

ORDINANCE

(AS AMENDED)

CITY OF NEW ORLEANS

CITY HALL: March 2, 2023

CALENDAR NO. 34,082

NO. 29381 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER MORENO

AN ORDINANCE to amend and reordain Sections 26-613, 26-614, 26-615, 26-616, 26-617, 26-618, 26-619, 26-620, 26-623, 26-624, 26-625, 26-628, and 26-629 of the Code of the City of New Orleans and to ordain Section 26-630 of the Code of the City of New Orleans relative to short-term rentals, to establish application procedures, permit types and fees, operating regulations, enforcement parameters, penalties, and to provide for an effective date; and to provide otherwise with respect thereto.

1 SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY

**2 ORDAINS, That Sections 26-613, 26-614, 26-615, 26-616, 26-617, 26-618, 26-619, 26-620, 26-623, 26-624, 26-625, 26-628, and 26-629 of the Code of City of New Orleans be amended and
4 reordained to read as follows:**

5 “Chapter 26 – BUILDINGS, BUILDING REGULATIONS AND HOUSING STANDARDS

6 * * *

7 ARTICLE XI. - STANDARDS FOR SHORT-TERM RENTALS

8 DIVISION 1. – IN GENERAL

9 **Sec. 26-613. - Purpose.**

- 10 (a) This article sets forth comprehensive standards governing the short-term rental of immovable
11 property for lodging or sleeping purposes, and establishes requirements and enforcement
12 mechanisms intended to encompass and regulate all persons engaged in the business of short-
13 term rentals, including without limitation, property owners, operators, guests, and platforms
14 that facilitate short-term rentals.
- 15 (b) This article is adopted pursuant to the city's police power to preserve the city's permanent
16 housing stock, balance the economic opportunity created by short-term rentals with the need
17 to maintain a supply of long-term rental housing stock available at a range of prices, reduce
18 any indirect negative effects on the availability of affordable housing that results from the
19 dedication of long-term housing stock to short-term rental use, create a level playing field for
20 all parties engaged in the business of providing lodging, ensure the sufficient collection of tax
21 revenue, mitigate the disruptive effects that unmonitored short-term rentals can have on
22 neighborhoods, and protect the livability and quality of life of the city's residential
23 neighborhoods.

24 **Sec. 26-614. - Definitions.**

25 Except as otherwise expressly provided in this article, the following terms and their variant
26 forms shall mean the following:

27 *Booking transaction* means any contractual agreement between a guest and an owner
28 relative to a short-term rental.

29 *Department* means the department of safety and permits, unless otherwise specified herein.

30 *Dwelling unit* means a room, or group of rooms, providing complete, independent living
31 facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation for
32 one or more persons.

33 *Guest* means any person who occupies a dwelling unit pursuant to a short-term rental.

34 *Noise monitoring device* means a device capable of all of the following (i) monitoring noise
35 levels (ii) detecting exposure to noise levels that exceed an acceptable level for more than a
36 continuous five-minute period (iii) sending real-time alerts to the subject short-term rental owner
37 and operator, and (iv) being programmed to receive real-time alerts if noise levels continuously
38 exceed an acceptable level for the five-minute period. The noise monitoring device must comply
39 with all laws, rules and regulations regarding privacy.

40 *Operator* means a natural person possessing a short-term rental operator permit. An
41 operator who meets the legal requirements may also possess a short-term rental owner permit.

42 *Owner* means a person with an ownership interest in a property used for short-term rentals.
43 The term owner shall not include a person holding only a usufruct or leasehold interest in the
44 property.

45 *Platform* means one or more portals, listing services, or websites under common ownership
46 or control through which a person, other than an owner, collects or receives a fee, directly or
47 indirectly, for facilitating booking transactions. A platform shall not include a service that merely
48 posts advertisements for short-term rentals.

49 *Short-term rental* means the use and enjoyment of a dwelling unit, or any portion thereof,
50 by guests for a period of less than 30 consecutive days, in exchange for money, commodities,
51 fruits, services, or other performances. Hotels, motels, bed and breakfasts, and other land uses

52 explicitly defined and regulated in the Comprehensive Zoning Ordinance separately from short-
53 term rentals are not considered to be short-term rentals.

54 **Sec. 26-615. - Short-term rental permits required.**

55 (a) No dwelling unit in Orleans Parish may be used as a short-term rental unless:

56 (1) An owner of the dwelling unit possesses a valid and current short-term rental owner
57 permit issued for the dwelling unit in accordance with Division 2 of this article, and all
58 owners fully comply with all legal requirements and duties imposed herein; and

59 (2) An owner has designated an operator possessing a valid short-term rental operator
60 permit, issued in accordance with Division 3 of this article, and such operator fully
61 complies with all legal requirements and duties imposed herein.

62 (b) No platform may facilitate or conduct any booking transaction for a short-term rental in
63 Orleans Parish without first obtaining and maintaining a short-term rental platform permit
64 issued in accordance with Division 4 of this article.

65 (c) The permits required by this article are regulated privileges, not rights, and can be revoked or
66 suspended by the city in accordance with the provisions provided herein.

67 (d) Any permit issued pursuant to this article is strictly personal and may not be transferred or
68 assigned.

69 (e) In the event the holder of a short-term rental owner's permit ceases to own the property or
70 fails to renew the permit timely, the permit shall be immediately void, and short-term rental
71 use shall be prohibited on the property. Except as provided in subsection (f), any subsequent
72 application for a short-term rental owner's permit on the property shall be subject to the
73 lottery/equitable distribution provisions set forth in Sec. 26-617(g).

74 (f) Property that is identified as co-owned in the initial application for a short-term rental owner's
75 permit shall not be subject to the lottery/equitable distribution provisions set forth in Sec. 26-
76 617(g) when the holder of a short-term rental owner's permit ceases to own the property,
77 provided that one of the co-owner's identified on the initial application submits an application
78 for a short-term rental owner permit within 60 days of termination of co-ownership.

79 (g) If any required contact information changes for any permit, the person possessing the permit
80 shall immediately notify the department in writing, and the department shall issue a revised
81 permit to reflect the updated contact information

82 **Sec. 26-616. - Short-term rental permit fees.**

83 (a) There shall be the following short-term rental owner permit classifications, which shall
84 correspond to the types of short-term rental uses set forth by the Comprehensive Zoning
85 Ordinance:

- 86 (1) Short-term rental, non-commercial (Type N); and
87 (2) Short-term rental, commercial (Type C).

88 (b) A non-refundable application fee of \$50 shall be due upon submission of any new or renewal
89 short-term rental application.

