

9 **Sec. 26-613. - Purpose.**

10 (a) This article sets forth comprehensive standards governing the short-term rental of immovable
11 property for lodging or sleeping purposes, and establishes requirements and enforcement
12 mechanisms intended to encompass and regulate all persons engaged in the business of short-
13 term rentals, including without limitation, property owners, operators, guests, and platforms
14 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 need
17 to maintain a supply of long-term rental housing stock available at a range of prices, reduce
18 any indirect negative effects on the availability of affordable housing that results from the
19 dedication of long-term housing stock to short-term rental use, create a level playing field for
20 all parties engaged in the business of providing lodging, ensure the sufficient collection of tax
21 revenue, mitigate the disruptive effects that unmonitored short-term rentals can have on
22 neighborhoods, and protect the livability and quality of life of the city's residential
23 neighborhoods.

24 **Sec. 26-614. - Definitions.**

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

27 *Booking transaction* means any contractual agreement between a guest and an owner
28 relative 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 *Noise monitoring device* means a device capable of all of the following (i) monitoring noise
35 levels (ii) detecting exposure to noise levels that exceed an acceptable level for more than a
36 continuous five-minute period (iii) sending real-time alerts to the subject short-term rental owner
37 and operator, and (iv) being programmed to receive real-time alerts if noise levels continuously
38 exceed an acceptable level for the five-minute period. The noise monitoring device must comply
39 with all laws, rules and regulations regarding privacy.

40 *Operator* means a natural person possessing a short-term rental operator permit. An
41 operator who meets the legal requirements may also possess a short-term rental owner permit.

42 *Owner* means a person with an ownership interest in a property used for short-term rentals.
43 The term owner shall not include a person holding only a usufruct or leasehold interest in the
44 property.

45 *Platform* means one or more portals, listing services, or websites under common ownership
46 or control through which a person, other than an owner, collects or receives a fee, directly or
47 indirectly, for facilitating booking transactions. A platform shall not include a service that merely
48 posts advertisements for short-term rentals.

49 *Short-term rental* means the use and enjoyment of a dwelling unit, or any portion thereof,
50 by guests for a period of less than 30 consecutive days, in exchange for money, commodities,
51 fruits, services, or other performances. Hotels, motels, bed and breakfasts, and other land uses

explicitly defined and regulated in the Comprehensive Zoning Ordinance separately from short-term rentals are not considered to be short-term rentals.

Sec. 26-615. - Short-term rental permits required.

(a) No dwelling unit in Orleans Parish may be used as a short-term rental unless:

(1) An owner of the dwelling unit possesses a valid and current short-term rental owner permit issued for the dwelling unit in accordance with Division 2 of this article, and all owners fully comply with all legal requirements and duties imposed herein; and

(2) An owner has designated an operator possessing a valid short-term rental operator permit, issued in accordance with Division 3 of this article, and such operator fully complies with all legal requirements and duties imposed herein.

(b) No platform may facilitate or conduct any booking transaction for a short-term rental in Orleans Parish without first obtaining and maintaining a short-term rental platform permit issued in accordance with Division 4 of this article.

(c) The permits required by this article are regulated privileges, not rights, and can be revoked or suspended by the city in accordance with the provisions provided herein.

(d) Any permit issued pursuant to this article is strictly personal and may not be transferred or assigned.

(e) In the event the holder of a short-term rental owner's permit ceases to own the property or fails to renew the permit timely, the permit shall be immediately void, and short-term rental use shall be prohibited on the property. Except as provided in subsection (f), any subsequent application for a short-term rental owner's permit on the property shall be subject to the lottery/equitable distribution provisions set forth in Sec. 26-617(g).

(f) Property that is identified as co-owned in the initial application for a short-term rental owner's permit shall not be subject to the lottery/equitable distribution provisions set forth in Sec. 26-617(g) when the holder of a short-term rental owner's permit ceases to own the property, provided that one of the co-owner's identified on the initial application submits an application for a short-term rental owner permit within 60 days of termination of co-ownership.

(g) If any required contact information changes for any permit, the person possessing the permit shall immediately notify the department in writing, and the department shall issue a revised permit to reflect the updated contact information

Sec. 26-616. - Short-term rental permit fees.

(a) There shall be the following short-term rental owner permit classifications, which shall correspond to the types of short-term rental uses set forth by the Comprehensive Zoning Ordinance:

- (1) Short-term rental, non-commercial (Type N); and
- (2) Short-term rental, commercial (Type C).

(b) A non-refundable application fee of \$50 shall be due upon submission of any new or renewal short-term rental application.

(c) The following annual permit fees, which shall be refunded in the event an application is denied, shall be due upon submission of any new or renewal short-term rental application:

(1) Short-term rental owner permit:

- a. Type N — Non-commercial: \$500
- b. Type C — Commercial: \$1,000
- c. Operator card replacement fee: \$25

(2) Short-term rental operator permit:

a. Type N — Non-commercial: \$150

b. Type C — Commercial: \$1,000

(3) Short-term rental platform permit: \$10,000

(d) The owner shall remit to the city a \$12 fee for each night of occupancy of a dwelling unit used as a short-term rental to offset the costs of enforcement and other costs borne by the city.

Fees shall be due and remitted along with tax submissions.

(e) The property owner shall remit to the city a \$500 application fee for consideration of any special exception request pursuant to Section 21.8.C.18.r of the Comprehensive Zoning Ordinance.

DIVISION 2. - SHORT-TERM RENTAL OWNER PERMIT

Sec. 26-617. - Permit and application—Eligibility.

(a) No dwelling unit may be used as a short-term rental unit unless an owner possesses a short-term rental owner permit issued in accordance with this article. Issuance of a short-term rental owner permit shall be subject to the following rules and criteria:

(1) Only natural persons age 18 or over may own a property used as a non-commercial short-term rental. Ownership, in whole or in part, by a business entity, trust, or any other juridical person is prohibited.

(2) No person may possess more than one short-term rental owner permit or own, in whole or in part, more than one property used as a non-commercial short-term rental.

(3) A short-term rental owner permit shall be valid for one year from the date of issuance, and shall be reapplied for annually.

(4) A separate short-term rental owner permit shall be required for each dwelling unit used as a short-term rental.

- (5) A short-term rental owner permit shall be consistent with the dwelling-unit-per-lot-of-record, guest bedroom, guest occupancy, and any other applicable density limitations set forth in the Comprehensive Zoning Ordinance.
- (6) Any dwelling unit permitted for short-term rental use must meet all applicable building, zoning, and addressing regulations, as determined by the department.
- (7) An owner of a property with outstanding taxes, fines, fees or penalties levied by the City, or that has been found to be liable of an unabated violation of the City Code by an administrative hearing officer or court shall not be eligible for a short-term rental owner permit with respect to said property.
- (8) All juridical owners must be in good standing with the State of Louisiana to be eligible for a commercial short-term rental owner permit.
- (9) An owner of a property with open permits for new construction, structural or non-structural renovation, or electrical or mechanical work, or open violation cases for electrical or mechanical code violations or work without permits, shall not be eligible for a short-term rental owner permit with respect to said property without the written approval of the Chief Building Official of the City of New Orleans or a designee.
- (10) The owner or resident of a dwelling unit required to be affordable by the Mandatory Inclusionary Zoning, Voluntary Inclusionary Zoning, Affordable Housing planned Development, or Small Multifamily Affordable Housing provisions of the Comprehensive Zoning Ordinance shall not be eligible for a short-term rental permit for that dwelling unit.
- (b) The application for a short-term rental owner permit shall be on forms created by the department, which shall, at a minimum, require the following information from applicants:

- (1) The name, age, address, phone number, and email contact information of all owners;
 - (2) The municipal address of the dwelling unit associated with the short-term rental owner permit;
 - (3) The total number of dwelling units located on the lot-of-record containing the dwelling unit associated with the short-term rental owner permit application; and
 - (4) The name, address, phone number, email contact information, and permit number of the operator designated by the owner to satisfy the requirements of this article with respect to the dwelling unit associated with the short-term rental owner permit. If the designated operator has not yet received a permit number, the applicant shall provide evidence of a contemporaneous application for a short-term rental operator's permit by the designated operator.
- (c) The following additional documentation shall be submitted to the department, along with the application, prior to processing:
- (1) A list of platforms that will be used to solicit booking transactions for the dwelling unit associated with the short-term rental owner permit, and correlating print-outs or Universal Resource Locator (URL) links soliciting the short-term rental, if any.
 - (2) A floor plan depicting all:
 - i. entrance and exit doors;
 - ii. windows;
 - iii. bedrooms, including an indication of which are used for guests , and for non-commercial short-term rentals, the bedroom reserved exclusively for the use of the operator;
 - iv. bathrooms;

- 166 v. kitchens; and
- 167 vi. interior doors.
- 168 (3) An evacuation plan indicating:
- 169 i. the fire exits and escape routes;
- 170 ii. the location of smoke detectors;
- 171 iii. the location of fire extinguishers; and
- 172 iv. the location of carbon monoxide detectors.
- 173 (4) A site plan indicating the location of any required parking.
- 174 (5) A noise abatement plan that provides, at a minimum, a noise monitoring device. Non-
- 175 commercial short-term rental operators shall not be required to include a noise
- 176 monitoring device as part of their noise abatement plans.
- 177 (6) A sanitation plan that provides, at a minimum, for daily visual inspections on the
- 178 property, as well as regular litter and trash collection and procurement of an adequate
- 179 number of trash bins to securely hold all trash generated by the property in a lidded
- 180 container.
- 181 (7) If the application is for a Type C permit, a security and operation plan.
- 182 (8) An attestation signed by the owner providing that:
- 183 i. The dwelling unit has no outstanding property taxes or city liens associated with
- 184 the lot-of-record, nor do any of its owners owe any other outstanding taxes to the
- 185 city, including taxes and fees owed in connection with short-term rentals;
- 186 ii. The dwelling unit complies, and will comply during any short-term rental of the
- 187 dwelling unit, with all standards contained in the city's Minimum Property

188 Maintenance Code and all health safety requirements contained in the Building
189 Code;

190 iii. The dwelling unit has working smoke detectors inside and outside every bedroom,
191 carbon monoxide alarms outside every bedroom, and a properly maintained and
192 charged fire extinguisher on all habitable floors;

193 iv. The dwelling unit is not subject to any contractual restrictions precluding the
194 dwelling unit from being used for short-term rentals, including, but not limited to,
195 homeowner association agreements, condominium bylaws, restrictive covenants,
196 or building restrictions;

197 v. The owner read, understands, and agrees to comply with all legal duties imposed
198 by this article and the Comprehensive Zoning Ordinance;

199 vi. The owner possesses insurance that meets the requirements of section 26-618(a)(1);
200 and

201 vii. The owner will not discriminate in guest use or rental of a short-term rental, and
202 will comply with all applicable anti-discrimination laws, including, but not limited
203 to, Title VII of the Civil Rights Act of 1968, the Fair Housing Act (FHA), and the
204 Americans with Disabilities Act (ADA).

