

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING ARTICLE 24 TO CHAPTER 10 OF THE FRESNO
MUNICIPAL CODE, TO REMOVE SQUATTERS FROM
SHORT-TERM RENTALS AND HOTELS

WHEREAS, the use of short-term rentals, and hotels provides a form of temporary lodging to allow visitors to stay and experience a local community; and

WHEREAS, in recent years, squatters have become a nuisance to real property owners by failing to leave upon the term of their stay; and

WHEREAS, the intent of the ordinance is to quickly restore possession of the real property to the lawful owner of the property when the property is being unlawfully occupied and to preserve property rights while limiting the opportunity for criminal activity; and

WHEREAS, the City desires to enact this ordinance for the purpose of creating a process to remove unauthorized occupants from short-term rentals and hotels under certain conditions.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 24 is hereby added to Chapter 10 of the Fresno Municipal Code to read:

SECTION 10-2401. – ALTERNATIVE REMEDY TO REMOVE
SQUATTERS FROM SHORT-TERM RENTALS, AND HOTELS

(a) Purpose. This chapter is adopted for the purpose of assisting owners of short-term residential rentals or hotels, for the immediate removal of unauthorized occupants from short-term rentals or hotels, under certain

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Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: AMK

Ordinance No.

conditions. This ordinance shall only apply to transient use of 30 consecutive days or less.

(b) Definitions.

(1) “Guest” means and is specifically limited to an occupant of a short-term rental or hotel whose occupancy is exempt pursuant to subdivision (b) of Section 1940 of the California Civil Code.

(2) “Hotel” means any hotel, motel, bed and breakfast inn, or other similar transient lodging establishment, but it shall not include any residential hotel as defined in Section 50519 of the Health and Safety Code.

(3) “Property Owner” means the person or persons holding fee title to a dwelling unit operated and used as a short-term rental, hotel or motel; or a person or persons holding the lease estate to a dwelling unit and operating and using the leased dwelling as short-term rental, or the agents of any such persons.

(4) “Short-Term Rental” means a dwelling unit, rented in whole or in part, to any persons(s) for transient use of 30 consecutive days or less.

(c) Removal of Unauthorized Guest(s). A Property Owner or authorized agent may request from the Fresno Police Department (Fresno PD) the immediate removal of a Guest who is unlawfully occupying a Short-

Term Rental or Hotel pursuant to this section if all of the following conditions are met:

(1) The requesting person is the Property Owner or an authorized agent of the Property Owner.

(2) The real property that is being occupied was subject to the Transient Occupancy Tax; and the transient use was for 30 consecutive days or less.

(3) The Guest(s) have been unlawfully remaining or continuing to reside on the Property Owner's property.

(4) The Property Owner or their authorized agent has directed the unauthorized Guest(s) to leave the property.

(5) The unauthorized Guest or Guests are not current or former tenants pursuant to a written or oral rental agreement authorized by the Property Owner.

(6) There is no pending litigation related to the real property between the Property Owner or any known unauthorized Guest(s).

(d) Request for the Removal of Unauthorized Guest(s). To request the immediate removal of an unlawful Guest, the Property Owner, authorized agent must submit a complaint by presenting a completed and signed Complaint to Remove Guests Unlawfully Occupying Residential Property to Fresno PD. The submitted complaint must be substantially the following form:

COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
REAL PROPERTY

I, the owner or authorized agent of the owner of the real property located at, declare under the penalty of perjury that (initial each box):

1. I am the owner of the real property or the authorized agent of the owner of the real property.
2. The real property is subject to the Transient Occupancy Tax.
3. An unauthorized person or persons have lawfully continued to remain or reside unlawfully on the real property.
4. I have directed the unauthorized person or persons to leave the real property, but they have not done so.
5. The person or persons are not current or former tenants pursuant to any valid lease authorized by the property owner, and any rental agreement or lease that may be produced by an occupant is fraudulent.
6. The unauthorized person or persons sought to be removed are not an owner or co-owner of the property and have not been listed on the title to the property unless the person or persons have engaged in fraud.
7. I am unaware of any litigation related to the real property pending between the property owner and any person sought to be removed.

8. I understand that a person or persons removed from the property pursuant to this procedure may bring a cause of action against me for any false statements made in this complaint, or for wrongfully using this procedure, and that as a result of such action, I may be held liable for actual damages, penalties, costs and reasonable attorney fees.
9. I am requesting the Fresno Police Department to immediately remove the unauthorized person or persons from the residential property.
10. A copy of my valid government-issued identification is attached, or I am an agent of the property owner, and documents evidencing my authority to act on the property owner's behalf are attached.

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY.

(SIGNATURE OF Property Owner or Agent of Owner)

(e) Removal by Fresno Police Department. Upon receipt of the complaint, Fresno Police Department will verify that the person submitting the complaint is the Property Owner or the authorized agent of the Property Owner and appears otherwise entitled to relief under this chapter. If

verified, Fresno Police Department will contact the unauthorized Guest to vacate the property.

(f) Violation. California Penal Code 602(o) and 602(s) makes it a misdemeanor criminal trespass for a Guest to refuse to leave a Property Owner's real property when the Guest fails to fully depart at the time agreed.

(g) Enforcement. Unauthorized Guest may be subject to arrest.

(h) Criminal Penalties. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding one thousand dollars (\$1000) or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Senior Deputy City Attorney