receipt. A Hosting Platform shall maintain all documentation necessary to demonstrate that the proper amount of taxes have been remitted to the City for a period of four years after the date of remittance.

D. Information to Be Collected and Provided to City. Subject to applicable law, a Hosting Platform with listings located in the City shall provide to the City on a monthly basis, in a format specified by the City, the STR Permit number of each listing, the name of the Person responsible for each listing, the address of each such listing, and, for each booking that occurs within the reporting period, the number of days booked, whether the booking was for a Whole-Home STR or a Partial-Home STR, and the total price paid for each rental.

A Hosting Platform shall maintain, to the extent received from the Person responsible for the listing, the following information for each Dwelling Unit in the City for which the Hosting Platform provided a booking service for a period of four years from the date of the transaction:

- **i.** The first and last name of the Person who offered the STR;
- **ii.** The exact street address of the Dwelling Unit, including any unit numbers;
- **iii.** The dates for which a Responsible Person procured occupancy of the Dwelling Unit using the booking service provided by the Hosting Platform, and the total number of room nights by reporting period by Owner;
- **iv.** The gross receipts, including but not limited to Rent and TOT, paid for each stay in a format required by the City; and

v. The City STR Permit number and the City TOT Certificate number associated with the STR.

A Hosting Platform shall deliver the foregoing information to the City upon request. The City may apply auditing procedures necessary to determine the amount of taxes due to the City and to ensure compliance with the Ordinance.

E. Conformance to Law. 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 any such law(s).

See CVMC 5.68.150 for all Hosting Platform responsibilities.

13. Violations: Major

A "major violation" of the Ordinance consists of any of the following:

- **A.** Operating an STR without securing an STR Permit;
- **B.** Exceeding STR Unit occupancy limitations without securing an STR Event Permit;
- **C.** Any Occupants engaging in outdoor activities on an STR Property between the hours of 10:00 p.m. and 9:00 a.m. that involve the use of fire pits, barbecues, swimming pools, hot tubs, spas, tennis or paddleball courts, or other similar and related improvements or play equipment, or if any Occupants engage in outdoor parties, outdoor singing, shouting, clapping or other activities generally associated with partying or if Occupants engage in any outdoor drunk or disorderly conduct during those hours;
- **D.** The Permittee, the Permittee's Agent and/or the Local Contact Person, failing to respond to an Enforcement Officer's request, respond within one hour, or to reasonably cooperate in facilitating an investigation and the correction of a suspected violation of the Ordinance;
- **E.** The unpermitted use of a garage as a game room or for sleeping purposes at an STR Unit or on an STR Property;
- **F.** Criminal activities by the Permittee, Permittee's Agent, the Local Contact Person, or any Occupant on the premises; however, a minor violation shall not be deemed a criminal activity for purposes of constituting a major violation merely because any violation of the Ordinance may constitute a misdemeanor or a public nuisance;
- **G.** Any other violation of the Ordinance determined by the City Manager to constitute a serious threat to the public health or safety of the community; or
- **H.** Four minor violations of any type in connection with the same STR Unit or STR Property during any continuous period of 12 months.

14. Violations: Minor

A "minor violation" of the Ordinance consists of any of the following:

- **A.** A failure of the Permittee to obtain the signature of the Responsible Person acknowledging the rules;
- **B.** A failure to pay TOT required for the STR;
- **C.** A failure to register to pay TOT for the STR; or
- **D.** Any violation of any law, ordinance, resolution, or permit condition regulating STR Units or STR Properties or any other provisions of federal, state, or local law that does not constitute a "major violation".

15. Penalties: General

A. It is unlawful for any Person to violate any provision or fail to comply with the requirements of the Ordinance or any regulation adopted thereunder. Each day that a violation continues is deemed to be a new and separate offense.

B. Any Person violating any of the provisions or failing to comply with any of the requirements of the Ordinance or any regulation adopted thereunder shall be guilty of a misdemeanor punishable by a fine of not more than $1,000 or imprisonment for a period of not more than six months, or by both a fine and imprisonment. No proof of knowledge, intent, or other mental state is required to establish a violation. At the sole discretion of the City Prosecutor, any violation of the Ordinance may in the alternative be cited and prosecuted as an infraction.

C. Any condition caused or allowed to exist in violation of any of the provisions of the Ordinance or any regulation adopted thereunder is a public nuisance. Such violation may be abated by the City, or by the City Attorney on behalf of the people of the state of California, as a nuisance in any manner provided for in the CVMC, including summary abatement, or otherwise provided by law or equity, including a restraining order, injunction, or any other order or judgment in law or equity issued by a court of competent jurisdiction. The City, or the City Attorney on behalf of the people of the state of California, may seek injunctive relief to enjoin violations of, or to compel compliance with, the Ordinance or seek any other relief or remedy available at law or equity, including the imposition of monetary civil penalties. All expenses incurred by the City in connection with any action to abate a public nuisance will be chargeable as authorized by law to the Persons creating, causing, committing, or maintaining the public nuisance.

D. An Enforcement Officer may issue administrative citations or civil penalties in accordance with CVMC Chapter 1.41 for violation of any of the provisions of the Ordinance or any regulation adopted thereunder. When a violation occurs, it is not required that a warning or notice to cure must first be given before an administrative citation or civil penalty may be issued. Any report where the City's Police Department has concluded that a violation of the Ordinance has occurred may be submitted to the Director of Development Services for review, processing and issuance of an administrative citation or civil penalty by an Enforcement Officer.

E. Each criminal citation, administrative citation, and civil penalty issued for a violation of any provision of the Ordinance may be issued, levied, or assessed against one or more of: the Owner, the Permittee, the Permittee's Agent, a Hosting Platform, the Responsible Party, the Occupant, and any other Person who caused, created, committed, or maintained the violation.