205 (d) The department shall deny any short-term rental application that does not contain all of the
206 information listed in Sec. 26-617(b) and (c).

207 (9) Proof of completion of a short-term rental course, to be provided by the department
208 and made available virtually.

209 (e) Every short-term rental owner permit issued by the department shall contain the following
210 information:

- 211 (1) Short-term rental owner permit number;
- 212 (2) Municipal address of the dwelling unit associated with the permit;
- 213 (3) Owner's name and contact information;
- 214 (4) Operator's name and contact information;
- 215 (5) Permit type;
- 216 (6) The permit's effective and expiration dates;
- 217 (7) The guest bedroom and occupancy limit of the dwelling unit associated with the permit;
- 218 and
- 219 (8) Contact information for the City's Short Term Rental Administration to facilitate
- 220 reporting complaints.
- 221 (f) Renewals shall be obtained in the same or substantially similar form and manner as the initial
- 222 permit, and shall also require:
- 223 (1) Completion and submission of a form created by the department of finance providing
- 224 the associated short-term rental taxes and fees paid to the city for the previous permit
- 225 year. The form, which shall be deemed confidential tax records for purposes of La. R.S.
- 226 47:1508, shall include at a minimum:
- 227 a. A statement indicating if the required taxes and fees were paid by the owner, a
- 228 platform, or both, for the preceding tax year and in what total amounts;
- 229 b. The total number of nights the dwelling unit used as a short-term rental was rented
- 230 in the previous calendar year;(deleted the word and)
- 231 c. The rates charged for each nightly rental; and
- 232 d. Any IRS Forms 1099 or other financial reports or documents provided to owners
- 233 or operators by any platform related to rental activity on each platform used.

- (2) Updated owner and operator contact information, if applicable;
- (3) An attestation signed by the owner providing, in addition to the continued compliance with the items specified in subsection (c), above, that the short-term rental owner permit has not been revoked in the previous year;
- (4) An updated list of platforms that are used to solicit books transactions for the dwelling unit associated with the short-term rental owner permit, and correlating print-outs of the Universal Resource Locator (URL) soliciting the short-term rental (for example: <http://www.vrbo.com/XXXXXX> or <https://www.airbnb.com/rooms/XXXXXX>); and
- (5) If a Type C — Commercial short-term rental, proof of a favorable, annual city fire inspection.
- (6) Proof of completion of a short-term rental course, to be provided by the department and made available virtually, within the previous permit year.
- (g) The award of owner permits in zoning districts subject to blockface or per-square caps shall be made using a lottery or other mechanism intended to ensure the equitable distribution of short-term rental permits. The department shall promulgate rules and regulations to set forth the deadlines, application procedures, processes and policies governing this selection procedure and, in doing so, may adopt a weighted lottery using factors to be determined by the department. The duration of a permit may be reduced, and all corresponding fees prorated, to facilitate the implementation of the lottery/equitable distribution system.
- (h) For co-owned property, only one owner's permit shall be required, provided that the applicant certifies to the department that all owners independently meet the requirements for an owner's permit and that the applicant has secured all necessary approvals from the other owners to obtain a short-term rental permit.

257 **Sec. 26-618. - Legal duties of short-term rental owner permit holders.**

258 (a) *Legal duties.* An owner possessing a short-term rental owner permit shall comply at all times
259 with the following requirements:

260 (1) Insurance. The owner shall maintain in full force and effect at all times, a minimum of
261 \$1,000,000 in "commercial general liability" insurance per occurrence, combined
262 single limit, for bodily injury, personal injury, and property damage arising in any way
263 from the issuance of the permit or activities conducted pursuant to the permit, for each
264 dwelling unit used as a short-term rental.

265 (2) Guest records. The owner shall maintain guest registration records, which shall contain
266 the actual dates of occupancy, total number of guests per party per stay, and the rate(s)
267 charged. Such records shall be maintained for three years and shall be provided to the
268 city upon request, in accordance with applicable law. Personally identifiable guest
269 information may be redacted.

270 (3) Short-term rental advertisements. The owner shall ensure that the following information
271 be provided in connection with any short-term rental advertisement and shall ensure, in
272 any event, that each short-term rental listing advertises only one dwelling unit permitted
273 as a short-term rental:

- 274 a. The short-term rental owner permit number;
- 275 b. The short-term rental operator permit number of the designated operator;
- 276 c. Whether the dwelling unit is wheelchair accessible or otherwise compliant with the
277 Americans with Disabilities Act;
- 278 d. The number of available guest bedrooms as indicated on the owner permit; and

e. The maximum available occupancy of the dwelling unit as indicated on the owner permit.

(4) Adherence to dwelling and occupancy limits. Short-term rentals shall be subject to, and may not exceed, the dwelling-unit-per-lot-of-record, guest bedroom, guest occupancy, and density limitations set forth in the Comprehensive Zoning Ordinance.

(5) Required postings at the short-term rental.

a. The owner shall ensure that a copy of the owner permit is displayed in a location clearly visible from the street and legible to both guests and neighbors.

b. The owner shall ensure that the following are displayed in a location clearly visible and legible to guests:

i. An evacuation diagram identifying fire escapes and all means of egress from the dwelling unit and the building in which the dwelling unit is located;

ii. Trash disposal and recycling collection days; and.

iii. Contact information for the City's Short Term Rental Administration to facilitate reporting complaints.

(6) Health and safety. The owner shall ensure that each dwelling unit governed by this article complies with the following standards:

a. Walls, ceilings, floors, windows, fixtures and furnishings throughout the dwelling unit shall be maintained in a clean condition at all times and shall be in good repair.

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

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

d. All dishes, utensils, pots, pans and other cooking utensils shall be provided to guests in a safe and sanitary condition. The permittee shall ensure that all perishables left by the guests are disposed of at the conclusion of a short-term rental.

e. Each dwelling unit shall have a working fire extinguisher, smoke alarms, and carbon monoxide detectors and shall comply with all applicable fire codes;

f. The dwelling unit shall have working locks, operable by guests, at all points of ingress and egress.

g. Every dwelling unit shall comply with applicable provisions of the Comprehensive Zoning Ordinance, the Minimum Property Maintenance Code as provided in Chapter 26, Article IV, and the New Orleans Building Code, as provided in section 26-14, et seq.

(7) Short-term rental guest use limitations. The owner shall ensure that no dwelling unit used as a short-term rental is used as a reception facility, or any other commercial use defined by the Comprehensive Zoning Ordinance, during guest use of the short-term rental.

(8) Criminal activity. The owner shall timely report any known or suspected criminal activity by a guest to the New Orleans Police Department.

(9) Reasonable inspections. The owner shall submit to inspections authorized by Section 26-624(c).

(10) Owner/operator availability. The owner shall:

- 324 a. Ensure the permitted operator is available during all periods of guest occupancy,
325 including nights and weekends, to facilitate compliance with this article.
326 Availability requires, at a minimum, that the operator be:
- 327 i. Accessible by telephone.
 - 328 ii. Able to resolve complaints within one hour of being contacted by neighbors
329 regarding disruptive short-term rentals.
 - 330 iii. Able to resolve complaints within one hour of being contacted by guests.
 - 331 iv. Able to resolve complaints within one hour of being contacted by the City
332 of New Orleans and any of its departments.
- 333 b. Serve as the point of contact for guests, in addition to the operator, and be able to
334 resolve complaints within one hour of being contacted by guests.
- 335 c. Receive and resolve complaints from neighbors regarding disruptive short-term
336 rentals within one hour.
- 337 d. Receive and resolve complaints from the City of New Orleans and any of its
338 departments regarding disruptive short-term rentals within one hour.

339 (11) Taxes and fees. Except for those instances in which a platform bears the responsibility
340 for collecting and remitting taxes and fees applicable to short-term rentals, as provided
341 in section 26-622.1, the owner shall timely remit all applicable local, state, and federal
342 taxes and city fees owed in connection with any short-term rental. The failure of a
343 platform to collect and remit taxes and fees pursuant to section 26-622.1 shall not relieve
344 an owner of the obligation to pay taxes and fees owed pursuant to this article.

(12) Compliance with other laws. The owner shall ensure that any short-term rental fully complies with this article, the Comprehensive Zoning Ordinance, and all other applicable laws.