90 (c) The following annual permit fees, which shall be refunded in the event an application is
91 denied, shall be due upon submission of any new or renewal short-term rental application:

92 (1) Short-term rental owner permit:

- 93 a. Type N — Non-commercial: \$500
94 b. Type C — Commercial: \$1,000
95 c. Operator card replacement fee: \$25

96 (2) Short-term rental operator permit:

- 97 a. Type N — Non-commercial: \$150
- 98 b. Type C — Commercial: \$1,000
- 99 (3) Short-term rental platform permit: \$10,000
- 100 (d) The owner shall remit to the city a \$12 fee for each night of occupancy of a dwelling unit
101 used as a short-term rental to offset the costs of enforcement and other costs borne by the city.
102 Fees shall be due and remitted along with tax submissions.
- 103 (e) The property owner shall remit to the city a \$500 application fee for consideration of any
104 special exception request pursuant to Section 21.8.C.18.r of the Comprehensive Zoning
105 Ordinance.

DIVISION 2. - SHORT-TERM RENTAL OWNER PERMIT

Sec. 26-617. - Permit and application—Eligibility.

- 108 (a) No dwelling unit may be used as a short-term rental unit unless an owner possesses a short-
109 term rental owner permit issued in accordance with this article. Issuance of a short-term rental
110 owner permit shall be subject to the following rules and criteria:
- 111 (1) Only natural persons age 18 or over may own a property used as a non-commercial short-
112 term rental. Ownership, in whole or in part, by a business entity, trust, or any other
113 juridical person is prohibited.
- 114 (2) No person may possess more than one short-term rental owner permit or own, in whole
115 or in part, more than one property used as a non-commercial short-term rental.
- 116 (3) A short-term rental owner permit shall be valid for one year from the date of issuance,
117 and shall be reapplied for annually.
- 118 (4) A separate short-term rental owner permit shall be required for each dwelling unit used
119 as a short-term rental.

120 (5) A short-term rental owner permit shall be consistent with the dwelling-unit-per-lot-of-
121 record, guest bedroom, guest occupancy, and any other applicable density limitations set
122 forth in the Comprehensive Zoning Ordinance.

123 (6) Any dwelling unit permitted for short-term rental use must meet all applicable building,
124 zoning, and addressing regulations, as determined by the department.

125 (7) An owner of a property with outstanding taxes, fines, fees or penalties levied by the City,
126 or that has been found to be liable of an unabated violation of the City Code by an
127 administrative hearing officer or court shall not be eligible for a short-term rental owner
128 permit with respect to said property.

129 (8) All juridical owners must be in good standing with the State of Louisiana to be eligible
130 for a commercial short-term rental owner permit.

131 (9) An owner of a property with open permits for new construction, structural or non-
132 structural renovation, or electrical or mechanical work, or open violation cases for
133 electrical or mechanical code violations or work without permits, shall not be eligible
134 for a short-term rental owner permit with respect to said property without the written
135 approval of the Chief Building Official of the City of New Orleans or a designee.

136 (10) The owner or resident of a dwelling unit required to be affordable by the Mandatory
137 Inclusionary Zoning, Voluntary Inclusionary Zoning, Affordable Housing planned
138 Development, or Small Multifamily Affordable Housing provisions of the
139 Comprehensive Zoning Ordinance shall not be eligible for a short-term rental permit for
140 that dwelling unit.

141 (b) The application for a short-term rental owner permit shall be on forms created by the
142 department, which shall, at a minimum, require the following information from applicants:

- 143 (1) The name, age, address, phone number, and email contact information of all owners;
- 144 (2) The municipal address of the dwelling unit associated with the short-term rental owner
- 145 permit;
- 146 (3) The total number of dwelling units located on the lot-of-record containing the dwelling
- 147 unit associated with the short-term rental owner permit application; and
- 148 (4) The name, address, phone number, email contact information, and permit number of the
- 149 operator designated by the owner to satisfy the requirements of this article with respect
- 150 to the dwelling unit associated with the short-term rental owner permit. If the designated
- 151 operator has not yet received a permit number, the applicant shall provide evidence of a
- 152 contemporaneous application for a short-term rental operator's permit by the designated
- 153 operator.

154 (c) The following additional documentation shall be submitted to the department, along with the

155 application, prior to processing:

156 (1) A list of platforms that will be used to solicit booking transactions for the dwelling unit

157 associated with the short-term rental owner permit, and correlating print-outs or

158 Universal Resource Locator (URL) links soliciting the short-term rental, if any.

159 (2) A floor plan depicting all:

- 160 i. entrance and exit doors;
- 161 ii. windows;
- 162 iii. bedrooms, including an indication of which are used for guests , and for non-
- 163 commercial short-term rentals, the bedroom reserved exclusively for the use of the
- 164 operator;
- 165 iv. bathrooms;

- 166 v. kitchens; and
- 167 vi. interior doors.
- 168 (3) An evacuation plan indicating:
- 169 i. the fire exits and escape routes;
- 170 ii. the location of smoke detectors;
- 171 iii. the location of fire extinguishers; and
- 172 iv. the location of carbon monoxide detectors.
- 173 (4) A site plan indicating the location of any required parking.
- 174 (5) A noise abatement plan that provides, at a minimum, a noise monitoring device. Non-
- 175 commercial short-term rental operators shall not be required to include a noise
- 176 monitoring device as part of their noise abatement plans.
- 177 (6) A sanitation plan that provides, at a minimum, for daily visual inspections on the
- 178 property, as well as regular litter and trash collection and procurement of an adequate
- 179 number of trash bins to securely hold all trash generated by the property in a lidded
- 180 container.
- 181 (7) If the application is for a Type C permit, a security and operation plan.
- 182 (8) An attestation signed by the owner providing that:
- 183 i. The dwelling unit has no outstanding property taxes or city liens associated with
- 184 the lot-of-record, nor do any of its owners owe any other outstanding taxes to the
- 185 city, including taxes and fees owed in connection with short-term rentals;
- 186 ii. The dwelling unit complies, and will comply during any short-term rental of the
- 187 dwelling unit, with all standards contained in the city's Minimum Property

188 Maintenance Code and all health safety requirements contained in the Building
189 Code;

190 iii. The dwelling unit has working smoke detectors inside and outside every bedroom,
191 carbon monoxide alarms outside every bedroom, and a properly maintained and
192 charged fire extinguisher on all habitable floors;

193 iv. The dwelling unit is not subject to any contractual restrictions precluding the
194 dwelling unit from being used for short-term rentals, including, but not limited to,
195 homeowner association agreements, condominium bylaws, restrictive covenants,
196 or building restrictions;

197 v. The owner read, understands, and agrees to comply with all legal duties imposed
198 by this article and the Comprehensive Zoning Ordinance;

199 vi. The owner possesses insurance that meets the requirements of section 26-618(a)(1);
200 and

201 vii. The owner will not discriminate in guest use or rental of a short-term rental, and
202 will comply with all applicable anti-discrimination laws, including, but not limited
203 to, Title VII of the Civil Rights Act of 1968, the Fair Housing Act (FHA), and the
204 Americans with Disabilities Act (ADA).

