

## CITY COUNCIL OF THE CITY OF NOVATO

## RESOLUTION NO. 2021-015

RESOLUTION OF THE NOVATO CITY COUNCIL ESTABLISHING THE ELIGIBILITY STANDARDS, OPERATING PARAMETERS, AND PROCEDURES FOR ADMINISTRATION OF THE SHORT-TERM RENTAL LICENSING PROGRAM AS SET FORTH IN NOVATO MUNICIPAL CODE SECTION 8-12, AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL SUCH ACTIONS, INCLUDING THE DEVELOPMENT OF VARIOUS FORMS AND ADMINISTRATIVE PROCESSES TO ACCOMPLISH THE PURPOSE OF THIS RESOLUTION AND FINDING THE ACTIONS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, the City seeks to enrich the quality of life within the community by creating a welcoming atmosphere in which to live, work, learn, shop, play and visit; and

WHEREAS, the City strives to achieve its vision of fiscal sustainability through services that generate revenue for public benefit; and

WHEREAS, on April 9, 2019, a City of Novato Councilmember proposed a future agenda item to discuss and decide whether to establish a regulatory program for short term rentals; and

WHEREAS, in 2019, the City of Novato engaged a third-party consultant to evaluate short-term rental activity within the City; and

WHEREAS, as of December 2019, there were 113 active short-term rentals listed in the City of Novato, at an average rental rate of \$105 per night, and, if such a Short-Term Rental licensing program were adopted, could generate as much as \$44,000 in annual Transient Occupancy Taxes (TOT) for the City; and

WHEREAS, on January 28, 2020, staff presented the City Council with a comprehensive report on potential establishment of a regulatory program for short term rentals, including twelve (12) key policy areas and potential policy options, and received feedback and direction from City Council for conducting public outreach, recommending regulations, and developing a licensing process for short term rentals; and

WHEREAS, between May 22, 2020 and August 4, 2020, staff conducted an online community survey of Novato residents to assess, evaluate and understand key issues and concerns of the public with regards to short term rentals. A total of 127 residents responded, with 62 percent expressing support for short term rentals in Novato, with the most frequently

cited areas of concern to regulate being parking, party houses, number of guests, and 24-hour contact; and

WHEREAS, on October 13, 2020, staff presented the City Council with an informational report on short-term rental approaches, including analysis of active short-term rentals, best practices, and regulatory and enforcement options, and received policy guidance and feedback from City Council and direction to return with a draft ordinance for City Council consideration; and

WHEREAS, the City wishes to establish a uniform regulatory and licensing structure for permitting Short-Term Rentals that in residential areas, ensures adequate off-street parking, limits eligibility to permanent resident-occupied properties, provides for local and emergency contacts, and creates fair reporting and monitoring procedures that authorizes the City to ensure compliance; and

WHEREAS, the City seeks a Short-Term Rental program that will allow permanent residents to mitigate housing costs by supplementing their income from their primary residences, while minimizing adverse impacts on the housing supply and on persons and households of all income levels that could result from the loss of residential units through their conversion to tourist and transient use; and

WHEREAS, the City recognizes that Accessory Dwelling Units permitted in 2017 or later within the City of Novato under regulations established in California Senate Bill 1069 and/or Assembly Bill 2299 eased zoning and permitting requirements in order to add new housing stock that would mitigate the housing crisis by providing permanent dwelling units, not tourist and transient uses; and

WHEREAS, the City recognizes that income-restricted or deed-restricted affordable housing, including Below-Market-Rate units and public housing, are intended to mitigate the housing crisis by providing permanent dwelling units, not tourist and transient uses; and

WHEREAS, a short term rental licensing program has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and it has been determined that approval of these program implementation procedures are exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and

WHEREAS, notice of the City Council's public hearing on the Amendments was published in a 1/8<sup>th</sup> page legal ad in the Marin Independent Journal, a newspaper of local circulation, on January 29, 2021; and

WHEREAS, the City Council held a duly noticed public hearing on February 9, 2021 to introduce and consider the proposed amendments and public comments thereon; and

WHEREAS, this resolution shall become effective only if the Municipal Code amendments are adopted by the City Council and upon the effective date of those amendments.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Novato hereby adopts the standards, parameters and procedures established herein as the "Short Term Rental Licensing Program Eligibility Standards, Licensing Procedures and Operational Parameters" ("Program").