(b) *Prohibited acts.* The following acts shall be prohibited and may be grounds for suspension or revocation of a short-term rental owner permit, or any other remedy authorized by the article. Each instance of a prohibited act may be cited separately in any enforcement action.

(1) Advertising an illegal short-term rental.

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

(3) Exceeding in any advertisement, the legally available guest bedroom limitation set forth in the Comprehensive Zoning Ordinance.

(4) Exceeding in any advertisement, the legally available guest occupancy limitations set forth in the Comprehensive Zoning Ordinance.

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

(6) Exceeding the guest bedroom limitation set forth in the Comprehensive Zoning Ordinance.

(7) Exceeding the guest occupancy limitations set forth in the Comprehensive Zoning Ordinance.

(8) Using a dwelling unit as a reception facility, or for any other commercial use defined by the Comprehensive Zoning Ordinance, during a short-term rental. No special event permit shall be obtained for an event occurring at a dwelling unit during any period of guest occupancy.

(9) Rental of the dwelling unit by the hour or for any period less than one night.

(10) Rental of a single dwelling unit to more than one party of guests at one time.

(11) Short-term rental use that generates (i) excessive loud sound, (ii) offensive odors, (iii) public drunkenness, (iv) unlawful loitering, (v) litter, (vi) lewd conduct by guests or (vii) any effect that otherwise unreasonably interferes with neighbors' quiet enjoyment of their properties. For purposes of this paragraph, excessive loud sound means any noise generated from within the dwelling unit or having a nexus to the dwelling unit that is louder than a conversational level, or any music that is plainly audible from the property line of the lot containing the dwelling unit, between the hours of 10:00 p.m. and 8:00 a.m. Each instance and type of unreasonable interference defined in this paragraph shall constitute a separate violation of this section and may be cited separately in any enforcement action.

(12) Short-term rental use that places loads on structural elements or components of buildings, including, but not limited to, porches, balconies, and roof decks, in excess of the minimum design loads required by the Building Code.

(13) Violations of the submitted noise abatement plan, security and operation plan, or sanitation plan.

(14) Discriminating against any guest, or potential guest, because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income.

(15) Failure to comply with any other legal duty imposed by this article or correlating provisions in the Comprehensive Zoning Ordinance, and all other applicable laws.

(16) Failure to ensure that the licensed operator is available as required by section 26-618(a)(10).

(17) For non-commercial short-term rentals, advertising or using the bedroom(s) reserved for the owner or licensed operator (if different from the owner) as a guest bedroom.

(18) Advertising more than one dwelling unit for short-term rental in a single advertisement or listing.

(c) *Ongoing duty.* An owner possessing a short-term rental owner permit may delegate the performance of any duties set forth in this section to the permitted short-term rental operator identified in the owner's application to the department. Notwithstanding that delegation, the owner remains principally responsible for the performance of all duties created hereunder, and may not assert the non-performance of a short-term rental operator as a defense to any action arising from a breach of the owner's duties under this article.

DIVISION 3. - SHORT-TERM RENTAL OPERATOR PERMIT

Sec. 26-619. - Short-term rental operator permit and application—Eligibility.

(a) Every dwelling unit used as a short-term rental in Orleans Parish shall be operated by a natural person age 18 or over holding a short-term rental operator permit.

(1) A natural person who holds a short-term rental owner permit may act as the operator, but must separately apply for and obtain a short-term rental operator permit.

(2) The short-term rental operator permit is valid for one year from the date of issuance, and shall be reapplied for annually.

(3) A separate short-term rental operator permit shall be required for each dwelling unit used as a short-term rental.

- 412 (b) The application for a short-term rental operator permit shall be on forms created by the
413 department, which shall require, at a minimum, the following information:
- 414 (1) The name, address, phone number and email contact information of the operator.
- 415 (2) For non-commercial short-term rentals, evidence of recorded ownership or a current
416 residential lease, as well as at least two other forms of documentation with a matching
417 address, including without limitation a utility bill, driver's license or state ID, or bank or
418 credit card statement, establishing that the operator resides on the premises being
419 operated as a short-term rental. For both non-commercial and commercial short-term
420 rentals, evidence that the operator has the permission of the owner to operate the property
421 as a short-term rental in accordance with the application submitted.
- 422 (3) An attestation that the operator has read, understands, and agrees to comply with all legal
423 duties imposed by this article, and in the Comprehensive Zoning Ordinance.
- 424 (4) Proof that the operator is at least 18 years of age.
- 425 (5) A nuisance prevention and neighborhood complaint response plan for each dwelling unit
426 used as a short-term rental.
- 427 (6) Proof of completion of a short-term rental course, to be provided by the department and
428 made available virtually.
- 429 (c) The department shall deny any short-term rental operator application that does not contain all
430 of the information listed in Sec. 26-619(a) and (b).
- 431 (d) Renewals shall be obtained in the same or substantially similar form and manner as the initial
432 permit, and shall require:

- (1) An attestation signed by the operator providing that, in addition to the items specified in subsection (b), above, that a short-term rental operator permit has not been revoked in the previous year; and
- (2) Updated contact information, if applicable.
- (3) Proof of completion of a short-term rental course, to be provided by the department and made available virtually, within the previous permit year.

(e) The operator permit shall be issued in two forms:

- (1) A PDF or other document that lists the operator's contact information, as well as any other information deemed pertinent by the department; and
- (2) A card bearing the photograph of the licensed operator and listing the address of the property being used as a short-term rental, owner license number, and operator license number.

Sec. 26-620. - Legal duties of short-term rental operator permit holders.

(a) *Legal duties.* Any person possessing a short-term rental operator permit shall comply at all times with the following requirements:

- (1) Operator availability. The operator shall:
- a. Be available during all periods of guest occupancy, including nights and weekends, to facilitate compliance with this article. Availability requires, at a minimum, that the operator:
 - i. Be accessible by telephone;
 - ii. Serve as the point of contact for neighbors, including receiving and resolving complaints within one hour of being contacted by neighbors regarding disruptive short-term rentals.

456 iii. Be able to resolve complaints within one hour of being contacted by guests.

457 iv. Be able to resolve complaints within one hour of being contacted by the City of
458 New Orleans and any of its departments.

459 b. Serve as the point of contact for guests, including receiving and resolving inquiries
460 and complaints within one hour of being contacted.

461 c. Receive and resolve complaints from neighbors regarding disruptive short-term
462 rentals within one hour.

463 d. Receive and resolve complaints within one hour of being contacted by the City of
464 New Orleans and any of its departments.

465 e. Reside on the property being used for a non-commercial short-term rental.

466 (2) Guest records. The operator shall be solidarily responsible with the owner for ensuring
467 full compliance with the guest record-keeping requirements set forth in section 26-
468 618(a)(2).

469 (3) Short-term rental advertisements. The operator shall be solidarily responsible with the
470 owner for ensuring full compliance with the advertising requirements set forth in section
471 26-618(a)(3).

472 (4) Adherence to dwelling and occupancy limits. The operator shall be solidarily responsible
473 with the owner for ensuring full compliance with the dwelling-unit-per-lot-of-record,
474 guest bedroom, guest occupancy, and density limitations set forth in section 26-
475 618(a)(4).

476 (5) Required postings at the short-term rental. The operator shall be solidarily responsible
477 with the owner for ensuring full compliance with the posting requirements set forth in
478 section 26-618(a)(5).

479 (6) Health and safety. The operator shall be solidarily responsible with the owner for
480 ensuring full compliance with each of the health and safety requirements set forth in
481 section 26-618(a)(6)a. through g.

482 (7) Short-term rental guest use limitations. The operator shall be solidarily responsible with
483 the owner for ensuring that no dwelling unit associated with a short-term rental owner
484 permit be used as a reception facility, or any other commercial use as set forth in section
485 26-618(a)(7).

486 (8) Criminal activity. The operator shall be solidarily responsible with the owner for
487 reporting any known or suspected criminal activity by a short-term rental guest to the
488 New Orleans Police Department as set forth in section 26-618(a)(8).

489 (9) Reasonable inspections. The operator shall be solidarily responsible with the owner for
490 facilitating inspections required by section 26-618(a)(9).

491 (10) Compliance with other laws. The operator shall ensure that any short-term rental fully
492 complies with this article, the Comprehensive Zoning Ordinance, and all other
493 applicable laws.

494 (b) *Prohibited acts.* The following acts shall be prohibited and may be grounds for suspension or
495 revocation of a short-term rental operator permit, or any other remedy authorized by the
496 article. Each instance of a prohibited act may be cited separately in any enforcement action.

497 (1) Advertising an illegal short-term rental.

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

500 (3) Exceeding in any advertisement, the legally available guest bedroom limitation set forth
501 in the Comprehensive Zoning Ordinance.

- (4) Exceeding in any advertisement, the legally available guest occupancy limitations set forth in the Comprehensive Zoning Ordinance.
- (5) Exceeding the dwelling-unit-per-lot-of-record limitation set forth in the Comprehensive Zoning Ordinance.
- (6) Exceeding the guest bedroom limitation set forth in the Comprehensive Zoning Ordinance.
- (7) Exceeding the guest occupancy limitations set forth in the Comprehensive Zoning Ordinance.
- (8) No dwelling unit associated with a short-term rental owner permit may be used as a reception facility, or any other commercial use defined by the Comprehensive Zoning Ordinance. No special event permit shall be obtained for an event occurring at a dwelling unit during any period of guest occupancy.
- (9) Rental of the dwelling unit by the hour or for a period less than one night.
- (10) Rental of a single dwelling unit to more than one party of guests at one time.
- (11) Short-term rental use that generates (i) excessive loud noise, (ii) offensive odors, (iii) public drunkenness, (iv), unlawful loitering, (v) litter, (vi) lewd conduct by guests or (vii) any effect that otherwise unreasonably interferes with neighbors' quiet enjoyment of their properties. For purposes of this paragraph, excessive loud noise means any noise, generated from within the dwelling unit or having a nexus to the dwelling unit that is louder than a conversational level, or any music that is plainly audible from the property line of the lot containing the dwelling unit, between the hours of 10:00 p.m. and 8:00 a.m. Each instance and type of unreasonable interference shall constitute a separate violation of this section and may be cited separately in any enforcement action.

