

ORDINANCE NO. 3768

AN ORDINANCE ESTABLISHING A MORATORIUM ON NEW SHORT-TERM RENTALS IN THE WEST MARIN AREA

The Board of Supervisors ordains as follows:

SECTION 1: Findings

The Board of Supervisors makes the following findings in support of this ordinance:

- A. On July 31, 2018, the Board adopted Ordinance No. 3692. The Board found, among other findings, that 75% of the Transit Occupancy Tax that the County of Marin collects arises from lodgings in West Marin, and that the West Marin area absorbs more visitor impacts than the remainder of unincorporated Marin County. For example, the number of visitors to West Marin generates the need for additional fire and rescue services to accommodate the visitors, while still meeting the needs of the resident community. However, fire and rescue services must travel further distances to access West Marin, and the higher ratio of visitors to existing residents results in visitors having a larger impact on emergency services in West Marin than in other unincorporated areas. In addition, the Board found that the conversion of single-family dwellings to short term rentals to serve visitors had reduced the availability of long term housing in West Marin, and the impact of this reduction was magnified in West Marin because of the relatively small stock of existing housing.
- B. The Board further found in Ordinance No. 3692 that good governance and equity require that visitors that are benefitting from local government services and housing help pay the burden of the services provided to them, rather than allowing the burden to fall mainly on the resident taxpayers. Based on these findings, the Board adopted through Ordinance 3692, and the electorate of Marin County voting on the measure subsequently approved by a two-thirds majority, the creation of a transient occupancy tax rate of four percent of rent charged in the West Marin Transient Occupancy Tax Area ("West Marin Area"), in addition to the tax rate of ten percent applicable to the entire unincorporated County of Marin.
- C. Since the Board's adoption of Ordinance No. 3692, an affordable housing shortage for middle- and lower-income working families has continued to worsen in the greater San Francisco Bay Area, impacting the ability of these families to live in or near the communities where they work. Middle- and lower-income families in the West Marin Area are experiencing these housing impacts.
- D. Lack of permanent housing throughout the West Marin Area has affected economic activity in the West Marin Area. For example, a lack of service workers in that area has resulted in long commutes for service workers and caused businesses to reduce hours and even close some days.

- E. The shortage of affordable, permanent housing hollows out West Marin Area communities. It causes increases in property values and reduces the availability for local employee housing, which in turn forces emergency responders, teachers, and other essential public service workers to live outside the West Marin Area, creating a teacher shortage and delays in emergency and other public services. Lack of permanent housing has further caused school enrollment in the area to decline, impacting revenues of all school districts.
- F. Short-term rentals exacerbate these problems, and their impact is particularly magnified in the West Marin Area, because of the lack of housing stock. Conversion of housing units to vacation rentals further reduces housing stock and contributes to increased housing costs for both renters and buyers. In addition, short-term rentals have become increasingly popular in the West Marin Area, with hundreds of operations currently registered in the area.
- G. This affordable housing shortage in the West Marin Area constitutes a current and immediate threat to public health, safety, and welfare. In addition, allowing the approval of additional short-term rentals in the West Marin Area (through registration of additional business licenses and transit occupancy tax certificates) would result in a threat to public health, safety, and welfare.
- H. Under the Marin County Code, including but not limited to Chapter 5.41 and Chapter 3.05, operators of short-term rentals must comply with all applicable requirements, including but not limited to: acquiring and/or renewing a business license, acquiring a transient occupancy registration certificate, reporting and remitting pursuant to Marin County Code Section 3.05.070, and payment of taxes and fees commensurate with commercial use to operate a short-term rental.
- I. Government Code 65858 authorizes the Board to adopt as an urgency measure an interim ordinance prohibiting any use that may conflict with a contemplated zoning proposal that the County intends to study within a reasonable time. The Board and County staff plan to study and evaluate policies and contemplated zoning proposals to improve the availability of middle- and lower-income housing in the West Marin Area, while maintaining existing coastal access. New short-term rental operations in the West Marin Area would conflict with such policies and proposals. Therefore, to allow time for the Board and County staff to conduct such study and evaluation, it is necessary to temporarily prohibit the registration of new short-term rentals in the West Marin Area (which will be accomplished by suspending the registration of new business licenses and transit occupancy tax certificates received after the date of this Ordinance).

SECTION 2: Definitions

- A. "West Marin Area" means the West Marin Transient Occupancy Tax Area, as that term is defined in Marin County Code Section 3.05.035 and Marin County Ordinance No. 3692.
- B. "Short-term rental" means any lodging meeting the definition provided in Marin County Code Section 3.05.020(b), including, but not limited to any home, tourist home, apartment, rooming house, or similar structure, used for transient occupancy of 30 days or less as set forth in Marin County Code Section 3.05.020(d).

SECTION 3 Moratorium on New Short-Term Rentals in The West Marin Area

No new short-term rental use shall be established in the West Marin Area through July 8, 2022. This moratorium includes a prohibition on the issuance of new business licenses and transient occupancy registration certificates.

SECTION 4: CEQA

This Ordinance is not subject to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.) ("CEQA") pursuant to CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) Section 15060(b) and (c), because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and because it is not a project as defined in CEQA Guidelines section 15378, as it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, or alternatively, the Ordinance is exempt from CEQA under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance or its implementation would have a significant effect on the environment.

SECTION 4: Effective Date/Publication

This Ordinance shall be effective immediately upon adoption pursuant to Government Code section 65858. Within thirty (30) days of its passage, this Ordinance shall be published with the names of the supervisors voting for and against the same in the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 24th day of May 2022, by the following vote:

AYES:	SUPERVISORS	Dennis Rodoni, Judy Arnold, Damon Connolly, Stephanie Moulton-Peters, Katie Rice
NOES:	NONE	
ABSENT:	NONE	

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK OF THE BOARD