



# council agenda report

CITY OF SAN LUIS OBISPO

Meeting Date

November 12, 2013

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FROM: Derek Johnson, Community Development Director  
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SUBJECT: STUDY SESSION TO REVIEW EXISTING REGULATIONS PROHIBITING  
VACATION RENTALS IN THE CITY

A question has been raised as to whether the Americans with Disabilities Act (ADA) is applicable to single-family dwellings used as vacation rentals. The ADA regulates places of public accommodation and provides that:

A place of public accommodation means a facility operated by a private entity whose operations affect commerce and fall within at least one of the following categories:

- (1) Place of lodging, except for an establishment located within a facility that contains not more than five rooms for rent or hire and that actually is occupied by the proprietor of the establishment as the residence of the proprietor. For purposes of this part, a facility is a "place of lodging" if it is –
  - (i) An inn, hotel, or motel; or
  - (ii) A facility that –
    - (A) Provides guest rooms for sleeping for stays that primarily are short-term in nature (generally 30 days or less) where the occupant does not have the right to return to a specific room or unit after the conclusion of his or her stay; and
    - (B) Provides guest rooms under conditions and with amenities similar to a hotel, motel, or inn, including the following:
      - (1) On- or off-site management and reservations service;
      - (2) Rooms available on a walk-up or call-in basis;
      - (3) Availability of housekeeping or linen service; and
      - (4) Acceptance of reservations for a guest room type without guaranteeing a particular unit or room until check in, and without a prior lease or security deposit.

Based on this definition an owner-occupied homestay would clearly not be considered a place of public accommodation as noted in the definition above and would not be regulated by ADA unless there were more than five rooms for rent. In the case of a non-owner occupied vacation rental, ADA requirements would only be applicable if the residence was operated with all the amenities typical of a hotel and that are identified in section (1)(ii)B above. Most vacation rentals do not

provide all of these listed amenities typical of a hotel or motel, and thus would not be classified as places of public accommodation and are not subject to the provisions of ADA.