(12) Short-term rental use that places loads on structural elements or components of buildings, including, but not limited to, porches, balconies, and roof decks, in excess of the minimum design loads required by the Building Code.

(13) Violations of the submitted noise abatement plan, security and operation plan, or the sanitation plan.

(14) Discriminating against any guest, or potential guest, because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income.

(15) Failure to reside on the premises as required by law.

(16) Failure of the operator to be available as required by law.

(17) Failure to show the operator's license card on request.

(18) Advertising more than one dwelling unit for short-term rental in a single advertisement or listing.

(19) Failure to comply with any other legal duty imposed by this article, correlating provisions in the Comprehensive Zoning Ordinance, or any other applicable law.

(c) The licensed operator is personally responsible for fulfilling these duties and may not delegate them to any other person or entity.

DIVISION 4. - SHORT-TERM RENTAL PLATFORM PERMIT

* * *

Sec. 26-623. - Platform safe harbor.

Platforms shall be deemed in compliance with the legal duties set forth in section 26-622(a)(1)

if:

- (a) The platform requires any person who lists a dwelling unit located in Orleans Parish for a short-term rental to provide the short-term rental owner permit number and the short-term rental operator permit number associated with the dwelling unit at the time of the listing;
- (b) The platform does not permit the listing of a dwelling unit located in Orleans Parish for a short-term rental if the required owner and operator permit information is omitted, appears blank, or is in a format not approved by the department, ensuring that the city may assess whether the dwelling unit possesses the appropriate permits and is otherwise operating in accordance with law;
- (c) The platform removes any improper listings within seven days of the department providing written notification of an unpermitted or unauthorized short-term rental; and
- (d) The platform requires that any person who lists any type of transient lodging not registered as a short-term rental for rental for less than 30 days, including but not limited to bed and breakfasts or hotels, provide an identification number issued to them by the department associated with the transient lodging business at the time of the listing.
- (e) The platform submits to the department, every month, a report, in a form approved by the department, that contains the following information about each of the short-term rentals listed through platform during the applicable reporting period:
- (1) The total number of short-term rentals listed on the platform during the applicable reporting period.
 - (2) The permit number of each short-term rental listed on the platform during the applicable reporting period.

- (3) The address, including the unit number if applicable, of each short-term rental listed on the platform during the applicable reporting period.
- (4) The Universal Resource Locator (URL) links of each short-term rental listed on the platform.
- (5) Whether the short-term rental is for an entire or partial unit.
- (6) The exact number of nights that each short-term rental listed on the platform was rented to guests during the applicable reporting period.
- (7) The amount of rent paid by guests in connection with the rental of each short-term rental listed on the platform during the applicable reporting period.
- (8) The total amount of taxes and fees paid by the platform to the city under Sec. 26-622.1 in connection with the rental of each short-term rental listed on the platform during the applicable reporting period.
- (9) A cumulative tally to date of the number of nights that each short-term rental listed on the platform is booked for rental during the remaining months of the applicable calendar year.

A permitted platform that avails itself of this safe harbor does not warrant the accuracy of user-submitted permit data, and shall not be legally responsible for any incorrect information submitted by an owner or operator.

DIVISION 5. - DEPARTMENT OF SAFETY AND PERMIT'S SHORT-TERM RENTAL RESPONSIBILITIES AND POWERS

Sec. 26-624. - Departmental authority.

- (a) *Receive short-term rental applications.* The department shall receive and process all short-term rental permit applications and determine applicant eligibility.

(b) *Issue eligible short-term rental permits.* The department shall issue permits only to eligible applicants, as determined by the department.

(c) *Inspections.*

(1) The director of the department or a duly authorized representative shall have the power to inspect any short-term rental to determine compliance with this article.

(2) Inspection may occur at any reasonable time, upon the production of proper identification by a representative of the department, whenever the director of the department has a reasonable belief that a dwelling unit or a short-term rental is in violation of any of the provisions of this article, the Comprehensive Zoning Ordinance, or the Building Code as provided in City Code Sec. 26-14 et seq.

(3) Prior to any inspection of an occupied dwelling unit, the department shall present credentials to the owner, operator, or guest and request entry. If the short-term rental is unoccupied, the department shall attempt to locate the owner or operator and request entry. If the department does not obtain timely consent to enter a dwelling unit, it may attempt to secure entry as provided in subsection (4), below.

(4) Warrant for inspection. If the owner or operator of the short-term rental refuses within 72 hours of department's request, admittance to the director of the department or his/her duly authorized representative for the purpose of making an inspection or examination of the premises, the director or his representative may present an affidavit to any judge of the municipal court stating that he has cause to believe that an inspection of the designated premises will reveal designated violations of this article.

613 a. The affidavit alleging probable cause shall identify the factual basis for the belief
614 that the short-term rental is not in compliance with this article, or correlating
615 provisions in the Comprehensive Zoning Ordinance.

616 b. Upon receiving the affidavit, the judge may issue a warrant authorizing the director
617 or his representative to search the premises. The scope of the search authorized by
618 the warrant shall be limited to a search for those designated, alleged violations.

619 (5) An owner may avoid an inspection authorized by this section by voluntarily forfeiting
620 his or her short-term rental owner's permit, in which case the permit shall be deemed
621 revoked. Nothing herein shall limit the authority of a law enforcement body to secure a
622 search warrant in connection with criminal activity at a dwelling unit unrelated to
623 compliance with this article or the authority of the department to conduct lawful
624 inspections of a dwelling unit unrelated to compliance with this article.

625 (d) *Rescission of permits.* The department is authorized to cancel and rescind a permit issued
626 under this article whenever a permit so issued is in error, was issued on the basis of inaccurate
627 or misleading information, or contravenes this article or the Comprehensive Zoning
628 Ordinance.

629 (e) *Suspension of permits where life safety issues are present.* The department may suspend a
630 short-term rental owner permit issued under this article whenever the property it corresponds
631 to is the subject of a violation of building code that may endanger the life or safety of persons
632 on the property. This suspension shall end automatically when the Director or their designee
633 determines that the violation has been abated.

634 (f) *Identification of non-short-term rental transient lodging offered on Platforms.* The
635 department shall issue, at no charge to businesses, an identification number to any transient

lodging business in good standing that uses a platform to facilitate booking transactions. To obtain this identification number, the transient lodging business must provide the department with the following information:

- (1) The name of the business;
- (2) The business address; and
- (3) The business's occupational license.

(g) *Enforcement.*

(1) The department shall prioritize the enforcement and adjudication of violations of Sec. 26-618(b)(1) – (7) and (17) and Sec. 26-620(b)(1) – (7), (15) and (17) and take all available steps to adjudicate said violations immediately upon receiving evidence of the violation from a platform or otherwise.

(2) The department shall not be responsible for the enforcement of correlating taxation provisions dictated by Chapter 150 of the Code of the City of New Orleans.

(h) *Records.* The department shall maintain a registry of all permit types and correlating permit numbers issued to owners, operators, and platforms pursuant to this article.

(i) *Rules and Regulations.* The department may issue rules and regulations related to the issuance of short-term rental licenses and enforcement of short-term rental laws.

(j) *Dashboard.* The department shall establish a public facing dashboard listing all short-term rental applications; owner and operator permits with photo ID cards; the addresses of properties the department has delisted from any platform, if available; and all addresses with open, pending, and adjudicated violations. The dashboard shall further indicate the number of adjudications per week and the dispensation of any adjudicated violation. In addition, the

dashboard shall list all lots subject to the five-year permit revocation contained in Section 26-628(f). The public facing dashboard shall be updated on weekly basis.

Sec. 26-625. - Permit issuance and renewal—Departmental determination.

(a) The department shall issue a permit to any applicant who meets all of the requirements set forth in this Article, as applicable; however, notwithstanding the foregoing, the department shall not issue or renew a permit for any applicant if any of the following conditions exist:

(1) There is a judgment from the City related to the subject property or against the applicant which has not been fully satisfied;

(2) There are unpaid taxes, fees, fines or penalties levied by the City against the property, property owner(s), or the applicant;

(3) The applicant is a juridical entity that is not in good standing with the State of Louisiana;

(4) There are open permits for new construction, structural or non-structural renovation, and/or electrical or mechanical work on the subject property; and/or

(5) There are open violations on the subject property related to any of the following:

a. Electrical or mechanical code violations;

b. Work without permits; or

c. The provisions of this Article.

(6) The applicant had a short-term rental permit that was revoked or suspended for a term that has not yet expired.

(b) The issuance or renewal of a permit under this article shall not be deemed to warrant, on behalf of the city, that the owner, operator, or platform is in compliance with law or that a dwelling unit is fit for occupancy. This article shall not create any right of action against the city by a guest or any third-party.

DIVISION 6. – ENFORCEMENT

* * *

Sec. 26-628. - General suspension and revocation procedures.

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

(b) If a permit is revoked, the permittee may not reapply for a permit for a period of five years from the date of revocation.

(c) The decision to suspend or revoke a permit shall be at the discretion of the hearing officer based on the severity of the violation and any other mitigating or aggravating circumstances surrounding the violation.