205 (d) The department shall deny any short-term rental application that does not contain all of the
206 information listed in Sec. 26-617(b) and (c).

207 (9) Proof of completion of a short-term rental course, to be provided by the department
208 and made available virtually.

209 (e) Every short-term rental owner permit issued by the department shall contain the following
210 information:

- 211 (1) Short-term rental owner permit number;
- 212 (2) Municipal address of the dwelling unit associated with the permit;
- 213 (3) Owner's name and contact information;
- 214 (4) Operator's name and contact information;
- 215 (5) Permit type;
- 216 (6) The permit's effective and expiration dates;
- 217 (7) The guest bedroom and occupancy limit of the dwelling unit associated with the permit;
218 and
- 219 (8) Contact information for the City's Short Term Rental Administration to facilitate
220 reporting complaints.
- 221 (f) Renewals shall be obtained in the same or substantially similar form and manner as the initial
222 permit, and shall also require:
- 223 (1) Completion and submission of a form created by the department of finance providing
224 the associated short-term rental taxes and fees paid to the city for the previous permit
225 year. The form, which shall be deemed confidential tax records for purposes of La. R.S.
226 47:1508, shall include at a minimum:
- 227 a. A statement indicating if the required taxes and fees were paid by the owner, a
228 platform, or both, for the preceding tax year and in what total amounts;
- 229 b. The total number of nights the dwelling unit used as a short-term rental was rented
230 in the previous calendar year;(deleted the word and)
- 231 c. The rates charged for each nightly rental; and
- 232 d. Any IRS Forms 1099 or other financial reports or documents provided to owners
233 or operators by any platform related to rental activity on each platform used.

- 234 (2) Updated owner and operator contact information, if applicable;
- 235 (3) An attestation signed by the owner providing, in addition to the continued compliance
- 236 with the items specified in subsection (c), above, that the short-term rental owner permit
- 237 has not been revoked in the previous year;
- 238 (4) An updated list of platforms that are used to solicit books transactions for the dwelling
- 239 unit associated with the short-term rental owner permit, and correlating print-outs of the
- 240 Universal Resource Locator (URL) soliciting the short-term rental (for example:
- 241 <http://www.vrbo.com/XXXXXX> or <https://www.airbnb.com/rooms/XXXXXX>); and
- 242 (5) If a Type C — Commercial short-term rental, proof of a favorable, annual city fire
- 243 inspection.
- 244 (6) Proof of completion of a short-term rental course, to be provided by the department and
- 245 made available virtually, within the previous permit year.
- 246 (g) The award of owner permits in zoning districts subject to blockface or per-square caps shall
- 247 be made using a lottery or other mechanism intended to ensure the equitable distribution of
- 248 short-term rental permits. The department shall promulgate rules and regulations to set forth
- 249 the deadlines, application procedures, processes and policies governing this selection
- 250 procedure and, in doing so, may adopt a weighted lottery using factors to be determined by
- 251 the department. The duration of a permit may be reduced, and all corresponding fees
- 252 prorated, to facilitate the implementation of the lottery/equitable distribution system.
- 253 (h) For co-owned property, only one owner's permit shall be required, provided that the
- 254 applicant certifies to the department that all owners independently meet the requirements for
- 255 an owner's permit and that the applicant has secured all necessary approvals from the other
- 256 owners to obtain a short-term rental permit.

- 257 **Sec. 26-618. - Legal duties of short-term rental owner permit holders.**
- 258 (a) *Legal duties.* An owner possessing a short-term rental owner permit shall comply at all times
259 with the following requirements:
- 260 (1) Insurance. The owner shall maintain in full force and effect at all times, a minimum of
261 \$1,000,000 in "commercial general liability" insurance per occurrence, combined
262 single limit, for bodily injury, personal injury, and property damage arising in any way
263 from the issuance of the permit or activities conducted pursuant to the permit, for each
264 dwelling unit used as a short-term rental.
- 265 (2) Guest records. The owner shall maintain guest registration records, which shall contain
266 the actual dates of occupancy, total number of guests per party per stay, and the rate(s)
267 charged. Such records shall be maintained for three years and shall be provided to the
268 city upon request, in accordance with applicable law. Personally identifiable guest
269 information may be redacted.
- 270 (3) Short-term rental advertisements. The owner shall ensure that the following information
271 be provided in connection with any short-term rental advertisement and shall ensure, in
272 any event, that each short-term rental listing advertises only one dwelling unit permitted
273 as a short-term rental:
- 274 a. The short-term rental owner permit number;
- 275 b. The short-term rental operator permit number of the designated operator;
- 276 c. Whether the dwelling unit is wheelchair accessible or otherwise compliant with the
277 Americans with Disabilities Act;
- 278 d. The number of available guest bedrooms as indicated on the owner permit; and

279 e. The maximum available occupancy of the dwelling unit as indicated on the owner
280 permit.

281 (4) Adherence to dwelling and occupancy limits. Short-term rentals shall be subject to, and
282 may not exceed, the dwelling-unit-per-lot-of-record, guest bedroom, guest occupancy,
283 and density limitations set forth in the Comprehensive Zoning Ordinance.

284 (5) Required postings at the short-term rental.

285 a. The owner shall ensure that a copy of the owner permit is displayed in a location
286 clearly visible from the street and legible to both guests and neighbors.

287 b. The owner shall ensure that the following are displayed in a location clearly visible
288 and legible to guests:

289 i. An evacuation diagram identifying fire escapes and all means of egress from
290 the dwelling unit and the building in which the dwelling unit is located;

291 ii. Trash disposal and recycling collection days; and.

292 iii. Contact information for the City's Short Term Rental Administration to
293 facilitate reporting complaints.

294 (6) Health and safety. The owner shall ensure that each dwelling unit governed by this article
295 complies with the following standards:

296 a. Walls, ceilings, floors, windows, fixtures and furnishings throughout the dwelling
297 unit shall be maintained in a clean condition at all times and shall be in good repair.

298 b. All rooms shall be adequately lighted and properly ventilated by natural or artificial
299 means or both, and shall be provided with adequate heating and air-conditioning
300 facilities. All natural gas fired heaters shall be vented to the outside atmosphere.

