

# Short Term Rentals in San Francisco

Speakers

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The Real Property Section of the Bar Association of San Francisco presents  
Short Term Rentals in San Francisco  
MAY 23, 2018

**Speakers**

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Kevin Guy became the Director of the Office of Short-Term Rentals for the City and County of San Francisco in September 2015. Mr. Guy has over 17 years of professional experience in planning and land use issues, including development and design review, policy analysis, and legislation. Most recently, Mr. Guy worked for eight years in the Current Planning division of the San Francisco Planning Department, overseeing entitlements and design review for significant high-rise development projects in downtown San Francisco. Prior to joining the San Francisco Planning Department, Mr. Guy worked for the consulting firm of LSA Associates on a variety of contract planning assignments, as well as assisting mining operators with environmental and regulatory compliance. Mr. Guy began his career with the Community Planning Division of the San Diego Planning Department in 2000.

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Kevin Heneghan serves as Lead Policy Counsel at Airbnb, Inc. where he supports the company's Policy and Communications teams in the United States and Canada. Kevin provides advice on various regulatory, legislative, and policy issues, analyzes legislation and legal risks, and represents Airbnb in discussions with legislators and regulators regarding proposed and existing regulations affecting Airbnb. Prior to joining Airbnb, Kevin was a Partner at Hanson Bridgett LLP where he advised business entities, candidates, elected officials, labor unions, trade associations, and independent expenditure committees on a wide range of campaign finance, lobbying and governmental ethics law issues. Kevin has served as campaign counsel for candidates for statewide office, several state legislators, and numerous elected officials in San Francisco. In addition, he has advised clients involved in initiatives and referenda at the state and local level, and represented clients in enforcement actions before the Fair Political Practices Commission and the San Francisco, Oakland and San Diego Ethics Commissions. Kevin received his B.A., with honors, from La Salle University, and his J.D. from the University of California, Hastings College of the Law.

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Michael J. McLaughlin is a founding partner at McLaughlin Sanchez LLP. He represents landlords in dealing with tenant issues, as well as advises property owners on various real estate litigation matters. Mr. McLaughlin has successfully tried complex unlawful detainer actions before Bay Area juries and regularly appears before the San Francisco and Oakland rent boards. Mr. McLaughlin has practiced law for over 18 years and prides himself in developing individually tailored strategies to match each client's need in order to obtain the most cost-effective results. He obtained his undergraduate degree from the University of Washington in Seattle and graduated *summa cum laude*, fifth in his class, from the Seattle University School of Law. He is a member of the California, New York, Maryland, and District of Columbia bars.

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Tom specializes in litigating homeowners associations and tenancy in common disputes and construction matters. He serves as general counsel to a number of HOAs with an emphasis on assisting common interest developments in assessment collections matters. Tom brings real work exposure to his HOA practice having served as the president of his 299 unit condominium complex. In addition, Tom has extensive experience in construction law representing HOAs, developers, general contractors, and design professionals throughout his career. He continues to litigate construction matters on behalf of owners as well as assisting owners and contractors with the negotiation of construction agreements. In addition, Tom counsels real estate professionals regarding actions before the Bureau of Real Estate and represents buyers and sellers in non-disclosure matters.

## SHORT TERM RENTALS IN SAN FRANCISCO

San Francisco Bar Association

May 23, 2018

- I. Definition of Short Term Rental
  - a. Rental of all or a portion of a residence for periods of 30 days or less.
- II. Benefits of Short Term Rentals
- III. Summary of Short Term Rentals Regulations
  - a. Governed by San Francisco Administrative Code Chapter 41A
  - b. What types of Short Term Rentals are legal in San Francisco?
    - i. Must be a permanent resident of the unit. A permanent resident spends at least 275 nights a year in the unit.
    - ii. Must register with the City as a business and as a certified host of a short term rental
    - iii. May only rent 90 unhosted nights per year.
  - c. Units that are ineligible for short term rentals
    - i. Income restricted units – below market rate and public housing
    - ii. Buildings subject to an Ellis Act eviction after November 2014
    - iii. Legally established Accessory Dwelling Units
  - d. How do you become a certified host?
    - i. Who is eligible to apply?
      1. In order to apply to be a certified host, the applicant must be a permanent resident of the unit. The applicant must spend at least 275 nights a year at the unit.
      2. Owners of multiunit buildings may only apply to be a certified host for units that they actually reside in.