(d) Without limiting the situations in which the hearing officer might deem revocation appropriate, revocation shall be mandatory in the following circumstances:

(1) A short-term rental owner permit shall be revoked if the hearing officer determines by a preponderance of the evidence that:

i. The owner violated section 26-618(a)(3).

ii. The owner violated section 26-618(a)(4).

iii. The owner violated section 26-618(a)(7).

iv. The owner violated section 26-618(a)(8).

v. The owner violated section 26-618(b)(1).

vi. The owner violated section 26-618(b)(2).

vii. The owner violated section 26-618(b)(3).

viii. The owner violated section 26-618(b)(4).

ix. The owner violated section 26-618(b)(5).

- 704 x. The owner violated section 26-618(b)(6)
- 705 xi. The owner violated section 26-618(b)(7)
- 706 xii. The owner violated section 26-618(b)(8)
- 707 xiii The owner violated section 26-618(b)(14)
- 708 xiv. The owner violated section 26-618(b)(17)
- 709 xv. The owner made false, misleading or fraudulent statement(s) in the permit
- 710 application, subterfuge for the purpose of evading any requirement of this
- 711 Article.
- 712 xvi. Any three separate violations of any of the following sections have occurred
- 713 during a twelve-month period:
- 714 (a) 26-618(a)(1)
- 715 (b) 26-618(a)(2)
- 716 (c) 26-618(a)(5)
- 717 (d) 26-618(a)(6)
- 718 (e) 26-618(a)(9)
- 719 (f) 26-618(a)(10)
- 720 (g) 26-618(a)(11)
- 721 (h) 26-618(a)(12)
- 722 (i) 26-618(b)(9)
- 723 (j) 26-618(b)(10)
- 724 (k) 26-618(b)(11)
- 725 (l) 26-618(b)(12)
- 726 (m) 26-618(b)(13)

727 (n) 26-618(b)(15)

728 (o) 26-618(b)(16)

729 (2) A short-term rental operator permit shall be revoked if the hearing officer determines by
730 a preponderance of the evidence that:

731 i. The operator violated section 26-620(a)(3).

732 ii. The operator violated section 26-620(a)(4).

733 iii. The operator violated section 26-620(a)(7).

734 iv. The operator violated section 26-620(a)(8).

735 v. The operator violated section 26-618(b)(1).

736 vi. The operator violated section 26-618(b)(2).

737 vii. The operator violated section 26-618(b)(3).

738 viii. The operator violated section 26-618(b)(4).

739 ix. The operator violated section 26-618(b)(5).

740 x. The operator violated section 26-618(b)(6).

741 xi. The operator violated section 26-618(b)(7).

742 xii. The operator violated section 26-620(b)(8).

743 xiii. The operator violated section 26-620(b)(14).

744 xiv. The operator violated section 26-620(b)(15).

745 xv. The operator violated section 26-620(b)(18).

746 xvi. The operator made false, misleading or fraudulent statement(s) in the permit
747 application, or misrepresented material facts in the permit application, or used
748 any scheme or subterfuge for the purpose of evading any requirement of this
749 Article.

750 xvii. Any three separate violations of any of the following sections have occurred
751 during a twelve-month period:

- 752 (a) 26-620(a)(1)
- 753 (b) 26-620(a)(2)
- 754 (c) 26-620(a)(5)
- 755 (d) 26-620(a)(6)
- 756 (e) 26-620(a)(9)
- 757 (f) 26-620(a)(10)
- 758 (g) 26-620(b)(9)
- 759 (h) 26-620(b)(10)
- 760 (i) 26-620(b)(11)
- 761 (j) 26-620(b)(12)
- 762 (k) 26-620(b)(13)
- 763 (l) 26-620(b)(16)
- 764 (m) 26-620(b)(17)
- 765 (n) 26-620(b)(19)

766 (e) An appeal with respect to the revocation of any short-term rental permit must be executed
767 within 30 days of the issuance of the order of revocation.

768 (f) When an owner or operator permit is revoked under Sec. 26-628(d)(1) or Sec. 26-628(d)(2),
769 a hearing officer shall order that a property be prohibited from operating as a short-term rental
770 for a period of five years. This order, once recorded, shall constitute a charge on the
771 immovable property that shall be effective against third parties and shall prohibit all current

and future owners from obtaining a short-term rental owner's permit on the property for the period of five years from the date of the order.

Sec. 26-629. – Penalties.

(a) Any person who violates this article or the Comprehensive Zoning Ordinance shall be subject to a fine of not less than \$500.00 for each offense. Each day that such violation exists shall constitute a separate and distinct offense. Multiple violations may relate to the same guest stay, day, action, situation, or event, and may be noticed and heard in a single administrative hearing.

(b) In addition to any fine or penalty imposed by this article, the city may seek all available relief in a court of competent jurisdiction to enjoin any violation.

(c) The city may seek any remedy to compel compliance with the requirements of this article or any correlating provision in the Comprehensive Zoning Ordinance, including the discontinuance of electrical service and the filing of property liens.

(d) The city may revoke or suspend any and all permits required by this article, as provided herein. If a permit issued pursuant to this article is revoked, such revocation shall remain in effect for a period of five years from the date of revocation. The duration of suspensions shall be as dictated by the hearing officer's order."

SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Section 26-630 of the Code of City of New Orleans be ordained to read as follows:

"Sec. 26-630. - Private Right of Action

(a) Any owner or lawful occupant of property within 300 feet of the lot line of any property operating as a short-term rental in violation of this Article, in addition to any person who

7 otherwise satisfies the jurisprudential requirements for legal standing to assert a claim, shall
8 have a private right of action against the owner or operator of the short-term rental to enjoin
9 violations of this Article.

10 (b) The requirements of this Article constitute rules of public order, violations of which may be
11 preliminarily enjoined without the demonstration of irreparable injury.

12 (c) Any person who successfully obtains injunctive relief by prosecuting a private action
13 authorized by subsection (a) shall be entitled to reasonable attorney's fee incurred in
14 prosecuting the action.

15 (d) The private right of action created by this section shall be in addition to, and not in lieu of,
16 any other legal rights to seek damages or pursue injunctive or other relief against short-term
17 rental owners and operators for nuisances or other violations of this Article or other laws.”

1 **SECTION 3. THE COUNCIL OF THE CITY OF NEW ORLEANS FURTHER**
2 **ORDAINS**, That the provisions of this Ordinance shall become effective July 1, 2023.

3 **SECTION 4. THE COUNCIL OF THE CITY OF NEW ORLEANS FURTHER**
4 **ORDAINS**, That upon the effectiveness of this Ordinance, existing Sections 26-630, 26-631, 26-
5 632, 26-633, 26-634, 26-635, 26-636, 26-637, and 26-638 in Article XII of Chapter 26 of the Code
6 are hereby renumbered as Sections 26-640, 26-641, 26-642, 26-643, 26-644, 26-645, 26-646, 26-
7 647, and 26-648, respectively.

8 **SECTION 4. THE COUNCIL OF THE CITY OF NEW ORLEANS FURTHER**
9 **ORDAINS**, That should any section, paragraph, sentence, clause, phrase or word of this Ordinance
10 be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
11 unconstitutionality shall not affect any of the remaining word, phrases, clauses, sentences,
12 paragraphs or sections of this Ordinance, as they would have been enacted by the Council without

- 13 the incorporation of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph
14 or section.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS MARCH 23, 2023

**JP MORRELL
PRESIDENT OF THE COUNCIL**

DELIVERED TO THE MAYOR ON MARCH 27, 2023

APPROVED:

DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON MARCH 31, 2023 AT 3:25 P.M.

**LORA W. JOHNSON
CLERK OF COUNCIL**

ROLL CALL VOTE:

YEAS: Giarrusso, Green, Harris, King, Moreno, Morrell - 6

NAYS: Thomas - 1

ABSENT: 0

RECUSED: 0

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
CLERK OF COUNCIL

THIS ORDINANCE WAS RETURNED BY THE MAYOR ON MARCH 31, 2023 AT 3:25 P.M. AND THE SAME WAS NEITHER APPROVED NOR DISAPPROVED BY THE MAYOR. THEREFORE, SAID ORDINANCE BECAME LAW ON APRIL 2, 2023 AT 12:00 NOON AS REQUIRED BY LAW.

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ORDINANCE
(AS AMENDED)
CITY OF NEW ORLEANS

CITY HALL: March 2, 2023

CALENDAR NO. 34,083

NO. 29382 MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS HARRIS AND GIARRUSSO

AN ORDINANCE to amend and reordain Articles 8, 9, 10, 11, 12, 13, 14, 15, 17, 20, 21, 22, and 26 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), to modify the Residential Short Term Rentals regulations to bring them into compliance with the decision by the United States Court of Appeals for the Fifth Circuit, which determined the homestead exemption requirement to be unconstitutional; and otherwise to provide with respect thereto.