- 301 c. Each guest shall be furnished with clean towels, washcloths, and bed linens. Sheets
302 must be of sufficient width and length to completely cover the mattress and be
303 turned under the mattress so as to properly secure the sheet. All towels, washcloths
304 and bed linens shall be kept in good repair and changed between rentals.
- 305 d. All dishes, utensils, pots, pans and other cooking utensils shall be provided to guests
306 in a safe and sanitary condition. The permittee shall ensure that all perishables left
307 by the guests are disposed of at the conclusion of a short-term rental.
- 308 e. Each dwelling unit shall have a working fire extinguisher, smoke alarms, and
309 carbon monoxide detectors and shall comply with all applicable fire codes;
- 310 f. The dwelling unit shall have working locks, operable by guests, at all points of
311 ingress and egress.
- 312 g. Every dwelling unit shall comply with applicable provisions of the Comprehensive
313 Zoning Ordinance, the Minimum Property Maintenance Code as provided in
314 Chapter 26, Article IV, and the New Orleans Building Code, as provided in section
315 26-14, et seq.

- 316 (7) Short-term rental guest use limitations. The owner shall ensure that no dwelling unit used
317 as a short-term rental is used as a reception facility, or any other commercial use defined
318 by the Comprehensive Zoning Ordinance, during guest use of the short-term rental.
- 319 (8) Criminal activity. The owner shall timely report any known or suspected criminal
320 activity by a guest to the New Orleans Police Department.
- 321 (9) Reasonable inspections. The owner shall submit to inspections authorized by Section
322 26-624(c).
- 323 (10) Owner/operator availability. The owner shall:

324 a. Ensure the permitted operator is available during all periods of guest occupancy,
325 including nights and weekends, to facilitate compliance with this article.

326 Availability requires, at a minimum, that the operator be:

327 i. Accessible by telephone.

328 ii. Able to resolve complaints within one hour of being contacted by neighbors
329 regarding disruptive short-term rentals.

330 iii. Able to resolve complaints within one hour of being contacted by guests.

331 iv. Able to resolve complaints within one hour of being contacted by the City
332 of New Orleans and any of its departments.

333 b. Serve as the point of contact for guests, in addition to the operator, and be able to
334 resolve complaints within one hour of being contacted by guests.

335 c. Receive and resolve complaints from neighbors regarding disruptive short-term
336 rentals within one hour.

337 d. Receive and resolve complaints from the City of New Orleans and any of its
338 departments regarding disruptive short-term rentals within one hour.

339 (11) Taxes and fees. Except for those instances in which a platform bears the responsibility
340 for collecting and remitting taxes and fees applicable to short-term rentals, as provided
341 in section 26-622.1, the owner shall timely remit all applicable local, state, and federal
342 taxes and city fees owed in connection with any short-term rental. The failure of a
343 platform to collect and remit taxes and fees pursuant to section 26-622.1 shall not relieve
344 an owner of the obligation to pay taxes and fees owed pursuant to this article.

- 345 (12) Compliance with other laws. The owner shall ensure that any short-term rental fully
346 complies with this article, the Comprehensive Zoning Ordinance, and all other
347 applicable laws.
- 348 (b) *Prohibited acts.* The following acts shall be prohibited and may be grounds for suspension or
349 revocation of a short-term rental owner permit, or any other remedy authorized by the article.
350 Each instance of a prohibited act may be cited separately in any enforcement action.
- 351 (1) Advertising an illegal short-term rental.
- 352 (2) Exceeding in any advertisement, the legally available dwelling-unit-per-lot-of-record
353 limitation set forth in the Comprehensive Zoning Ordinance.
- 354 (3) Exceeding in any advertisement, the legally available guest bedroom limitation set forth
355 in the Comprehensive Zoning Ordinance.
- 356 (4) Exceeding in any advertisement, the legally available guest occupancy limitations set
357 forth in the Comprehensive Zoning Ordinance.
- 358 (5) Exceeding the dwelling-unit-per-lot-of-record limitation set forth in the Comprehensive
359 Zoning Ordinance.
- 360 (6) Exceeding the guest bedroom limitation set forth in the Comprehensive Zoning
361 Ordinance.
- 362 (7) Exceeding the guest occupancy limitations set forth in the Comprehensive Zoning
363 Ordinance.
- 364 (8) Using a dwelling unit as a reception facility, or for any other commercial use defined by
365 the Comprehensive Zoning Ordinance, during a short-term rental. No special event
366 permit shall be obtained for an event occurring at a dwelling unit during any period of
367 guest occupancy.

- 368 (9) Rental of the dwelling unit by the hour or for any period less than one night.
- 369 (10) Rental of a single dwelling unit to more than one party of guests at one time.
- 370 (11) Short-term rental use that generates (i) excessive loud sound, (ii) offensive odors, (iii)
- 371 public drunkenness, (iv) unlawful loitering, (v) litter, (vi) lewd conduct by guests or (vii)
- 372 any effect that otherwise unreasonably interferes with neighbors' quiet enjoyment of
- 373 their properties. For purposes of this paragraph, excessive loud sound means any noise
- 374 generated from within the dwelling unit or having a nexus to the dwelling unit that is
- 375 louder than a conversational level, or any music that is plainly audible from the property
- 376 line of the lot containing the dwelling unit, between the hours of 10:00 p.m. and 8:00
- 377 a.m. Each instance and type of unreasonable interference defined in this paragraph shall
- 378 constitute a separate violation of this section and may be cited separately in any
- 379 enforcement action.
- 380 (12) Short-term rental use that places loads on structural elements or components of
- 381 buildings, including, but not limited to, porches, balconies, and roof decks, in excess of
- 382 the minimum design loads required by the Building Code.
- 383 (13) Violations of the submitted noise abatement plan, security and operation plan, or
- 384 sanitation plan.
- 385 (14) Discriminating against any guest, or potential guest, because of race, color, sex, gender
- 386 identity, age, religion, disability, national origin, ancestry, sexual orientation, marital
- 387 status, parental status, military discharge status or source of income.
- 388 (15) Failure to comply with any other legal duty imposed by this article or correlating
- 389 provisions in the Comprehensive Zoning Ordinance, and all other applicable laws.

- 390 (16) Failure to ensure that the licensed operator is available as required by section 26-
- 391 618(a)(10).
- 392 (17) For non-commercial short-term rentals, advertising or using the bedroom(s) reserved for
- 393 the owner or licensed operator (if different from the owner) as a guest bedroom.
- 394 (18) Advertising more than one dwelling unit for short-term rental in a single advertisement
- 395 or listing.
- 396 (c) *Ongoing duty.* An owner possessing a short-term rental owner permit may delegate the
- 397 performance of any duties set forth in this section to the permitted short-term rental operator
- 398 identified in the owner's application to the department. Notwithstanding that delegation, the
- 399 owner remains principally responsible for the performance of all duties created hereunder,
- 400 and may not assert the non-performance of a short-term rental operator as a defense to any
- 401 action arising from a breach of the owner's duties under this article.