- ii. What type of insurance is required?
  - 1. Host must have liability insurance in amount not less than \$500,000 or equal to or greater than the insurance offered by a hosting platform.
- iii. Code violations
  - 1. Ensure that the unit is in compliance with all Housing, Building, Planning and other City codes. If the unit is located within an apartment building or tenancy-in-common (TIC) the entire building including the other dwelling units must be code compliant and not subject to Code Enforcement.
- e. What happens if application is denied?
  - i. An appeal may be filed with 30 days of the notice of rejection.
  - ii. The appeal must be in writing and specify the basis for the appeal and include any additional documentation including affidavits that are related to the Office of Short Term Rental's rejection of the application.
  - iii. The appeal will be considered by another employee of the Office of Short Term Rentals other than the employee who made the initial determination.
  - iv. The applicant has the burden of showing by a preponderance of the evidence that the denial of the application was incorrect.
  - v. The sole means to review the Office of Short Term Rentals' determination on an appeal shall be by filing a writ of mandate with the San Francisco Superior Court.
- f. Once you have registered what are your on-going responsibilities?
  - i. A Certified Host may never rent their unit for more than 90 nights when they are not present.
  - ii. A Certified Host may rent their unit for unlimited nights per year if they are present. However, the rentals must still qualify as a short term rental i.e. for 30 days or less.
  - iii. A Certified Host may not offer more than five short term rentals within the unit at the same time.

iv. No rental of illegal units or areas of the home built without permits.

g. Penalties for Failing to Register

i. Fines of at least \$484 per unit per dwelling unit can be assessed for renting unregistered units. The daily funds run from the day that the notice of violation is issued by the Office of Short Term Rentals and continue until the violation is abated.

#### IV. Multifamily Housing Issues

a. Most CC&Rs have provisions limiting the use of the units to residential use, but to be a certified host, the applicant must register to as a business creating an inherent conflict.

b. Short term rental restrictions in HOA CC&Rs

c. How does an HOA address security concerns?

d. Insurance issues: HOAs need to be sure that they are protected under the liability policies. The members should name the HOA as an additional insured. All of the insurance should be reviewed with the HOA's insurance broker.

#### V. Short Term Rentals in Apartments

a. Restrictions on Short Term Rentals

1. Notification of Landlord when tenant applies – could violate the lease if the lease prohibits short term rentals.

2. If the unit is rent controlled, the tenant may not make more in fees from short term rentals than the tenant pays in rent.



# SHORT-TERM RESIDENTIAL RENTAL REGISTRATION APPLICATION



SAN FRANCISCO  
**OFFICE OF  
SHORT-TERM RENTALS**

WEBSITE:  
[HTTPS://SHORTTERMRENTALS.SFGOV.ORG](https://shorttermrentals.sfgov.org)  
INQUIRIES:  
415.558.6378  
[SHORTTERMRENTALS@SFGOV.ORG](mailto:SHORTTERMRENTALS@SFGOV.ORG)

## Applicant Information

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Name:

This is the primary contact person for guests.

Email Address:

Phone:

Current Address (Including Unit #):

Zip Code:

If you are a renter, please indicate your unit's monthly rent payment:

## Managing Agent Information (if applicable)

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If another person will be managing your bookings and/or interactions with guests, list the agent, or representative's information in this section.

Agent Name:

This is the primary contact person for guests.

Agency Name:

Address:

City/State:

Zip Code:

Email Address:

Phone:

## Unit Information

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How long have you resided at this address?

Years:

Months:

## Rental Information

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How do you intend to rent your unit? Please check the appropriate box below:

- "Hosted Rental" – Having guests stay in rooms while I am also residing at my unit during their stay.
- "Un-hosted Rental" – Having guests stay in my unit while I am not present during their stay.
- Renting my unit to guests as either a "Hosted" or "Un-hosted" rental.

How many rooms do you plan to rent to guests?

Please list any and all online hosting platforms on which you plan to list your unit, including personal webpages:

\_\_\_\_\_ rooms when I am also present

\_\_\_\_\_ rooms when I am not present

Sign Here Signature of applicant:

Date:

**AFFIDAVIT**

# SHORT-TERM RESIDENTIAL RENTAL REGISTRATION

I authorize, under penalty of perjury, that the information contained in this application and all documents tenured in connection with this application are accurate and complete. Furthermore, I certify that I have reviewed and will comply with all other requirements of the San Francisco Planning Code, Building Code and other applicable laws, including but not limited to:

- Residing in the registered unit for no less than 275 nights a year;
- Maintaining records for two years which demonstrate compliance with the Short-Term Residential Rental Ordinance;
- Paying all applicable taxes;
- Not using vehicles, tents, un-permitted buildings, sheds, or outdoor/rooftop areas for short-term rental sleeping areas;
- Posting clearly printed signs inside the front of the unit that provide information regarding the location of all fire extinguishers in the unit and building, gas shut off valves, fire exits and pull fire alarms; and
- Reporting quarterly to the Office of Short-Term Rentals ("OSTR"), the number of nights the residential unit has been rented as a short-term residential rental.