WHEREAS, **Zoning Docket Number 2/23** was initiated by City Council Motion M-22-485 and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended modified approval of a text amendment in its report to the City Council dated January 30, 2023, presented in **Zoning Docket Number 2/23**; and

WHEREAS, the recommendation of the City Planning Commission was upheld and the changes were deemed necessary and in the best interest of the City of New Orleans and were granted approval, as stated in Motion Number M-23-84 of the Council of the City of New Orleans on March 2, 2023.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

2 **ORDAINS**, That Article 8 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S.,

as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

“ARTICLE 8. RURAL DEVELOPMENT DISTRICTS

* * *

8.2 USES

* * *

Table 8-1: Permitted and Conditional Uses

Use¹	Districts		Use Standards
	R-RE	M-MU	
RESIDENTIAL USE			
Artist Community	P	P	Section 20.3.F
Bed and Breakfast, Accessory	<u>C</u>	<u>C</u>	Section 20.3.I
Bed and Breakfast, Principal		<u>C</u>	Section 20.3.I
Boathouse		P	
Day Care Home, Adult - Small	C	C	Section 20.3.T
Dwelling, Single-Family	P	P	
Group Home, Small	P	P	Section 20.3.GG
Home Based Child Care, Small	P	P	Section 20.3.T
Home Based Child Care, Large	P	P	Section 20.3.T
COMMERCIAL USE			
* * *			

* * *

SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Article 9 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

“ARTICLE 9. HISTORIC CORE NEIGHBORHOODS RESIDENTIAL DISTRICTS

* * *

9.2 USES

* * *

Table 9-1: Permitted and Conditional Uses						
Use¹	District					Use Standard
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3	
RESIDENTIAL USE						
Bed and Breakfast, Accessory			<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.1
Bed and Breakfast, Principal			C	C	C	Section 20.3.1
Day Care Home, Adult – Small	P	P	P	P	P	Section 20.3.T
Day Care Home, Adult - Large	C	C	C	C	C	Section 20.3.T
Dwelling, Established Multi-Family					P, C⁴	Section 20.3.W
Dwelling, Single-Family	P	P	P	P	P	
Dwelling, Two-Family	P	P	P	P	P	Section 20.3.Y
Dwelling, Multi-Family	P	P	P	P		
Dwelling, Multi-Family – Limited to 4 Units Maximum					C	
Dwelling, Small Multi-Family Affordable					P	Section 20.3.SSS
Group Home, Small	P	P	P	P	P	Section 20.3.GG
Group Home, Large	P	P	P	P	P	Section 20.3.GG
Home Based Child Care, Small	P	P	P	P	P	Section 20.3.T
Home Based Child Care, Large	P	P	P	P	P	Section 20.3.T
Group Home, Congregate	C	C	C	C	C	Section 20.3.GG
Permanent Supportive Housing	P	P	P	P	C³	Section 20.3.PP
Residential Care Facility	P	P	P	P	P	Section 20.3.YY
Day Care Home, Adult – Small	P	P	P	P	P	Section 20.3.T
COMMERCIAL USE						
* * *						

* * *

SECTION 3. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Article 10 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

“ARTICLE 10. HISTORIC CORE NEIGHBORHOODS NON-RESIDENTIAL

DISTRICTS

* * *

10.2 USES

* * *

Table 10-1: Permitted and Conditional Uses

Use¹	District										Use Standard
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU	
RESIDENTIAL USE											
Bed and Breakfast, Accessory			<u>C</u>					<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Bed and Breakfast, Principal			<u>C</u>					<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Day Care Home, Adult – Small	P	P			P	P		P	P	P	Section 20.3.T
Day Care Home, Adult – Large	C	C			C	C		C	C	C	Section 20.3.T
Dwelling, Above the Ground Floor	P	P	P	P	P	P		P	P	P	
Dwelling, Single-Family	P	P			P	P		P	P	P	
Dwelling, Two-Family	P	P			P	P		P	P	P	Section 20.3.Y
Dwelling, Multi-Family	P	P			P	P		P	P	P	
Dwelling, Small Multi-Family Affordable								P	P	P	Section 20.3.SSS
Group Home, Small	P	P			P	P		P	P	P	Section 20.3.GG
Group Home, Large	P	P			P	P		P	P	P	Section 20.3.GG
Group Home, Congregate	C	C			C	C		P	P	P	Section 20.3.GG

Home Based Child Care, Small	P	P			P	P		P	P	P	Section 20.3.T
Home Based Child Care, Large	C	C			P	P		P	P	P	Section 20.3.T
Permanent Supportive Housing	P	P			P	P		P	P	P	Section 20.3. PP
Residential Care Facility	P	P			P	P		P	P	P	Section 20.3. YY
COMMERCIAL USE											
* * *											

* * *

SECTION 4. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Article 11 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

“ARTICLE 11. HISTORIC URBAN NEIGHBORHOOD RESIDENTIAL DISTRICTS

* * *

11.2 USES

* * *

Table 11-1: Permitted and Conditional Uses						
Use ¹	District					Use Standards
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2	
RESIDENTIAL USE						
Artist Community		C			P	Section 20.3.F
Bed and Breakfast, Accessory	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Bed and Breakfast, Principal				C	C	Section 20.3.I
Day Care Home, Adult – Small	C	P	P	P	P	Section 20.3.T
Day Care Home, Adult – Large				C	C	Section 20.3.T
Dwelling, Established Two-Family	P					Section 20.3.W
Dwelling, Single-Family	P	P	P	P	P	
Dwelling, Two-Family		P	P	P	P	Section 20.3.Y
Dwelling, Townhouse			C	P	P	Section 20.3.X
Dwelling, Multi-Family				P	P	
Dwelling, Established Multi-Family	P,C ⁴	P,C ⁴	P,C ⁴			Section 20.3.W
Dwelling, Small Multi-Family Affordable		P	P	P	P	Section 20.3.SSS
Group Home, Small	P	P	P	P	P	Section 20.3.GG

Group Home, Large				P	P	Section 20.3.GG
Group Home, Congregate				C	C	Section 20.3.GG
Home Based Child Care, Small	P	P	P	P	P	Section 20.3.T
Home Based Child Care, Large	C	C	C	P	P	Section 20.3.T
Permanent Supportive Housing				P	P	Section 20.3.PP
Residential Care Facility		P	P	P	P	Section 20.3.YY
COMMERCIAL USE						
* * *						

* * *

SECTION 5. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Article 12 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

“ARTICLE 12. HISTORIC URBAN NEIGHBORHOODS NON-RESIDENTIAL DISTRICTS

* * *

12.2 USES

* * *

Table 12-1: Permitted and Conditional Uses				
Use ¹	District			Use Standards
	HU-B1A	HU-B1	HU-MU	
RESIDENTIAL USE				
Bed and Breakfast, Accessory	<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Bed and Breakfast, Principal	<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Day Care Home, Adult – Small	P	P	P	Section 20.3.T
Day Care Home, Adult – Large		P	P	Section 20.3.T
Dwelling, Above the Ground Floor	P	P	P	
Dwelling, Single-Family	P	P	P	
Dwelling, Two-Family	P	P	P	Section 20.3.Y
Dwelling, Townhouse			P	Section 20.3.X
Dwelling, Multi-Family			P	
Dwelling, Established Multi-Family	P,C ⁸	P ⁹		Section 20.3.W
Dwelling, Multi-Family - Limited to 4 Units Maximum	P	P		
Dwelling, Small Multi-Family Affordable	P	P	P	Section 20.3.SSS
Group Home, Small	P	P	P	Section 20.3.GG
Group Home, Large	p ²	p ²	P	Section 20.3.GG
Group Home, Congregate			C	Section 20.3.GG

Home Based Child Care, Small	P	P	P	Section 20.3.T
Home Based Child Care, Large	P	P	P	Section 20.3.T
Permanent Supportive Housing	P ²	P ²	P	Section 20.3.PP
Residential Care Facility	P	P	P	Section 20.3.YY
COMMERCIAL USE				
* * *				

* * *

SECTION 6. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY

ORDAINS, That Article 13 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

“ARTICLE 13. SUBURBAN NEIGHBORHOODS RESIDENTIAL DISTRICTS

* * *

13.2 USES

* * *

Table 13-1: Permitted and Conditional Uses

Use¹	District				Use Standards
	S-RS	S-RD	S-RM1	S-RM2	
RESIDENTIAL USE					
Artist Community			P	P	Section 20.3.F
Bed and Breakfast, Accessory	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	Section 20.3.I
Day Care Home, Adult – Small		P	P	P	Section 20.3.T
Day Care Home, Adult – Large			C	C	Section 20.3.T
Dwelling, Established Two-Family	P				Section 20.3.W
Dwelling, Single-Family	P	P	P	P	
Dwelling, Two-Family		P	P	P	Section 20.3.Y
Dwelling, Townhouse		C	P	P	
Dwelling, Multi-Family			P	P	
Dwelling, Small Multi-Family Affordable		P	P	P	Section 20.3.SSS
Group Home, Small	P	P	P	P	Section 20.3.GG
Group Home, Large			P	P	Section 20.3.GG
Group Home, Congregate			C	C	Section 20.3.GG
Home Based Child Care Center, Small	P	P	P	P	Section 20.3.T

Home Based Child Care Center, Large	C	C	C	C	Section 20.3.T
Permanent Supportive Housing			P	P	Section 20.3.PP
Residential Care Facility		P	P	P	Section 20.3.YY
COMMERCIAL USE					
* * *					

Table 13-1: Permitted and Conditional Uses								
Use ¹	District							Use Standards
	S-LRS1	S-LRS2	S-LRS3	S-LDR1	S-LDR2	S-LRM1	S-LRM2	
RESIDENTIAL USE								
Bed and Breakfast, Accessory	C				C	C	C	Section 20.3.I
Day Care Home, Adult – Small	P	P	P	P	P	P	P	Section 20.3.T
Day Care Home, Adult - Large						C	C	Section 20.3.T
Dwelling, Established Two-Family	P,C ⁴							Section 20.3.W
Dwelling, Established Multi-Family	P,C ⁴							Section 20.3.W
Dwelling, Single-Family	P	P	P	P	P	P	P	
Dwelling, Two-Family				P	P	P	P	
Dwelling, Townhouse					C	P	P	
Dwelling, Multi-Family						P	P	
Dwelling, Small Multi-Family Affordable				P	P	P	P	Section 20.3.SSS
Group Home, Small	P	P	P	P	P	P	P	Section 20.3.GG
Group Home, Large						P	P	Section 20.3.GG
Group Home, Congregate						C	C	Section 20.3.GG