### **SECTION 1: Purpose and Intent**

It is the purpose of this Program to benefit the general public by allowing permanent residents to mitigate housing costs by supplementing their income from their primary residences, while minimizing adverse impacts on the housing supply and on persons and households of all income levels resulting from the loss of residential units through their conversion to tourist and transient use, and to provide visitors with a variety of short term lodging options.

### **SECTION 2: Applicability**

The provisions of this Program shall apply to all Dwelling Units within the Novato city limits, including a single-family dwelling or unit in a multifamily or multipurpose dwelling, a unit in a condominium or cooperative housing project, or a unit in a structure that is being used for residential uses whether or not the residential use is a conforming use permitted under Novato Municipal Code Sections 19.10.010 through 19.10.050, which is hired, rented, or leased to a household within the meaning of California Civil Code Section 1940.

### **SECTION 3: Definitions**

The following words and phrases shall have the meanings set forth below when used to administer this Program:

- A. "Booking Service" means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an Owner or Business Entity and a prospective tourist or transient user, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.
- B. "Business Entity" means a corporation, partnership, or other legal entity that is not a natural person that owns or leases one or more residential units.
- C. "Complaint" means a complaint submitted to the Department alleging a violation of Novato Municipal Code and/or this Program and that includes the Residential Unit's address, including unit number, date(s) and nature of alleged violation(s), and any available contact information for the Owner and/or resident of the Residential Unit at issue.

- D. "Conversion or Convert" means a change of use from Residential Use to Tourist or Transient Use, including, but not limited to, renting a Residential Unit as a Tourist or Transient Use.
- E. "Department" means the Community Development Department of the City of Novato.
- F. "Director" means the Director of the Community Development Department, or his/her designee.
- G. "Dwelling unit" for purposes of this Program means one or more rooms designed, occupied or intended for occupancy as separate living quarters, with a kitchen, sleeping facilities, and sanitary facilities for the exclusive use of one household, but not including any such unit occupied in whole or in part by the property owner or the property owner's family members, including parents, children, brothers, sisters, aunts, uncles, nieces, and/or nephews.
- H. "Good Standing" - To maintain good standing on the Registry, the Permanent Resident shall be in compliance with all program requirements set forth in this Program.
- I. "Host" means a person or Business Entity that participates in the short-term rental business by providing a short-term rental.
- J. "Hosting Platform" A person or Business entity that participates in the short-term rental business by providing and collecting or receiving a fee for Booking Services through which a Host may offer a Residential Unit for Tourist or Transient Use. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform that allows a Host to advertise the Residential Unit through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential tourist or transient users arrange Tourist or Transient Use and payment, whether the tourist or transient pays rent directly to the Host or to the Hosting Platform.
- K. "Interested Party" means a Resident of the building in which the Tourist or Transient Use is alleged to occur, any homeowner association associated with the Residential Unit in which the Tourist or Transient Use is alleged to occur, the Owner of the Residential Unit or Business Entity property in which the Tourist or Transient Use is alleged to occur, a Resident or Owner of a property within 100 feet of the property containing the Residential Unit in which the Tourist or Transient Use is alleged to occur, the City of Novato, or any non-profit organization exempt from taxation pursuant to Title 26, Section 501 of the United States Code, which has the preservation or improvement of housing as a stated purpose in its articles of incorporation or bylaws.
- L. "Owner" means any person who is the owner of record of the real property. As used in this Program, the term "Owner" also includes a lessee where the lessee is offering a Residential Unit for Tourist or Transient use.
- M. "Permanent Resident" means a person who occupies a Residential Unit for at least 60 consecutive days with intent to establish that unit as his or her primary residence. A Permanent Resident may be an Owner or a lessee.

N. "Primary Residence" means the Permanent Resident's usual place of return for housing as documented by at least three of the following: motor vehicle registration; driver's license; voter registration; tax documents showing the Residential Unit as the Permanent Resident's residence for the purposes of a homeowner's tax exemption; or a utility bill. A person may have only one Primary Residence.

O. "Recreational Vehicle" means a motorhome, housecar, travel trailer, truck camper, or camp trailer; with or without motive power; designed for human habitation or other occupancy.