I understand that failure to comply with any of the above listed conditions, in addition to those set forth in the Short-Term Rental Ordinance, will be cause for enforcement action by OSTR, resulting in the accrual of fines and penalties and/or prohibition from the Short-Term Residential Rental Registry.

### Sign Here

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_

### Office Use Only:

Registration #: \_\_\_\_\_

Application #: \_\_\_\_\_

#### Forms of ID Presented:

- |   |                          |                           |
|---|--------------------------|---------------------------|
| <input type="checkbox"/> Driver's License   | Date Issued on DL: _____ | Date Expires on DL: _____ |
| <input type="checkbox"/> State ID Card  | Date Issued on ID: _____ | Date Expires on ID: _____ |
| <input type="checkbox"/> Homeowner's Tax Exemption  | Date of Receipt: _____   |                           |
| <input type="checkbox"/> Voter Registration   | Date Issued: _____       |                           |
| <input type="checkbox"/> Vehicle Registration   | Date Issued on VR: _____ | Date Expires on VR: _____ |
| <input type="checkbox"/> Utility Bill   | Type: _____              | Date of Bill: _____       |
| <input type="checkbox"/> Additional Utility Bills<br><small>(does not count as additional form)</small> | Type: _____              | Date of Bill: _____       |
| <input type="checkbox"/> Vehicle Insurance  | Date Issued: _____       | Date Expires: _____       |
| <input type="checkbox"/> Other _____  |                          |                           |
| <input type="checkbox"/> Other _____  |                          |                           |
| <input type="checkbox"/> Other _____  |                          |                           |

Business License Information:

Date Issued: \_\_\_\_\_

Business Name: \_\_\_\_\_

Insurance Information:

Carrier: \_\_\_\_\_

Policy Type: \_\_\_\_\_

Date of Coverage: \_\_\_\_\_

Amount of Coverage: \_\_\_\_\_





# SHORT-TERM RESIDENTIAL RENTAL REGISTRATION DOCUMENTS GUIDE



SAN FRANCISCO  
**OFFICE OF  
SHORT-TERM RENTALS**

WEBSITE:  
[HTTPS://SHORTTERMENTALS.SFGOV.ORG](https://shorttermrentals.sfgov.org)  
INQUIRIES:  
415.558.6378  
[SHORTTERMENTALS@SFGOV.ORG](mailto:SHORTTERMENTALS@SFGOV.ORG)

All applicants shall submit as many as possible of the following documents for review by OSTR staff to verify the applicant's residency. Staff reserves the right to refuse applications where materials are found to be incomplete or inaccurate. In addition to documents provided in the submitted application, staff may require other additional information necessary to show the applicant's compliance with the Short-Term Rental Ordinance.

## **SECTION A:**

**All numbered items are required of every applicant:**

1. An active Business Registration Certificate issued by the San Francisco Treasurer and Tax Collector's Office
2. Application for Short-Term Residential Rental Registration
3. Proof of liability insurance in the amount of no less than \$500,000 (unless utilizing a Hosting Platform that provides equal or greater coverage)
4. Affidavit (pg. 2 of application) agreeing to abide by all conditions of the Short-Term Residential Ordinance and all applicable San Francisco laws and regulations
5. Current Driver's License or State Issued ID Card (will also serve as one proof of residency listed under Section B, if it includes the address of the unit you wish to register)
6. A check made out to the "San Francisco Planning Department" for the amount of \$250.00

## **SECTION B:**

**All applicants should submit as many as possible of the following documents listed. At a minimum, all applicants are required to submit at least two documents from Section B.**

1. Current Driver's License or State issued ID card with the address of the unit you wish to register
2. Proof of a Homeowner's Tax Exemption\*
3. A utility bill (original or copy) issued by a public utility or PG&E, including the payment stub showing the address of the unit you wish to register\*\*
4. Proof of Vehicle Registration with the address of the unit you wish to register
5. Proof of car insurance with the address of the unit you wish to register
6. Voter Registration Card or Voter Registration Certificate with the address of the unit you wish to register

*\* Accepted as a form of residency confirmation only if the Homeowner's Tax Exemption is for a property that is either a single-family dwelling or condominium.*

*\*\* You may only use a utility bill as one form of residency confirmation. Cable, cell phone, and internet bills are not accepted as a utility bill.*