402 **DIVISION 3. - SHORT-TERM RENTAL OPERATOR PERMIT**

403 **Sec. 26-619. - Short-term rental operator permit and application—Eligibility.**

- 404 (a) Every dwelling unit used as a short-term rental in Orleans Parish shall be operated by a natural
- 405 person age 18 or over holding a short-term rental operator permit.
- 406 (1) A natural person who holds a short-term rental owner permit may act as the operator,
- 407 but must separately apply for and obtain a short-term rental operator permit.
- 408 (2) The short-term rental operator permit is valid for one year from the date of issuance, and
- 409 shall be reapplied for annually.
- 410 (3) A separate short-term rental operator permit shall be required for each dwelling unit used
- 411 as a short-term rental.

- 412 (b) The application for a short-term rental operator permit shall be on forms created by the
413 department, which shall require, at a minimum, the following information:
- 414 (1) The name, address, phone number and email contact information of the operator.
- 415 (2) For non-commercial short-term rentals, evidence of recorded ownership or a current
416 residential lease, as well as at least two other forms of documentation with a matching
417 address, including without limitation a utility bill, driver's license or state ID, or bank or
418 credit card statement, establishing that the operator resides on the premises being
419 operated as a short-term rental. For both non-commercial and commercial short-term
420 rentals, evidence that the operator has the permission of the owner to operate the property
421 as a short-term rental in accordance with the application submitted.
- 422 (3) An attestation that the operator has read, understands, and agrees to comply with all legal
423 duties imposed by this article, and in the Comprehensive Zoning Ordinance.
- 424 (4) Proof that the operator is at least 18 years of age.
- 425 (5) A nuisance prevention and neighborhood complaint response plan for each dwelling unit
426 used as a short-term rental.
- 427 (6) Proof of completion of a short-term rental course, to be provided by the department and
428 made available virtually.
- 429 (c) The department shall deny any short-term rental operator application that does not contain all
430 of the information listed in Sec. 26-619(a) and (b).
- 431 (d) Renewals shall be obtained in the same or substantially similar form and manner as the initial
432 permit, and shall require:

- 433 (1) An attestation signed by the operator providing that, in addition to the items specified
434 in subsection (b), above, that a short-term rental operator permit has not been revoked
435 in the previous year; and
- 436 (2) Updated contact information, if applicable.
- 437 (3) Proof of completion of a short-term rental course, to be provided by the department and
438 made available virtually, within the previous permit year.
- 439 (e) The operator permit shall be issued in two forms:
- 440 (1) A PDF or other document that lists the operator's contact information, as well as any
441 other information deemed pertinent by the department; and
- 442 (2) A card bearing the photograph of the licensed operator and listing the address of the
443 property being used as a short-term rental, owner license number, and operator license
444 number.

445 **Sec. 26-620. - Legal duties of short-term rental operator permit holders.**

- 446 (a) *Legal duties.* Any person possessing a short-term rental operator permit shall comply at all
447 times with the following requirements:
- 448 (1) Operator availability. The operator shall:
- 449 a. Be available during all periods of guest occupancy, including nights and weekends,
450 to facilitate compliance with this article. Availability requires, at a minimum, that
451 the operator:
- 452 i. Be accessible by telephone;
- 453 ii. Serve as the point of contact for neighbors, including receiving and resolving
454 complaints within one hour of being contacted by neighbors regarding
455 disruptive short-term rentals.

- iii. Be able to resolve complaints within one hour of being contacted by guests.
 - iv. Be able to resolve complaints within one hour of being contacted by the City of New Orleans and any of its departments.

b. Serve as the point of contact for guests, including receiving and resolving inquiries and complaints within one hour of being contacted.

c. Receive and resolve complaints from neighbors regarding disruptive short-term rentals within one hour.

d. Receive and resolve complaints within one hour of being contacted by the City of New Orleans and any of its departments.

e. Reside on the property being used for a non-commercial short-term rental.

uest records. The operator shall be solidarily responsible with the owner for ensuring ll compliance with the guest record-keeping requirements set forth in section 26-8(a)(2).

ort-term rental advertisements. The operator shall be solidarily responsible with the vner for ensuring full compliance with the advertising requirements set forth in section -618(a)(3).

herence to dwelling and occupancy limits. The operator shall be solidarily responsible ch the owner for ensuring full compliance with the dwelling-unit-per-lot-of-record, est bedroom, guest occupancy, and density limitations set forth in section 26-3(a)(4).

quired postings at the short-term rental. The operator shall be solidarily responsible h the owner for ensuring full compliance with the posting requirements set forth in tion 26-618(a)(5).

- 479 (6) Health and safety. The operator shall be solidarily responsible with the owner for
480 ensuring full compliance with each of the health and safety requirements set forth in
481 section 26-618(a)(6)a. through g.
- 482 (7) Short-term rental guest use limitations. The operator shall be solidarily responsible with
483 the owner for ensuring that no dwelling unit associated with a short-term rental owner
484 permit be used as a reception facility, or any other commercial use as set forth in section
485 26-618(a)(7).
- 486 (8) Criminal activity. The operator shall be solidarily responsible with the owner for
487 reporting any known or suspected criminal activity by a short-term rental guest to the
488 New Orleans Police Department as set forth in section 26-618(a)(8).
- 489 (9) Reasonable inspections. The operator shall be solidarily responsible with the owner for
490 facilitating inspections required by section 26-618(a)(9).
- 491 (10) Compliance with other laws. The operator shall ensure that any short-term rental fully
492 complies with this article, the Comprehensive Zoning Ordinance, and all other
493 applicable laws.
- 494 (b) *Prohibited acts.* The following acts shall be prohibited and may be grounds for suspension or
495 revocation of a short-term rental operator permit, or any other remedy authorized by the
496 article. Each instance of a prohibited act may be cited separately in any enforcement action.
- 497 (1) Advertising an illegal short-term rental.
- 498 (2) Exceeding in any advertisement, the legally available dwelling-unit-per-lot-of-record
499 limitation set forth in the Comprehensive Zoning Ordinance.
- 500 (3) Exceeding in any advertisement, the legally available guest bedroom limitation set forth
501 in the Comprehensive Zoning Ordinance.