P. "Residential Unit" means a room or rooms, including a condominium or a room or dwelling unit that forms part of a tenancy-in-common arrangement, in any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied for Residential Use as defined in the Novato Municipal Code.

Q. "Residential Use" means any use for occupancy of a Residential Unit.

R. "Short-Term Rental" means any rental of all or a portion of a dwelling unit for less than 30 days consecutive tenancy.

S. "Short-Term Rental Registry" or "Registry" means a database of information maintained by the Department that includes a unique registration number for each Short-Term Rental and information regarding Hosts who are permitted to offer Residential Units for Short-Term Rental. The Registry shall be available for public review to the extent required by law, except that, to the extent permitted by law, the Department shall redact any Host names and street and unit numbers from the records available for public review.

T. "NMC" means the Novato Municipal Code.

U. "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of less than thirty (30) consecutive calendar days, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior, and subsequent to, the effective date of the ordinance codified in this chapter may be considered.

V. "Travel Trailer" means a vehicle designed for recreational purposes to carry persons or property on its own structure and constructed to be drawn by a motor vehicle, as defined in California Vehicle Code § 242 or California Vehicle Code § 324.

W. "Tourist or Transient Use" means any use of a Residential Unit for occupancy for less than a 30-day term of tenancy, or occupancy for less than 30 days of a Residential Unit leased or owned by a Business Entity, whether on a short-term or long-term basis, including any occupancy by employees or guests of a Business Entity for less than 30 days where payment for the Residential Unit is contracted for or paid by the Business Entity.

### **SECTION 3: Eligibility**

In order to offer a Short-Term Rental within the City of Novato, a Permanent Resident must undergo a registration process that demonstrates all of the following and upon demonstrating the following is issued a Short-Term Rental License that permits the Permanent Resident to rent the subject property as a Short-Term Rental:

- a. The property is offered for Tourist or Transient Use by the Permanent Resident of the property
- b. The Permanent Resident utilizes the property for his/her Primary Residence demonstrated by at least three (3) of the following:
  - i. motor vehicle registration
  - ii. driver's license
  - iii. voter registration
  - iv. tax documents showing the Residential Unit as the Permanent Resident's residence for the purposes of a homeowner's tax exemption
  - v. a utility bill
- c. The Permanent Resident is a natural person (not a corporation, business, or other legal entity)
- d. The Residential Unit is a building, structure, or portion thereof, which is approved and permitted for residential use.
- e. The property is registered as a Short-Term Rental with the City of Novato through this Licensing Program, including securing a Novato Business License, and maintains good standing with the City and has no outstanding code violations, fees or taxes.
- f. The property is able to provide the required off-street parking (see Section 7 below).
- g. The property regularly submits and pays the appropriate Transient Occupancy Tax (TOT) as required by the City of Novato Municipal Code Section 16-2.

### **SECTION 4: Ineligible Properties/Sites**

The following properties and/or sites are never eligible for use as a Short-Term Rental:

- a. Income-restricted or deed-restricted affordable housing and housing units owned by a public agency or non-profit affordable housing organization.
- b. Accessory Dwelling Units (ADUs) that were approved for building permits in 2017 or later.
- c. Student housing, dormitories, and Single-Room Occupancy buildings.
- d. Parcels with non-residential uses (commercial, industrial, etc.) as the principle use or buildings, structures or portions thereof, which are not permitted for residential use.
- e. Non-residential areas within buildings such as garages or accessory structures.

- f. Motorized Recreational Vehicles (RVs), including non-motorized travel trailers.
- g. Boats or House Boats.
- h. Teepees, yurts, tents, and treehouses.
- i. Sleeping quarters in vans or cars.
- j. Properties with outstanding code violations.

