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## **CITY OF MONTEREY PREVAILS IN SUPERIOR COURT ACTION REGARDING SHORT-TERM RESIDENTIAL RENTAL VIOLATION**

Monterey, CA. – Monterey County Superior Court issued a decision on February 19, 2020 in favor of the City of Monterey in the case of Burlingame Investments, LLC vs City of Monterey.

On May 1, 2019, City Code Compliance staff booked a 10-night stay through the online vacation rental platform Airbnb at 6 Spray Avenue, a property owned by Burlingame Investments, LLC. Once the Property owner accepted the reservation, Code Compliance issued a citation for violation of Monterey City Code section 38-26(O), which prohibits short-term residential rentals, in the amount of \$10,000 (\$1,000 for each day of the rental).

Burlingame requested an administrative appeal, which was held before the City's Administrative Hearing Officer on June 24, 2019. The Hearing Officer upheld the citation and the fine amount.

On July 17, 2019, Burlingame appealed the Hearing Officer's decision to the Superior Court, contending that because the City canceled the reservation prior to the overnight stay, the Property was never "rented." The court disagreed and determined that the booking and receipt of payment constituted a legally binding agreement between the guest and the host, and was in violation of the city's short-term residential rental ordinance. The Court upheld the City's citation and \$10,000 fine. "The fact that [the City] utilized an undercover sting to flush out a violator and then cancel the rental after issuing the citation does not provide [Burlingame] with a safe harbor," explained the Court's decision.

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“The City will continue to vigorously enforce its code prohibiting short-term rentals in the City. Short-term rentals contribute to a loss of housing stock in the City, and they affect the residential character of a neighborhood,” said City Manager Hans Uslar.

Assistant City Attorney Karin K. Salameh defended the City. Since 2014 five citations for violating the City's prohibition on short-term residential rentals have been appealed to the Superior Court. The City prevailed in all five cases.

*Learn more about the ordinance at [www.monterey.org/Services/Community-Development/Planning/Code-Compliance](http://www.monterey.org/Services/Community-Development/Planning/Code-Compliance) and [www.monterey.org/Portals/0/Newsroom/2017/17\\_0912-Short-Term-Rental-ComplianceNR.pdf](http://www.monterey.org/Portals/0/Newsroom/2017/17_0912-Short-Term-Rental-ComplianceNR.pdf)*

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