- 502 (4) Exceeding in any advertisement, the legally available guest occupancy limitations set
503 forth in the Comprehensive Zoning Ordinance.
- 504 (5) Exceeding the dwelling-unit-per-lot-of-record limitation set forth in the Comprehensive
505 Zoning Ordinance.
- 506 (6) Exceeding the guest bedroom limitation set forth in the Comprehensive Zoning
507 Ordinance.
- 508 (7) Exceeding the guest occupancy limitations set forth in the Comprehensive Zoning
509 Ordinance.
- 510 (8) No dwelling unit associated with a short-term rental owner permit may be used as a
511 reception facility, or any other commercial use defined by the Comprehensive Zoning
512 Ordinance. No special event permit shall be obtained for an event occurring at a dwelling
513 unit during any period of guest occupancy.
- 514 (9) Rental of the dwelling unit by the hour or for a period less than one night.
- 515 (10) Rental of a single dwelling unit to more than one party of guests at one time.
- 516 (11) Short-term rental use that generates (i) excessive loud noise, (ii) offensive odors, (iii)
517 public drunkenness, (iv), unlawful loitering, (v) litter, (vi) lewd conduct by guests or
518 (vii) any effect that otherwise unreasonably interferes with neighbors' quiet enjoyment
519 of their properties. For purposes of this paragraph, excessive loud noise means any noise,
520 generated from within the dwelling unit or having a nexus to the dwelling unit that is
521 louder than a conversational level, or any music that is plainly audible from the property
522 line of the lot containing the dwelling unit, between the hours of 10:00 p.m. and 8:00
523 a.m. Each instance and type of unreasonable interference shall constitute a separate
524 violation of this section and may be cited separately in any enforcement action.

525 (12) Short-term rental use that places loads on structural elements or components of
526 buildings, including, but not limited to, porches, balconies, and roof decks, in excess of
527 the minimum design loads required by the Building Code.

528 (13) Violations of the submitted noise abatement plan, security and operation plan, or the
529 sanitation plan.

530 (14) Discriminating against any guest, or potential guest, because of race, color, sex, gender
531 identity, age, religion, disability, national origin, ancestry, sexual orientation, marital
532 status, parental status, military discharge status or source of income.

533 (15) Failure to reside on the premises as required by law.

534 (16) Failure of the operator to be available as required by law.

535 (17) Failure to show the operator's license card on request.

536 (18) Advertising more than one dwelling unit for short-term rental in a single advertisement
537 or listing.

538 (19) Failure to comply with any other legal duty imposed by this article, correlating
539 provisions in the Comprehensive Zoning Ordinance, or any other applicable law.

540 (c) The licensed operator is personally responsible for fulfilling these duties and may not
541 delegate them to any other person or entity.

542 DIVISION 4. - SHORT-TERM RENTAL PLATFORM PERMIT

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544 Sec. 26-623 - Platform safe harbor

545 Platforms shall be deemed in compliance with the legal duties set forth in section 26-622(a)(1)
546 if:

- 547 (a) The platform requires any person who lists a dwelling unit located in Orleans Parish for
548 a short-term rental to provide the short-term rental owner permit number and the short-
549 term rental operator permit number associated with the dwelling unit at the time of the
550 listing;
- 551 (b) The platform does not permit the listing of a dwelling unit located in Orleans Parish for
552 a short-term rental if the required owner and operator permit information is omitted,
553 appears blank, or is in a format not approved by the department, ensuring that the city
554 may assess whether the dwelling unit possesses the appropriate permits and is otherwise
555 operating in accordance with law;
- 556 (c) The platform removes any improper listings within seven days of the department
557 providing written notification of an unpermitted or unauthorized short-term rental; and
- 558 (d) The platform requires that any person who lists any type of transient lodging not registered
559 as a short-term rental for rental for less than 30 days, including but not limited to bed and
560 breakfasts or hotels, provide an identification number issued to them by the department
561 associated with the transient lodging business at the time of the listing.
- 562 (e) The platform submits to the department, every month, a report, in a form approved by the
563 department, that contains the following information about each of the short-term rentals
564 listed through platform during the applicable reporting period:
- 565 (1) The total number of short-term rentals listed on the platform during the applicable
566 reporting period.
- 567 (2) The permit number of each short-term rental listed on the platform during the
568 applicable reporting period.

- (3) The address, including the unit number if applicable, of each short-term rental listed on the platform during the applicable reporting period.
 - (4) The Universal Resource Locator (URL) links of each short-term rental listed on the platform.
 - (5) Whether the short-term rental is for an entire or partial unit.
 - (6) The exact number of nights that each short-term rental listed on the platform was rented to guests during the applicable reporting period.
 - (7) The amount of rent paid by guests in connection with the rental of each short-term rental listed on the platform during the applicable reporting period.
 - (8) The total amount of taxes and fees paid by the platform to the city under Sec. 26-622.1 in connection with the rental of each short-term rental listed on the platform during the applicable reporting period.

A permitted platform that avails itself of this safe harbor does not warrant the accuracy of user-submitted permit data, and shall not be legally responsible for any incorrect information submitted by an owner or operator.

**DIVISION 5. - DEPARTMENT OF SAFETY AND PERMIT'S SHORT-TERM RENTAL
RESPONSIBILITIES AND POWERS**

589 Sec. 26-624. - Departmental authority.

- 590 (a) *Receive short-term rental applications.* The department shall receive and process all short-
591 term rental permit applications and determine applicant eligibility.

- 592 (b) *Issue eligible short-term rental permits.* The department shall issue permits only to eligible
593 applicants, as determined by the department.
- 594 (c) *Inspections.*
- 595 (1) The director of the department or a duly authorized representative shall have the power
596 to inspect any short-term rental to determine compliance with this article.
- 597 (2) Inspection may occur at any reasonable time, upon the production of proper
598 identification by a representative of the department, whenever the director of the
599 department has a reasonable belief that a dwelling unit or a short-term rental is in
600 violation of any of the provisions of this article, the Comprehensive Zoning Ordinance,
601 or the Building Code as provided in City Code Sec. 26-14 et seq.
- 602 (3) Prior to any inspection of an occupied dwelling unit, the department shall present
603 credentials to the owner, operator, or guest and request entry. If the short-term rental is
604 unoccupied, the department shall attempt to locate the owner or operator and request
605 entry. If the department does not obtain timely consent to enter a dwelling unit, it may
606 attempt to secure entry as provided in subsection (4), below.
- 607 (4) *Warrant for inspection.* If the owner or operator of the short-term rental refuses within
608 72 hours of department's request, admittance to the director of the department or his/her
609 duly authorized representative for the purpose of making an inspection or examination
610 of the premises, the director or his representative may present an affidavit to any judge
611 of the municipal court stating that he has cause to believe that an inspection of the
612 designated premises will reveal designated violations of this article.

613 a. The affidavit alleging probable cause shall identify the factual basis for the belief
614 that the short-term rental is not in compliance with this article, or correlating
615 provisions in the Comprehensive Zoning Ordinance.