## **SECTION 5: Properties with Multiple Dwellings**

Properties with multiple residential units on a parcel can be offered as Short-Term Rentals under one of the following conditions:

- a. Where a lot contains a single-family Dwelling Unit as defined in NMC 19.60.020 and any combination of the following habitable spaces: an additional dwelling unit, an Accessory Dwelling Unit (ADU) constructed and/or permitted prior to 2017, or a permitted, habitable detached accessory structure as defined in NMC Chapter 19; this lot may not offer as a Short-Term Rental, the entire single-family Dwelling Unit and the additional habitable space described in this subsection (a) concurrently. Rooms in a single-family Dwelling Unit may be offered as a Short-Term Rental concurrently with such habitable space only if the Permanent Resident is present throughout the duration of the rental.
- b. Where a lot contains a Multi-dwelling Structure as defined in NMC 19.60.020, a Residential Unit in that structure can only be offered as a Short-Term Rental by the Permanent Resident of that Residential Unit. If the lot also contains an additional separate Dwelling Unit or a habitable detached accessory structure as defined in NMC Chapter 19.34, multiple Residential Units may not be offered by the Permanent Resident concurrently.

In all instances of properties with multiple residential units, it must be demonstrated that occupancy limitations and off-street parking requirements set forth herein, can be met in order to license a Short-Term Rental of Residential Units located on those properties.

## **SECTION 6: Occupancy Limits**

Short-Term Rental occupancy is limited to two (2) persons per bedroom. An additional two (2) occupants are allowed in units that provide a living space separate from the bedroom of not less than 100 square feet (not including kitchen or bathroom space), for example a living room or den with a roll-out sofa, etc.

For example, a two-bedroom single family home with a living room/roll-out sofa could not exceed six (6) total occupants. In no instance can a Short-Term Rental offer a total occupancy that would exceed the off-street parking requirements (see Section 7 below).

## **SECTION 7: Off-Street Parking Requirements**

- a. All Short-Term Rental properties must provide a minimum number of off-street parking spaces based on the anticipated occupancy of the Short Term Rental as defined herein and the Primary Residence as required by NMC section 19-34. In addition, when accessory uses are approved on the site, the total combined off-street parking need for all uses must be identified and provided for on site. On-street parking cannot be counted toward meeting the required parking for any Short-Term Rental use or combination of Short-Term Rental uses.

If multiple Short-Term Rentals are offered concurrently on the same property, separate designated off-street parking spaces must be provided for each Short-Term Rental offered.

In no instance shall a Short-Term Rental offer a total occupancy that would exceed the off-street parking available and permissible under NMC Section 19.34. For purposes of this program, vehicle capacity is considered to be four (4) persons per vehicle.

Using the above example of the two-bedroom single family home with a living room/roll-out sofa with an occupancy of six, at least two (2) off-street parking spaces would be required to be provided on the property for use by the Short-Term Rental users.

- b. Parking plan required. All applications for a Short -Term Rental license must include a Parking Plan which demonstrates program requirements can be met with parking spaces meeting all requirements of the NMC and this Program. The Parking Plan shall also include instructions to be provided to guests of the Short Term Rental identifying the location of designated off street parking spaces and instructions for maintaining clear access to any shared access or maneuvering areas. The City will consider blocked access to shared access or maneuvering areas or guest parking outside of designated off street parking spaces to be Program violations.
- c. Properties with privately maintained shared vehicle access. In addition to the above, Short-Term Rentals where vehicle access to the property is shared with multiple owners and is privately maintained, the following will also be required:
  - 1) Maneuvering diagrams and conditions on the site where the area is shared;
  - 2) Proposed text and placement of signage identifying designated off-street parking spaces to be used by the Short-Term Rental;
  - 3) Agreements indicating use of any shared off-street parking spaces by the Short Term Rental is acceptable to all other multiple owners.

## **SECTION 8: Signage**



Short-Term Rentals must have a clearly visible and legible notice posted on or directly adjacent to the inside front door with the following information:

- a. 24-Hour Local Emergency Contact Person
- b. Maximum number of occupants
- c. Maximum number of vehicles
- d. Off-street Parking Requirements
- e. Garbage Disposal Instructions
- f. Information regarding Fire Safety and Fire Access Roads
- g. Emergency and Wildfire Evacuation Procedures
- h. Information on signing up for emergency alerts
- i. Information on limits and requirements of the City's Noise Ordinance

### **SECTION 9: Property Inspection**

An inspection must be conducted of the proposed Short-Term Rental. This inspection may be conducted by the Permanent Resident but can also be required to be performed by City representatives. The following must be documented via photographic evidence of compliance with Program and other City code requirements, submitted as part of the Registration application and becomes part of the licensing record:

- a. Egress
- b. CO2 and Smoke Detectors
- c. Interior Signage
- d. Designated Off-Street Parking

If the property is located within a Wildland-Urban Interface, the applicant must also pass a vegetation inspection.

