

Questions & Answers



What is a short-term vacation rental?

A short-term vacation rental refers to the rental of part or all of any legally permitted dwelling unit for fewer than 30 consecutive days.

Where are they allowed?

The City of Carlsbad allows short-term vacation rentals in the “coastal zone,” defined by the California Coastal Commission as the area that generally extends 1,000 yards inland from the mean high tide line or, in some cases, inland to the first major ridgeline. In Carlsbad, this includes parts of the 92008 and 92011 ZIP codes. If your property is east of El Camino Real or in the 92010 and 92009 ZIP codes, it is not in the coastal zone. To check whether a specific property is in the coastal zone, enter the address on the zoning map on the city website, or call 760-602-2403.

Why are they only allowed in the coastal zone?

Due to concerns about the possible negative effects of vacation rental properties in residential neighborhoods, the Carlsbad City Council decided to limit them to the coastal zone. The California Coastal Commission, which governs land use in this area, has ruled that short-term vacation rentals enable greater access to the coast and therefore should be allowed.

Types of Rentals

What is the legal definition of a short-term vacation rental?

“Short-term vacation rental” is defined as the rental of any legally permitted dwelling unit as that term is defined in Chapter 21.04, Section 21.04.120 of the Carlsbad Municipal Code, or any portion of any legally permitted dwelling unit for occupancy for dwelling, lodging or sleeping purposes for a period of less than 30 consecutive calendar days. Short-term vacation rental includes any contract or agreement that initially defined the rental term to be greater than 30 consecutive days and that was subsequently amended, either orally or in writing to permit the occupant(s) of the owner’s short-term vacation rental to surrender the subject dwelling unit before the expiration of the initial rental term that results in an actual rental term of less than 30 consecutive days.

Is a short-term vacation rental allowed in a condominium or multi-family project?

Yes, if it is in the coastal zone and allowed by the homeowners association.

Are short-term vacation rentals allowed in residences located within a homeowners association?

Only if the CC&Rs allow rentals less than 30 days and the property is in the coastal zone. The city does not enforce CC&Rs or HOA rules.

Can I rent a portion of my home as a short-term vacation rental?

Yes, if it is in the coastal zone.

Can I rent a unit that was approved under an affordable housing policy as a short-term vacation rental?

No. Dwelling units approved as affordable housing units may not be used as short-term vacation rentals.

Can I use my second dwelling unit as a short-term vacation rental?

Yes, unless the second dwelling unit was approved for use as an affordable housing unit or outside the coastal zone.



Rules



How can I get a permit?

Apply for a permit in person at the City of Carlsbad Finance Department at 1635 Faraday Ave. in Carlsbad or on the city website, www.carlsbadca.gov/visitors/vacationrental.

How much does a permit cost?

There is no cost to obtain or renew a permit, however a business license is required for each short-term vacation rental.

Is a short-term vacation rental subject to transient occupancy tax?

Yes. Short-term vacation rentals are subject to a 10 percent transient occupancy tax as well as a \$1 per room per night Carlsbad Tourism Business Improvement District assessment. The property owner or owner's agent shall be responsible for the collection and remittance of transient occupancy taxes and the CTBID assessment. Monthly TOT payments are due and payable on or before the last day of the month immediately following the month for which the payment is due.

How long does it take to get a permit?

A permit can usually be issued within three weeks of receiving the application. Upon approval by the City of Carlsbad, you will receive a permit, a transient occupancy registration certificate and "Good Neighbor Guidelines" for posting on the inside of the door of the rental property.

What are the responsibilities of a short-term vacation rental operator?

It is important for property owners and agents to be familiar with and adhere to the provisions of Carlsbad Municipal Code Chapter 5.60 and understand they are responsible for ensuring they are good short-term vacation rental operators.

Owners are also ultimately responsible for ensuring their renters and guests comply with the operational requirements set forth in CMC Chapter 5.60. Failure of owners or agents to ensure compliance with CMC Chapter 5.60 may result in revocation of the permit.

What are the requirements of a property management company?

The property management company, as well as the owner, must sign the application. The property management company, as well as the owner, must obtain a business license.

If I only rent my home out a couple of weeks of the year, do I have to display the permit year-round?

No. The exterior display of the permit only needs to be posted during the time the dwelling unit is being rented as a short-term vacation rental.

Do these rules apply to properties or rooms listed in VRBO and Airbnb?

Yes.

Enforcement

How will short-term vacation rental rules be enforced?

The City of Carlsbad will actively monitor short-term vacation rental activity to determine compliance with the law. Those found to be violating the city law may be subject to fines and other legal actions.

How can I complain about a short-term vacation rental in my neighborhood?

All permitted short-term vacation rental properties are required to post the owner's name and contact information. The owner is required to respond to calls within 45 minutes. If an owner is not responsive, or if there is no visible permit, call the City of Carlsbad Police Department's non-emergency line at **760-931-2197** seven days a week, 24 hours a day.