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AB-2202 Short-term rentals: disclosure: cleaning tasks. (2023-2024)

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Assembly Bill No. 2202

CHAPTER 510

An act to add Section 17568.8 to the Business and Professions Code, relating to short-term rentals.

[Approved by Governor September 24, 2024. Filed with Secretary of State September 24, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2202, Rendon. Short-term rentals: disclosure: cleaning tasks.

Existing law, commencing July 1, 2024, prohibits a place of short-term lodging, an internet website, application, or other similar centralized platform, or any other person from advertising, displaying, or offering a room rate that does not include all fees or charges required to stay at the short-term lodging, and requires that they include in the total price to be paid, all taxes and fees imposed by a government on the stay before the consumer reserves the stay. Existing law makes a violation of these provisions subject to a specified civil penalty not to exceed \$10,000 and authorizes an action to enforce these provisions to be brought by a city attorney, district attorney, county counsel, or the Attorney General.

This bill would require a place of short-term lodging, an internet website, application, or other similar centralized platform, or any other person to also disclose any additional fees or charges that will be added to the total price to be paid, or other penalty that will be imposed, if the consumer fails to perform certain cleaning tasks at the end of the stay, as specified. The bill would also require a place of short-term lodging or any other person that advertises or lists a place of short-term lodging as available to rent on an internet website, application, or other similar centralized platform to include in their short-term lodging listing on the internet website, application, or platform the information that the bill requires to be disclosed to the consumer. The bill would also make a person who knew or should have known that it has advertised, displayed, or offered a place of short-term lodging in violation of these provisions subject to civil penalty and enforcement provisions as described above. The bill would make its provisions operative on July 1, 2025.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 17568.8 is added to the Business and Professions Code, to read:

17568.8. (a) A place of short-term lodging or any other person that advertises or lists a place of short-term lodging as available to rent on an internet website, application, or other similar centralized platform shall include in their short-term lodging listing on the internet website, application, or other similar centralized platform, for the purposes of its compliance with subdivision (b), the following information:

(1) Any additional fees or charges that it will add to the total price to be paid to stay at the short-term lodging, or other penalty that it will impose, if the consumer fails to perform certain cleaning tasks at the end of the stay.

(2) An explicit description of the cleaning tasks required to be performed by the consumer that, if not performed, will make the consumer subject to the additional fees, charges, or penalties described in paragraph (1).

(b) A place of short-term lodging, an internet website, application, or other similar centralized platform, or any other person shall include both of the following in a notice that is affirmatively acknowledged by the consumer before the consumer reserves a stay at a place of short-term lodging it advertises or lists as available to rent:

(1) A disclosure of any additional fees or charges that will be added to the total price to be paid to stay at the short-term lodging, or other penalty that will be imposed by the place of short-term lodging or by the website, application, or other similar centralized platform, or any other person if the consumer fails to perform certain cleaning tasks at the end of the stay.

(2) An explicit description of the cleaning tasks required to be performed by the consumer that, if not performed, will make the consumer subject to the additional fees, charges, or penalties described in paragraph (1), required by either the place of short-term lodging, by the website, application, or other similar centralized platform, or by any other person.

(c) For purposes of this section, the following definitions apply:

(1) "Notice" means a written or electronic statement that is presented to the consumer in a font size that is at least as large as the standard or default font size of the other text in the advertisement or that is displayed on the internet website, platform, application, or other centralized platform and requires that the consumer interact with the internet website, application, or platform to affirmatively acknowledge that they have read the notice. Affirmative acknowledgment may be accomplished by including a statement in the notice that the consumer acknowledges having read the notice before the internet website, application, or platform functions to allow the consumer to reserve the stay.

(2) "Penalty" means subjecting a consumer to inferior terms, privileges, or conditions in comparison to other consumers, including, but not limited to, designating or threatening to designate the consumer as a less favorable guest, decreasing or threatening to decrease the consumer's status with or on the short-term lodging, internet website, application, or other similar centralized platform, or hindering or barring the consumer from reserving a stay at a place of short-term lodging that would otherwise be advertised or available to the consumer to view and reserve on the internet website, application, or platform.

(3) "Short-term lodging" means a short-term rental, or a residential property in this state that is rented to a visitor for 30 consecutive days or less through a centralized platform whereby the rental is advertised, displayed, or offered and payments for the rental are processed, but does not include a hotel, motel, bed and breakfast inn, or other similar transient lodging establishment located in this state, nor does it include a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(d) This section shall apply to any advertising, display, or offer before the public in this state, or from this state before the public in any state.

(e) (1) A person that knew or should have known that it has advertised, displayed, or offered a place of short-term lodging in violation of this section shall be subject to a civil penalty not exceeding ten thousand dollars (\$10,000) for each violation.

(2) An action to enforce this section may be brought by a city attorney, district attorney, county counsel, or the Attorney General.

(f) The duties and obligations imposed by this section are cumulative with any other duties or obligations imposed under other law, and shall not be construed to relieve any party from any duties or obligations imposed under other law.

(g) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(h) This section shall become operative on July 1, 2025.