### **SECTION 10: Property Registration and Business License Issuance**

All eligible properties seeking to be qualified as a Short-Term Rental must apply for the license by submitting to the City's Community Development Department, the following information and documentation. Upon successful completion of the registration, the City will issue an individual Short-Term Rental License number and Novato Business License number for the property.

The following information shall be documented as part of the Program registration and Business License application for any Short-Term Rental. The Department shall determine, in its sole discretion, the completeness of this information and request additional documentation as necessary:

- a. Primary Resident Name and Contact Information
- b. Documentation of Primary Residency

- 1) Documented by at least three of the following: motor vehicle registration; driver's license; voter registration; tax documents showing the Residential Unit as the Permanent Resident's residence for the purposes of a homeowner's tax exemption; or a utility bill.
- c. 24-Hour Local Emergency Contact
  - 1) For purposes of this program, "Local" shall be defined as a person residing within 30 miles of the Short-Term Rental. (Note: The person's contact information will be made available to the public.)
- d. Property Address
- e. Type of Short-Term Rental; i.e., whole or portion of structure, accessory dwelling unit, etc.
- f. Occupancy of both Short Term Rental and Permanent Residence, demonstrated by floor plans
- g. Number of Bedrooms
- h. Number of Bathrooms
- i. Square footage of separate living space intended to be used for Short-Term Rental occupancy (not to include areas for bathrooms or kitchens)
- j. Number of Designated Off-Street Parking Spaces
- k. Parking Plan
- l. Completed Novato Business License Application

### **SECTION 11: Noticing**

After the City has satisfactorily issued a property registration and business license number to a Short-Term Rental, City staff will issue a written courtesy notice to all Interested Parties within a 100-foot radius of the Short-Term Rental, advising that a license has been issued to the Host in accordance with the NMC. The notice will identify the property address, the maximum occupancy of the Short Term Rental and the 24-hour emergency/nuisance contact information. The notice will provide links to the City's website where all program rules and regulations can be found. City emergency information will also be listed. As this is a licensing program and not a discretionary permit, no public hearing will be held.

### **SECTION 12: Fees**

The City is authorized to collect fees as necessary to ensure the Program recovers all administration costs. It is the City Council's intent that fees for this Program be no higher than necessary for cost recovery and be a combined Short-Term Rental Licensing and Business Licensing fee, paid at the time of application. These fees will be established by separate resolution.

### **SECTION 12: Transient Occupancy Tax (TOT)**

All Short-Term Rentals are required to submit a Uniform Occupancy Hotel Room Tax (TOT) payments to the City of Novato as required under NMC Section 16-2.

### **SECTION 13: Audits**

Each year, the City will select five percent (5%) of Short-Term Rental registrations to be audited for compliance with this licensing program. Department staff may select additional Program Registrations, at its sole discretion, to undergo annual audits. This audit will be performed by the Department staff and include:

- a. Registration review;
- b. Property Inspection;
- c. Transient Occupancy Tax payment review.

If a Short-Term Rental is deemed non-compliant, the Department shall follow the Administrative Enforcement Procedures set forth in NMC Section 8-12.2.

### **SECTION 14: Requirements for Hosting Platforms**

All Hosting Platforms shall provide the following information in a notice to any user listing a Residential Unit located within the City of Novato through the Hosting Platform's service. The notice shall be provided prior to the user listing the Residential Unit and shall include the following information:

- a. Including the following in any website and/or written notice to potential users;
  - 1) that NMC Section 8-12 and this Program regulate Short-Term Rental of Residential Units in the City of Novato;
  - 2) a listing of all property registration requirements;
  - 3) transient occupancy tax obligations to the City.

A Hosting Platform shall comply with the requirements of NMC Section 8-1 entitled "Application for Business License; Rates and Fees" and NMC Section 16-2 entitled "Uniform Occupancy Hotel Room Tax," among any other applicable requirements, collecting and remitting all required Transient Occupancy Taxes. This provision shall not relieve a Hosting Platform of liability related to an occupant's, resident's, Business Entity's, or Owner's failure to comply with the requirements of Section 8-1 and Section 16-2. A Hosting Platform shall maintain a record demonstrating that the taxes have been remitted to the City.

