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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 8. SPECIAL BUSINESS REGULATIONS [18400 - 22949.92.2] (*Division 8 added by Stats. 1941, Ch. 44.*)

CHAPTER 22.3. Internet Private Residence Rental Listings [22590 - 22594] (*Chapter 22.3 added by Stats. 2015, Ch. 239, Sec. 1.*)

22590. As used in this chapter, a "hosting platform" means a marketplace that is created for the primary purpose of facilitating the rental of a residential unit offered for occupancy for tourist or transient use for compensation to the offeror of that unit, and the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining that marketplace. "Facilitating" includes, but is not limited to, the act of allowing the offeror of the residential unit to offer or advertise the residential unit on the Internet Web site provided or maintained by the operator.

(*Added by Stats. 2015, Ch. 239, Sec. 1. (SB 761) Effective January 1, 2016.*)

22592. A hosting platform shall provide the following notice to an offeror listing a residence for short-term rental on the hosting platform:

(a) If you are a tenant who is listing a room, home, mobilehome, condominium, or apartment, please refer to your rental contract or lease, or contact your landlord, prior to listing the property to determine whether your lease or contract contains restrictions that would limit your ability to list your room, home, mobilehome, condominium, or apartment. Listing your room, home, mobilehome, condominium, or apartment may be a violation of your lease or contract, and could result in legal action against you by your landlord, including possible eviction.

(b) You should review any restrictions on coverage under your homeowners' or renters' insurance policy related to short-term rental activities to ensure that there is appropriate insurance coverage in the event that a person sustains an injury or loss for which you are responsible, a person damages or causes loss to your personal or real property, or a claim or lawsuit is made against you or otherwise arises out of activities related to this hosting platform.

(*Amended by Stats. 2016, Ch. 113, Sec. 1. (SB 1092) Effective January 1, 2017.*)

22594. (a) The notice required by Section 22592 shall be in a font size that is equal to or greater than 100 percent of the standard font size of the other paragraphs on the hosting platform's Internet Web site or equal to the default font size on the hosting platform's Internet Web site.

(b) The notice shall be provided immediately before the offeror lists each real property on the hosting platform's Internet Web site, and shall require the offeror to interact with the hosting platform's Internet Web site to affirmatively acknowledge he or she has read the notice. This affirmative acknowledgment may be accomplished by the inclusion of a statement in the notice described in Section 22592 that the offeror acknowledges reading this notice before proceeding to list a real property with the hosting platform's Internet Web site.

(*Amended by Stats. 2016, Ch. 113, Sec. 2. (SB 1092) Effective January 1, 2017.*)