F. A violation of any provision of the Ordinance by any Permittee, Permittee's Agent, Local Contact Person, Responsible Person or Occupant of an STR shall constitute grounds for modification of the STR Permit.

G. The Director of Development Services may suspend or revoke an STR Permit if any three major violations are issued in connection with the same STR Property within a continuous period of 12 months, including major violations that result from aggregating minor violations into a major violation as described in CVMC Section 5.68.160(I)(1)(h). A change of Ownership shall have no effect on the accumulation of violations against the STR Property.

H. When a violation occurs, it is not required that a warning or notice to cure must first be given in order to impose the sanction of modification, suspension, or revocation of the STR Permit.

I. Whenever in the Ordinance any act or omission is made unlawful, it shall include causing, aiding, abetting, suffering, or concealing the fact of such act or omission.

J. The remedies specified in the Ordinance are cumulative and in addition to any other remedies available under state or local law for violation of this code.

K. Nothing herein shall be construed as requiring the City to allow, permit, license, authorize or otherwise regulate STR or Event activity, or as abridging the City's police power with respect to enforcement regarding STR or Event activity.

See CVMC 5.68.160 for all penalty information.

16. Penalties: Amounts

A. The City may issue an administrative citation or civil penalty for any violation of the Ordinance as follows:

- **i.** First offense - not to exceed $100.00 for a minor offense and $1,000 for a major offense;
- **ii.** Second offense within any continuous period of 12 consecutive months – not to exceed $500.00 if the offense is a minor offense and $2,000 if the offense is a major offense;
- **iii.** Third and fourth offenses within any continuous period of 12 consecutive months – not to exceed $1,000 if the offense is a minor offense and $4,000 if the offense is a major offense.
- **iv.** Fifth and subsequent offenses within any continuous period of 12 consecutive months – not to exceed $1,500 if the offense is a minor offense and not to exceed $5,000 if the offense is a major offense.

B. Unless prohibited by any state or federal law, the City may issue a Hosting Platform an administrative citation or civil penalty for any violation of the Ordinance or the CVMC by the Hosting Platform as follows:

- **i.** First offense – not to exceed $500.00;
- **ii.** Second offense within any continuous period of 12 consecutive months – not to exceed $1,000;
- **iii.** Third and subsequent offenses within any continuous period of 12 consecutive months – not to exceed $2,000.

See CVMC 5.68.160 for all penalty information.

17. Permit Modifications, Suspensions, and Revocations

A. In addition to any other penalty authorized by law, an STR Permit may be modified, suspended, or revoked for any violation of the Ordinance or federal, state, or local law in accordance with the provisions of this section.

B. The Director of Development Services shall have the authority to modify an STR Permit to impose additional conditions or amend existing terms or conditions in the event of any violation of any condition of the permit or any violation of the Ordinance or federal, state, or local law.

C. Any modification of conditions or suspension or revocation of an STR Permit shall be in accordance with the following procedures:

- **i.** The Director of Development Services shall conduct an investigation whenever they have reason to believe that an Owner, Permittee, Permittee's Agent, or Local Contact Person is in violation of, or has failed to comply with, any condition of the STR Permit, any requirements of the Ordinance or federal, state, or local law.
- **ii.** Should the investigation reveal substantial evidence to support a finding that a violation occurred, the Director of Development Services shall issue a written notice of intention to modify, suspend and/or revoke the permit. The written notice shall be served on the Responsible Person, shall specify the facts which, in the opinion of the Director of Development Services, constitute substantial evidence to establish grounds for modification, suspension and/or revocation, and state that the permit will be modified, suspended or revoked within 30 calendar days from the date the notice is given unless the Owner or Person aggrieved by the Director of Development Services' decision files with the City Clerk, before the modification, suspension or revocation becomes effective, a request for an administrative hearing to appeal the decision pursuant to the Ordinance appeal procedures.

See CVMC 5.68.170 for all procedures for permit modifications, suspensions, and/or revocations.

18. Appeal Procedures

A. Any affected Person may appeal a decision of the Development Services Director modifying, denying, suspending, or revoking an STR Permit to the City Manager within 30 calendar days from the date the notice is given.

B. Said appeal shall be in writing and filed with the City Clerk upon forms provided by the Development Services Department and shall specify therein that the decision of the Development Services Director was in error and identify the facts and circumstances on which the claim of error is based.

C. If an appeal is filed within the time limit specified, it shall automatically stay proceedings in the matter until a determination is made by the City Manager.

D. The City Manager shall set the matter for hearing before a hearing examiner and notify the parties in writing of the date and location of the hearing at least 10 business days prior to said date.

E. The fee to request an appeal pursuant to the Ordinance shall be in the form of a deposit, the amount to be determined by the City Manager in accordance with any applicable law based on the anticipated staff cost to conduct the hearing.

F. If the cost of the hearing or appeal exceeds the deposited amount, the requesting party shall be responsible for payment of the additional costs incurred.

G. If the hearing officer determines that the violation is not supported by the evidence, the entire deposited amount will be returned to the party that requested the appeal. The appeal hearing shall be conducted pursuant to CVMC Sections 1.30.090 and 1.30.100.

See CVMC 5.68.180 for all appeal procedures.

19. Resources

A. Administrative Documents

1. Primary Residency Declaration
2. Landlord Affidavit

B. Online Resources

1. STR Permitting Portal
2. Register to Pay TOT
3. Remit TOT
4. Apply for a Business License
5. Renew a Business License
6. Apply for an RV Parking Permit