A Hosting Platform may provide, and collect a fee for, Booking Services in connection with Short-Term Rentals for Residential Units located in the City only when the Hosting Platform exercises reasonable care to confirm that those Residential Units are lawfully registered on the Short-Term Rental Registry at the time the Residential Unit is rented for short-term rental. Whenever a Hosting Platform complies with administrative guidelines issued by the City to confirm that the Residential Unit is lawfully registered on the Short-Term Rental

Registry, the Hosting Platform shall be deemed to have exercised reasonable care for the purpose of this subsection.

On or prior to the 15<sup>th</sup> day of every month, a Hosting Platform shall provide an affidavit to the City verifying that the Hosting Platform has complied with NMC subsection 8-12.6.C in the immediately preceding month.

For not less than three years following the end of the calendar year in which the Short-Term Rental transaction occurred, the Hosting Platform shall maintain and be able, in response to a lawful request, to provide to the City for each Short-Term Rental transaction for which a Hosting Platform has provided a Booking Service:

- a. The name of the Permanent Resident who offered a Residential Unit for Tourist or Transient Use,
- b. The address of the Residential Unit,
- c. The dates for which the tourist or transient user procured use of the Residential Unit using the Booking Service provided by the Hosting Platform, and
- d. The registration number for the Residential Unit.

Notwithstanding any other provision of this Program, nothing in this Program shall relieve an individual, Business Entity, or Hosting Platform of the obligations imposed by any and all applicable provisions of state law and the Novato Municipal Code including but not limited to those obligations imposed by NMC Section 8-1 entitled "Application for Business License; Rates and Fees" and NMC Section 16-2 entitled "Uniform Occupancy Hotel Room Tax." Further, nothing in this Program shall be construed to limit any remedies available under any and all applicable provisions of state law and the Novato Municipal Code including, but not limited to, NMC Section 8-1 entitled "Application for Business License; Rates and Fees" and NMC Section 16-2 entitled "Uniform Occupancy Hotel Room Tax."

## **SECTION 15: Administrative Enforcement**

A. *City Contact.* The City shall provide a contact for members of the public who seek information, or who wish to file a complaint under this Program for quality of life issues, including noise violations, vandalism, illegal dumping, etc.

B. *Determination of Violation.* Upon the filing of a written Complaint, the Director shall take reasonable steps necessary to determine the validity of the Complaint. To determine if there is a violation of this Program and/or NMC Section 8-12, the Director may initiate an investigation. This investigation may include, but is not limited to, an inspection of the subject property and/or a request for any pertinent information from the Owner, Business Entity, or Hosting Platform, such as leases, business records, or other documents.

C. Revocation of Registration. A Short-Term Rental License issued under the terms of the Program shall be revoked by the Director at any time if the Director concludes any of the following:

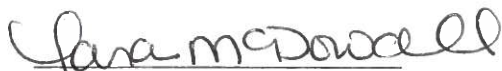
- 1) The Short-Term Rental is not current on transient occupancy taxes and has not paid all such taxes to the City in full by the date upon which such taxes became due.
- 2) There have been three or more upheld citations for violations of the Novato Municipal Code at the Short-Term Rental property within a twenty-four (24) month period. For the purposes of this subsection, upheld citations mean citations which were neither overturned after contest or appeal nor dismissed.
- 3) The Short-Term Rental applicant has submitted a Short-Term Rental application containing a material misrepresentation or omission of material facts.
- 4) There has been a transfer or an attempt to transfer a Short-Term Rental registration to another person, entity, or property without re-registration of the License.

Revocation decisions by the Director shall be in writing and are subject to appeal through the process set forth in Section 1-7.6 of the NMC.


\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting thereof, held on the 9<sup>th</sup> day of February, 2021 by the following vote, to wit:

AYES: Councilmembers Athas, Lucan, Peele, Wernick, Eklund  
NOES: Councilmembers  
ABSTAIN: Councilmembers  
ABSENT: Councilmembers

  
\_\_\_\_\_  
City Clerk of the City of Novato

Approved as to form:

  
\_\_\_\_\_  
City Attorney of the City of Novato