616 b. Upon receiving the affidavit, the judge may issue a warrant authorizing the director
617 or his representative to search the premises. The scope of the search authorized by
618 the warrant shall be limited to a search for those designated, alleged violations.

619 (5) An owner may avoid an inspection authorized by this section by voluntarily forfeiting
620 his or her short-term rental owner's permit, in which case the permit shall be deemed
621 revoked. Nothing herein shall limit the authority of a law enforcement body to secure a
622 search warrant in connection with criminal activity at a dwelling unit unrelated to
623 compliance with this article or the authority of the department to conduct lawful
624 inspections of a dwelling unit unrelated to compliance with this article.

625 (d) *Rescission of permits.* The department is authorized to cancel and rescind a permit issued
626 under this article whenever a permit so issued is in error, was issued on the basis of inaccurate
627 or misleading information, or contravenes this article or the Comprehensive Zoning
628 Ordinance.

629 (e) *Suspension of permits where life safety issues are present.* The department may suspend a
630 short-term rental owner permit issued under this article whenever the property it corresponds
631 to is the subject of a violation of building code that may endanger the life or safety of persons
632 on the property. This suspension shall end automatically when the Director or their designee
633 determines that the violation has been abated.

634 (f) *Identification of non-short-term rental transient lodging offered on Platforms.* The
635 department shall issue, at no charge to businesses, an identification number to any transient

636 lodging business in good standing that uses a platform to facilitate booking transactions. To
637 obtain this identification number, the transient lodging business must provide the department
638 with the following information:

- 639 (1) The name of the business;
640 (2) The business address; and
641 (3) The business's occupational license.

642 (g) *Enforcement.*

643 (1) The department shall prioritize the enforcement and adjudication of violations of
644 Sec. 26-618(b)(1) – (7) and (17) and Sec. 26-620(b)(1) – (7), (15) and (17) and take all
645 available steps to adjudicate said violations immediately upon receiving evidence of the
646 violation from a platform or otherwise.

647 (2) The department shall not be responsible for the enforcement of correlating taxation
648 provisions dictated by Chapter 150 of the Code of the City of New Orleans.

649 (h) *Records.* The department shall maintain a registry of all permit types and correlating permit
650 numbers issued to owners, operators, and platforms pursuant to this article.

651 (i) *Rules and Regulations.* The department may issue rules and regulations related to the issuance
652 of short-term rental licenses and enforcement of short-term rental laws.

653 (j) *Dashboard.* The department shall establish a public facing dashboard listing all short-term
654 rental applications; owner and operator permits with photo ID cards; the addresses of
655 properties the department has delisted from any platform, if available; and all addresses with
656 open, pending, and adjudicated violations. The dashboard shall further indicate the number of
657 adjudications per week and the dispensation of any adjudicated violation. In addition, the

658 dashboard shall list all lots subject to the five-year permit revocation contained in Section 26-
659 628(f). The public facing dashboard shall be updated on weekly basis.

660 **Sec. 26-625. - Permit issuance and renewal—Departmental determination.**

661 (a) The department shall issue a permit to any applicant who meets all of the requirements set
662 forth in this Article, as applicable; however, notwithstanding the foregoing, the department
663 shall not issue or renew a permit for any applicant if any of the following conditions exist:

664 (1) There is a judgment from the City related to the subject property or against the applicant
665 which has not been fully satisfied;

666 (2) There are unpaid taxes, fees, fines or penalties levied by the City against the property,
667 property owner(s), or the applicant;

668 (3) The applicant is a juridical entity that is not in good standing with the State of Louisiana;

669 (4) There are open permits for new construction, structural or non-structural renovation,
670 and/or electrical or mechanical work on the subject property; and/or

671 (5) There are open violations on the subject property related to any of the following:
672 a. Electrical or mechanical code violations;
673 b. Work without permits; or
674 c. The provisions of this Article.

675 (6) The applicant had a short-term rental permit that was revoked or suspended for a term
676 that has not yet expired.

677 (b) The issuance or renewal of a permit under this article shall not be deemed to warrant, on
678 behalf of the city, that the owner, operator, or platform is in compliance with law or that a
679 dwelling unit is fit for occupancy. This article shall not create any right of action against the
680 city by a guest or any third-party.

681 **DIVISION 6. – ENFORCEMENT**

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683 **Sec. 26-628. - General suspension and revocation procedures.**

684 (a) A permit issued pursuant to this article may be suspended for a term or revoked in its entirety
685 for violations of this article or any other law incorporated herein.

686 (b) If a permit is revoked, the permittee may not reapply for a permit for a period of five years
687 from the date of revocation.

688 (c) The decision to suspend or revoke a permit shall be at the discretion of the hearing officer
689 based on the severity of the violation and any other mitigating or aggravating circumstances
690 surrounding the violation.

691 (d) Without limiting the situations in which the hearing officer might deem revocation
692 appropriate, revocation shall be mandatory in the following circumstances:

693 (1) A short-term rental owner permit shall be revoked if the hearing officer determines by a
694 preponderance of the evidence that:

695 i. The owner violated section 26-618(a)(3).

696 ii. The owner violated section 26-618(a)(4).

697 iii. The owner violated section 26-618(a)(7).

698 iv. The owner violated section 26-618(a)(8).

699 v. The owner violated section 26-618(b)(1).

700 vi. The owner violated section 26-618(b)(2).

701 vii. The owner violated section 26-618(b)(3).

702 viii. The owner violated section 26-618(b)(4).

703 ix. The owner violated section 26-618(b)(5)

- 704 x. The owner violated section 26-618(b)(6)
- 705 xi. The owner violated section 26-618(b)(7)
- 706 xii. The owner violated section 26-618(b)(8)
- 707 xiii. The owner violated section 26-618(b)(14)
- 708 xiv. The owner violated section 26-618(b)(17)
- 709 xv. The owner made false, misleading or fraudulent statement(s) in the permit
- 710 application, subterfuge for the purpose of evading any requirement of this
- 711 Article.
- 712 xvi. Any three separate violations of any of the following sections have occurred
- 713 during a twelve-month period:
- 714 (a) 26-618(a)(1)
- 715 (b) 26-618(a)(2)
- 716 (c) 26-618(a)(5)
- 717 (d) 26-618(a)(6)
- 718 (e) 26-618(a)(9)
- 719 (f) 26-618(a)(10)
- 720 (g) 26-618(a)(11)
- 721 (h) 26-618(a)(12)
- 722 (i) 26-618(b)(9)
- 723 (j) 26-618(b)(10)
- 724 (k) 26-618(b)(11)
- 725 (l) 26-618(b)(12)
- 726 (m) 26-618(b)(13)

727 (n) 26-618(b)(15)

728 (o) 26-618(b)(16)

729 (2) A short-term rental operator permit shall be revoked if the hearing officer determines by
730 a preponderance of the evidence that:

731 i. The operator violated section 26-620(a)(3).