Home Based Child Care, Small	P	P	P	P	P	P	P	Section 20.3.T
Home Based Child Care, Large	C	C	C	C	C	P	P	Section 20.3.T
Permanent Supportive Housing						P	P	Section 20.3.PP
Residential Care Facility				P	P	P	P	Section 20.3.YY
COMMERCIAL USE								
* * *								

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SECTION 7. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Article 14 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

“ARTICLE 14. SUBURBAN NEIGHBORHOODS NON-RESIDENTIAL DISTRICTS

* * *

14.2 USES

* * *

Table 14-1: Permitted and Conditional Uses							
Use¹	District						Use Standards
	S-B1⁵	S-B2⁶	S-LB1⁵&⁷	S-LB2⁵&⁸	S-LC⁹	S-MU	
RESIDENTIAL USE							
Artist Community						P	Section 20.3.F
Bed and Breakfast, Accessory			<u>C</u>	<u>C</u>	<u>C</u>	C	Section 20.3.I
Bed and Breakfast, Principal			<u>C</u>	<u>C</u>	<u>C</u>		Section 20.3.I
Day Care Home, Adult – Small			P	P	P	P	Section 20.3.T
Day Care Home, Adult – Large			C	C	C	C	Section 20.3.T

Dwelling, Above the Ground Floor	C	C	P	P	P	P	
Dwelling, Established Two-Family						P,C ^d	Section 20.3.W
Dwelling, Single-Family			P	P	P	P	
Dwelling, Two-Family			P	P	P	P	Section 20.3.Y
Dwelling, Townhouse						P	
Dwelling, Multi-Family				C	P	P	
Dwelling, Small Multi-Family Affordable					P	P	Section 20.3.SSS
Group Home, Small			P	P	P	P	Section 20.3.GG
Group Home, Large				C	P	P	Section 20.3.GG
Group Home, Congregate					C	C	Section 20.3.GG
Home Based Child Care, Small			P	P	P	P	Section 20.3.T
Home Based Child Care, Large			C	C	C	C	Section 20.3.T
Permanent Supportive Housing		C		C	P	P	Section 20.3.PP
Residential Care Facility	C	C	P	P	P	P	Section 20.3.YY
Timeshare					P		
COMMERCIAL USE							
* * *							

* * *

SECTION 8. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Article 15 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

“ARTICLE 15. COMMERCIAL CENTER & INSTITUTIONAL CAMPUS DISTRICTS

* * *

15.2 USES

Table 15-1: Permitted and Conditional Uses

Use ¹	District									Use Standards
	C-1	C-2	C-3	MU-1	MU-2	EC-3 ³	MC	MS	LS	
RESIDENTIAL USE										
Bed and Breakfast, Accessory				<u>C</u>	<u>C</u>	<u>C</u>				Section 20.3.I
Bed and Breakfast, Principal				<u>C</u>	<u>C</u>					Section 20.3.I
Day Care Home, Adult – Small				P	P					Section 20.3.T
Day Care Home, Adult - Large				P	P					Section 20.3.T
Dormitory						P	P	P	P	
Dwelling, Above the Ground Floor	C	C	C	P	P				P	
Dwelling, Single-Family				P	P	P				
Dwelling, Two-Family				P	P	P				Section 20.3.Y
Dwelling, Townhouse				P	P					Section 20.3.X
Dwelling, Multi-Family				P	P	P	P		P	
Dwelling, Small Multi-Family Affordable				P	P					Section 20.3.SSS
Dwelling, Existing Single-Family	P	P	P					P		
Dwelling, Established Two-Family	P/C ⁷	P/C ⁷	P/C ⁷					P		Section 20.3.W
Dwelling, Established Multi-Family	P/C ⁷	P/C ⁷	P/C ⁷					P		Section 20.3.W
Fraternity/Sorority						P				Section 20.3.DD
Group Home, Small				P	P		P			Section 20.3.GG
Group Home, Large				P	P		P		P	Section 20.3.GG
Group Home, Congregate				C	C		P			Section 20.3.GG
Home Based Child Care, Small				P	P					Section 20.3.T
Home Based Child Care, Large				P	P					Section 20.3.T
Permanent Supportive Housing				P	P	P	P		P	Section 20.3.PP
Residential Care Facility	P	P		P	P		P	P	P	Section 20.3.YY
Timeshare		C		C			C	C	C	
COMMERCIAL USE										

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SECTION 9. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY

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ORDAINS, That Article 17 of the Comprehensive Zoning Ordinance (Ordinance No. 4264

3

M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is

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hereby amended and reordained to read as follows:

5

“ARTICLE 17. CENTRAL BUSINESS DISTRICTS

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* * *

17.2 USES

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* * *

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Table 17-1: Permitted and Conditional Uses

Use ¹	District							Use Standards
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7	
RESIDENTIAL USE								
Bed and Breakfast, Accessory	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>		Section 20.3.I
Bed and Breakfast, Principal	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>		Section 20.3.I
Home Based Child Care, Small					P	P	P	Section 20.3.T
Home Based Child Care, Large					P	P	P	Section 20.3.T
Dormitory	P	P					P	
Dwelling, Above the Ground Floor	P	P	P		P	P	P	
Dwelling, Single-Family					P	P		
Dwelling, Two-Family					P	P		Section 20.3.Y
Dwelling, Townhouse					P	P		
Dwelling, Multi-Family	P	P	P	P	P	P	P	
Group Home, Small	P	P	P		P	P	P	Section 0.3.GG
Group Home, Large	P	P	P		P	P	P	Section 0.3.GG
Group Home, Congregate	P	P	P		P	P	P	Section 0.3.GG
Permanent Supportive Housing	P	P	P		P	P	P	Section 0.3.PP
Residential Care Facility	P	P	P		P	P	P	Section 0.3.YY
Timeshare	P	P	P	P			P	

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COMMERCIAL USE

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SECTION 10. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY

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ORDAINS, That Article 20 of the Comprehensive Zoning Ordinance (Ordinance No. 4264

3

M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is

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hereby amended and reordained to read as follows:

5

“ARTICLE 20. USE STANDARDS

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* * *

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20.3 USE STANDARDS

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20.3.I BED AND BREAKFAST

10

In addition to the regulations below, all bed and breakfasts shall comply with the regulations of

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the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.

12

20.3.I.1 BED AND BREAKFAST ACCESSORY STANDARDS

13

a. Proof of operator occupancy shall be established by submission of at least three (3)

14

pieces of proof of residence to the Department of Safety and Permits.

15

b. The bed and breakfast shall appear outwardly to be a single-family dwelling, giving no

16

appearance of a business use other than a permitted sign.

17

c. The bed and breakfast may have one (1) attached projecting sign not to exceed four (4)

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square feet in area. The sign shall complement the architecture of the structure.

19

d. The bed and breakfast is limited to a maximum of five (5) units for overnight

20

accommodation.

- e. Cooking facilities are prohibited in individual guest rooms.
- f. If meals are provided, only registered guests may be served.
- g. Leasing of a common dining area for social events is prohibited.
- h. In residential districts and HU-B1A Neighborhood Business District, HU-B1 Neighborhood Business District, HU-MU Neighborhood Mixed-Use District, S-LM Lake Area Marina District, MU-1 Medium Intensity Mixed-Use District, and MU-2 High Intensity Mixed-Use District, only one (1) Accessory Bed and Breakfast, one (1) Principal Bed and Breakfast, or one (1) Non-Commercial Short Term Rental is permitted within each city block, inclusive of all lots fronting any exterior boundary of said block and all interior lots not fronting the public right of way, may be permitted for use as a non-commercial short term rental..

20.3.I.2 BED AND BREAKFAST PRINCIPAL STANDARDS

- a. Proof of operator occupancy shall be established by submission of at least three (3) pieces of proof of residence to the Department of Safety and Permits.
- b. All signs shall comply with applicable sign regulations for the zoning district.
- c. The bed and breakfast is limited to a maximum of nine (9) units for overnight accommodation.
- d. Cooking facilities are prohibited in individual guest rooms.
- e. If the zoning district allows restaurants, meals may be served to guests other than those registered with the bed and breakfast, provided the facility meets all other applicable city and state codes for food service.

f. Leasing of common areas for social events shall be allowed, provided the facility meets all applicable off-street parking requirements and complies with the noise ordinance and all other provisions of the City Code.

g. In residential districts and HU-B1A Neighborhood Business District, HU-B1 Neighborhood Business District, HU-MU Neighborhood Mixed-Use District, S-LM Lake Area Marina District, MU-1 Medium Intensity Mixed-Use District, and MU-2 High Intensity Mixed-Use District, only one (1) Accessory Bed and Breakfast, one (1) Principal Bed and Breakfast, or one (1) Non-Commercial Short Term Rental is permitted within each city block, inclusive of all lots fronting any exterior boundary of said block and all interior lots not fronting the public right of way.

* * *

20.3.LLL.1 Short Term Rentals General Standards

* * *

b. All short term rentals shall require a permit. The permit shall be prominently displayed on the front facade of the property at a reasonable height in a location clearly visible from the street and accessible from the public right-of-way during all periods of occupancy and contain the permit number, the contact information for the owner or operator, the permit type (Non-Commercial or Commercial) and the bedroom and occupancy limit.

* * *

e. Both Commercial and **Non-Commercial** short term rentals shall be considered dwelling units for density purposes and subject to the minimum lot area per dwelling unit requirement of the applicable zoning district.