732 ii. The operator violated section 26-620(a)(4).

733 iii. The operator violated section 26-620(a)(7).

734 iv. The operator violated section 26-620(a)(8).

735 v. The operator violated section 26-618(b)(1).

736 vi. The operator violated section 26-618(b)(2).

737 vii. The operator violated section 26-618(b)(3).

738 viii. The operator violated section 26-618(b)(4).

739 ix. The operator violated section 26-618(b)(5).

740 x. The operator violated section 26-618(b)(6).

741 xi. The operator violated section 26-618(b)(7).

742 xii. The operator violated section 26-620(b)(8).

743 xiii. The operator violated section 26-620(b)(14).

744 xiv. The operator violated section 26-620(b)(15).

745 xv. The operator violated section 26-620(b)(18).

746 xvi. The operator made false, misleading or fraudulent statement(s) in the permit
747 application, or misrepresented material facts in the permit application, or used
748 any scheme or subterfuge for the purpose of evading any requirement of this
749 Article.

750 xvii. Any three separate violations of any of the following sections have occurred

751 during a twelve-month period:

752 (a) 26-620(a)(1)

753 (b) 26-620(a)(2)

754 (c) 26-620(a)(5)

755 (d) 26-620(a)(6)

756 (e) 26-620(a)(9)

757 (f) 26-620(a)(10)

758 (g) 26-620(b)(9)

759 (h) 26-620(b)(10)

760 (i) 26-620(b)(11)

761 (j) 26-620(b)(12)

762 (k) 26-620(b)(13)

763 (l) 26-620(b)(16)

764 (m) 26-620(b)(17)

765 (n) 26-620(b)(19)

766 (e) An appeal with respect to the revocation of any short-term rental permit must be executed
767 within 30 days of the issuance of the order of revocation.

768 (f) When an owner or operator permit is revoked under Sec. 26-628(d)(1) or Sec. 26-628(d)(2),
769 a hearing officer shall order that a property be prohibited from operating as a short-term rental
770 for a period of five years. This order, once recorded, shall constitute a charge on the
771 immovable property that shall be effective against third parties and shall prohibit all current

772 and future owners from obtaining a short-term rental owner's permit on the property for the
773 period of five years from the date of the order.

774 **Sec. 26-629. – Penalties.**

775 (a) Any person who violates this article or the Comprehensive Zoning Ordinance shall be subject
776 to a fine of not less than \$500.00 for each offense. Each day that such violation exists shall
777 constitute a separate and distinct offense. Multiple violations may relate to the same guest
778 stay, day, action, situation, or event, and may be noticed and heard in a single administrative
779 hearing.

780 (b) In addition to any fine or penalty imposed by this article, the city may seek all available relief
781 in a court of competent jurisdiction to enjoin any violation.

782 (c) The city may seek any remedy to compel compliance with the requirements of this article or
783 any correlating provision in the Comprehensive Zoning Ordinance, including the
784 discontinuance of electrical service and the filing of property liens.

785 (d) The city may revoke or suspend any and all permits required by this article, as provided
786 herein. If a permit issued pursuant to this article is revoked, such revocation shall remain in
787 effect for a period of five years from the date of revocation. The duration of suspensions shall
788 be as dictated by the hearing officer's order.”

1 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS**, That Section 26-630 of the Code of City of New Orleans be ordained to read as
3 follows:

4 **“Sec. 26-630. - Private Right of Action**

5 (a) Any owner or lawful occupant of property within 300 feet of the lot line of any property
6 operating as a short-term rental in violation of this Article, in addition to any person who

7 otherwise satisfies the jurisprudential requirements for legal standing to assert a claim, shall
8 have a private right of action against the owner or operator of the short-term rental to enjoin
9 violations of this Article.

10 (b) The requirements of this Article constitute rules of public order, violations of which may be
11 preliminarily enjoined without the demonstration of irreparable injury.

12 (c) Any person who successfully obtains injunctive relief by prosecuting a private action
13 authorized by subsection (a) shall be entitled to reasonable attorney's fee incurred in
14 prosecuting the action.

15 (d) The private right of action created by this section shall be in addition to, and not in lieu of,
16 any other legal rights to seek damages or pursue injunctive or other relief against short-term
17 rental owners and operators for nuisances or other violations of this Article or other laws."

1 **SECTION 3. THE COUNCIL OF THE CITY OF NEW ORLEANS FURTHER**

2 **ORDAINS**, That the provisions of this Ordinance shall become effective July 1, 2023.

3 **SECTION 4. THE COUNCIL OF THE CITY OF NEW ORLEANS FURTHER**

4 **ORDAINS**, That upon the effectiveness of this Ordinance, existing Sections 26-630, 26-631, 26-
5 632, 26-633, 26-634, 26-635, 26-636, 26-637, and 26-638 in Article XII of Chapter 26 of the Code
6 are hereby renumbered as Sections 26-640, 26-641, 26-642, 26-643, 26-644, 26-645, 26-646, 26-
7 647, and 26-648, respectively.

8 **SECTION 4. THE COUNCIL OF THE CITY OF NEW ORLEANS FURTHER**

9 **ORDAINS**, That should any section, paragraph, sentence, clause, phrase or word of this Ordinance
10 be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
11 unconstitutionality shall not affect any of the remaining word, phrases, clauses, sentences,
12 paragraphs or sections of this Ordinance, as they would have been enacted by the Council without

13 the incorporation of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph
14 or section.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS MARCH 23, 2023

**JP MORRELL
PRESIDENT OF THE COUNCIL**

DELIVERED TO THE MAYOR ON MARCH 27, 2023

APPROVED:

DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON MARCH 31, 2023 AT 3:25 P.M.

**LORA W. JOHNSON
CLERK OF COUNCIL**

ROLL CALL VOTE:

YEAS: Giarrusso, Green, Harris, King, Moreno, Morrell - 6

NAYS: Thomas - 1

ABSENT: 0

RECUSED: 0

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
CLERK OF COUNCIL

THIS ORDINANCE WAS RETURNED BY THE MAYOR ON MARCH 31, 2023 AT 3:25 P.M. AND THE SAME WAS NEITHER APPROVED NOR DISAPPROVED BY THE MAYOR. THEREFORE, SAID ORDINANCE BECAME LAW ON APRIL 2, 2023 AT 12:00 NOON AS REQUIRED BY LAW.

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