* * *

h. **The rental of kitchens, dining rooms, living rooms, offices, and other common spaces may be used as part of the short term rental but shall not be rented as guest bedrooms.** Only legally permitted bedrooms shall be used for the purposes of calculating the maximum number of guests. Studio apartments and dwelling units shall be considered to have one (1) guest bedroom and allowed a maximum of two (2) guests.

* * *

SECTION 11. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Article 21 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

“ARTICLE 21. ON-SITE DEVELOPMENT STANDARDS

* * *

21.8.C PERMITTED TEMPORARY USES

* * *

Table 21-3: Permitted Temporary Uses

Permitted Temporary Use	District	Timeframe	Hours of Operation	Temporary Use Standards
* * *				

<u>Short Term Rental, Non-Commercial</u>	<u>Non-Commercial Short Term Rental permits are permitted in the following districts: R-RE, M-MU, HMR-1, HMR-2, HMR-3, VCE, HMC-1, HMC-2, HM-MU, HU-RS, HU-RD1, HU-RD2, HU-RM1, HU-RM2, HU-B1A, HU-B1, HU-MU, S-RS, S-RD, S-RM1, S-RM2, S-LRS1, S-LB1, S-LB2, S-LC, S-MU, MU-1, MU-2, EC, CBD-1, CBD-2, CBD-3, CBD-5, CBD-6</u>	<u>Valid one (1) year; may be renewed annually</u>		<u>Section 21.8.C.18 and Section 20.3.LLL</u>
* * *				

* * *

21.8.C.18 SHORT TERM RENTAL, NON-COMMERCIAL

- a. A short term rental permit shall be secured prior to operation; and short term rental operators shall comply with all applicable permit requirements provided in the Code of the City of New Orleans. The issuance or renewal of a short term rental permit is a privilege, not a right, and shall be subject to the requirements and limitations, including all restrictions on transfer or assignment, set forth in the City Code, as well as the City's authority to regulate businesses and to regulate, modify, restrict, or altogether prohibit the issuance or renewal of any permit required for short term rental use. No provision of this ordinance, including without limitations the non-conforming use provisions set forth in Article 25, shall be construed to authorize the continued use of any property as a short term rental in the event the City modifies its short term rental permitting regulations in a manner that limits or prohibits the issuance of a short term rental permit.
- b. The short term rental shall appear outwardly to be a residential dwelling.
- c. Use of the short term rental for commercial or social events shall be prohibited.
- d. The short term rental shall not adversely affect the residential character of the neighborhood by generating excessive noise, vibrations, garbage, odors, or other

secondary effects that unreasonably interfere with others' use and enjoyment of their residences, as more fully set forth in standards set outlined in the City Code.

e. A non-commercial short term rental shall be governed by both a noise abatement plan and a sanitation plan.

f. No signs are allowed for a Non-Commercial Short Term Rental.

g. The permit shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the permit number, the contact information for the operator, the permit type and the bedroom and occupancy limit.

h. The operator, who may not be a guest, must physically reside in a bedroom on the lot of record containing the short-term rental during any guest stays and, if required by the City Code, must maintain a primary residence on the lot.

i. No person may be the operator of more than one (1) non-commercial short term rental.

j. The registered operator must be onsite during a guest's stay and must respond to a complaint within one (1) hour of the complaint being made. Failure to comply can lead to license revocation.

k. Only natural persons aged 18 or over may own property used as a non-commercial short term rental. Ownership, in whole or in part, by a business entity, trust, or any other juridical person is prohibited. No person may own, in whole or in part, more than one property used as a non-commercial short term rental.

l. Only one (1) non-commercial short term rental permit shall be issued for each lot.

62 m. Except as provided in Section 21.8.C.18.r, only one (1) non-commercial short term
63 rental permit may be issued within each city block, inclusive of all lots fronting any
64 exterior boundary of said block and all interior lots not fronting the public right of
65 way.

66 n. Small Multi-Family Affordable Dwellings as authorized in the base zoning district
67 shall be exempted from the block limitation provided that they are compliant with all
68 affordability monitoring requirements and other laws.

69 o. Up to three (3) guest bedrooms may be rented to guests, and occupancy shall be
70 limited to two (2) guests per guest bedroom with a maximum of six (6) guests. At least
71 one bedroom on the lot of record containing a non-commercial short term rental shall
72 be reserved exclusively for the operator and shall not be advertised or used as a guest
73 bedroom.

74 p. If more than one (1) principal building exists on a lot, or two (2) or more contiguous
75 lots have been historically acquired together and the second building was originally
76 constructed and has been used for habitable space as defined by the Building Code,
77 at least five (5) years prior to the establishment of the short term rental, it may be
78 included in the operation of the short term rental.

79 q. In residential districts and HU-B1A Neighborhood Business District, HU-B1
80 Neighborhood Business District, HU-MU Neighborhood Mixed-Use District, S-LM
81 Lake Area Marina District, MU-1 Medium Intensity Mixed-Use District, and MU-2
82 High Intensity Mixed-Use District, only one (1) Accessory Bed and Breakfast, one (1)
83 Principal Bed and Breakfast, or one (1) Non-Commercial Short Term Rental is

84 permitted within each city block, inclusive of all lots fronting any exterior boundary
85 of said block and all interior lots not fronting the public right of way.

86 r. Any property owner may request a special exception from an applicable block
87 limitation, provided that no more than two (2) special exceptions may be in effect
88 within any block at one time. All applications for a special exception shall include a
89 Project Neighborhood Participation Program (Project NPP), conducted in
90 accordance with Section 4.2.D.2, except that the mailed notice to owners of record
91 required by Section 3.3.B.2.b shall be limited to properties located within one
92 hundred (100) feet of the property lines of the subject property. Said request shall be

93 submitted to the Executive Director of the City Planning Commission, who shall review
94 and make recommendations to the City Council relative to the special exception request.
95 The City Planning staff shall render its recommendatins within sixty days of receipt, using
96 the following review standards:

- 97 i. Is the requested increase compatible with the surrounding land use and structures?
98 ii. Are there unique geographic considerations which would mitigate the impact of an
99 additional non-commercial short term rental use within the block?
100 iii. Are there unique use conditions in the surrounding areas which would be well-
101 served by or mitigate the impact of an additional non-commercial short term rental use
102 within the block?
103 iv. Will the additional non-commercial short term rental use increase traffic and safety
104 hazards?
105 v. Will the additional non-commercial short term rental use create parking issues
106 around the block or in the surrounding areas?

vi. Will the additional non-commercial short term rental use impair the health, safety and welfare of the neighboring properties?

The Council shall have sixty (60) days from receipt of the recommendation to approve, deny, or modify the special exception request by motion. The granting of a special exception shall not entitle the applicant to a short-term rental permit unless the applicant otherwise complies with the permitting requirements set forth in the Code. A special exception granted pursuant to this subsection shall lapse in the event the holder of the permit transfers the property subject to the special exception or if the owner's permit is revoked. In the event the Council denies a request for a special exception within a particular block, the applicant may not reapply for a special exception for a period of two years.

* * *

SECTION 12. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Article 22 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

ARTICLE 22. OFF-STREET PARKING AND LOADING

* * *

22.4 REQUIRED OFF-STREET VEHICLE PARKING SPACES

22.4.A GENERAL REQUIREMENTS

* * *

Table 22-1: Off-Street Vehicle and Bicycle Parking Requirements			
Use	Minimum Required Vehicle Spaces	Minimum Required Bicycle Spaces	
		Required Short-Term Bicycle Spaces	Percentage of Long-Term Bicycle Spaces

* * *			
Bed and Breakfast	1 per 2 guest bedrooms		
* * *			
Hotel/Motel/Hostel	1 per 2 guest bedrooms	1 per 10 guest bedrooms	
* * *			
Short Term Rental, Commercial	1 space per 2 guest bedrooms	1 per 5 rooms	25%
Short Term Rental, <u>Non-Commercial</u>	See applicable dwelling type		
Social Club or Lodge	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	50%
* * *			

* * *

SECTION 13. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY

ORDAINS, That Article 26 of the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S., as amended by Ordinance No. 26,413 M.C.S. and subsequent amendments), be, and is hereby amended and reordained to read as follows:

“ARTICLE 26. DEFINITIONS

* * *

26.6 DEFINITIONS

* * *

A. Bed and Breakfast, Accessory. An operator-occupied single-family dwelling, which provides no more than five (5) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest bedroom.

B. Bed and Breakfast, Principal. An operator-occupied single-family dwelling that provides no more than nine (9) guest bedrooms for overnight paid occupancy of up to thirty (30) nights. Common bathroom facilities may be provided rather than private baths for each guest.

* * *

36 paragraphs or sections of this Ordinance, as they would have been enacted by the Council without
37 the incorporation of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph
38 or section.

39 * * *

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS MARCH 23, 2023

JP MORRELL
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON MARCH 27, 2023

APPROVED:

DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON MARCH 31, 2023 AT 3:25 P.M.

LORA W. JOHNSON
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Giarrusso, Green, Harris, King, Moreno, Morrell, Thomas - 7

NAYS: 0

ABSENT: 0

RECUSED: 0

THIS ORDINANCE WAS RETURNED BY THE MAYOR ON MARCH 31, 2023 AT 3:25 P.M. AND THE SAME WAS NEITHER APPROVED NOR DISAPPROVED BY THE MAYOR. THEREFORE, SAID ORDINANCE BECAME LAW ON APRIL 2, 2023 AT 12:00 NOON AS REQUIRED BY LAW.

g:\docs\joycelyn\amended ordinances\2023\34083.docx

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
CLERK OF COUNCIL