

AMENDED IN SENATE MAY 19, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 761

Introduced by Senator Hall

February 27, 2015

An act to add Chapter 22.3 (commencing with Section 22590) to Division 8 of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

SB 761, as amended, Hall. Advertising: Internet private residence rental listings: notice.

Existing law requires an operator of a commercial *Internet* Web site or online service that collects personally identifiable information through the Internet about individual consumers residing in California who use or visit its commercial *Internet* Web site or online service to conspicuously post its privacy policy on its Internet Web site. Existing law also limits advertising by an operator of an Internet Web site, online service, online application, or mobile application directed to minors, as provided.

This bill would require ~~an operator of an online platform or Internet Web site that in any manner facilitates the rental of real property located within the state offered by an occupant of that real property as a vacation or other temporary living space to provide a specific notice to that occupant that states, among other things, that listing or offering the property on the Internet Web site could result in eviction if the occupant does not have the property owner's permission.~~ *a hosting platform, as defined, to provide a specific notice to an occupant listing a residence for short-term rental on a hosting platform that states, among other things, that, if the occupant is a tenant, listing the room, home,*

condominium, or apartment may violate the lease or contract and could result in legal action by the landlord, including possible eviction. This bill would require the notice to be in a particular font size and be provided immediately before the occupant commits to offer lists each real property on the hosting platform’s Internet Web site in a manner that requires the occupant to interact with the hosting platform’s Internet Web site to affirmatively acknowledge he or she has read the notice. This bill would define terms for its purposes.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 22.3 (commencing with Section 22590)
 2 is added to Division 8 of the Business and Professions Code, to
 3 read:

4
 5 CHAPTER 22.3. INTERNET-PRIVATE RESIDENCE RENTAL LISTINGS
 6 PRIVATE RESIDENCE RENTAL LISTINGS

7
 8 22590. As used in this chapter, ~~the following definitions shall~~
 9 ~~apply:~~ a “hosting platform” means a marketplace that is created
 10 for the primary purpose of facilitating the rental of a residential
 11 unit offered for occupancy for tourist or transient use for
 12 compensation to the offeror of that unit, and the operator of the
 13 hosting platform derives revenues, including booking fees or
 14 advertising revenues, from providing or maintaining that
 15 marketplace. “Facilitating” includes, but is not limited to, the act
 16 of allowing the offeror of the residential unit to offer or advertise
 17 the residential unit on the Internet Web site provided or maintained
 18 by the operator.

19 (a) “Occupant” means a natural person who has the legal right
 20 to reside in the real property, including, but not limited to, a tenant.

21 (b) “Real property” means any dwelling or portion of a dwelling
 22 intended for human occupancy, including, but not limited to, a
 23 room, single family home, condominium, or apartment.

24 22592. (a) ~~An operator of an online platform or Internet Web~~
 25 ~~site that in any manner facilitates the rental of real property located~~
 26 ~~within the state offered by an occupant of that real property as a~~

1 vacation or other temporary living space shall provide the following
2 notice to that occupant in compliance with this chapter:

3
4 If you are a tenant who is listing a room, home, condominium, or apartment
5 that you rent from a landlord on this Internet Web site, you may be in violation
6 of your rental contract or lease. Listing or offering the property on this Internet
7 Web site could result in your eviction if you do not have the property owner's
8 permission. Please refer to your rental contract or lease, or contact your landlord
9 prior to listing the property to protect your interests.

10
11
12 22592. *A hosting platform shall provide the following notice*
13 *to occupants listing a residence for short-term rental on a hosting*
14 *platform:*

15
16
17 *If you are a tenant who is listing a room, home, condominium,*
18 *or apartment, please refer to your rental contract or lease, or*
19 *contact your landlord, prior to listing the property to determine*
20 *whether your lease or contract contains restrictions that would*
21 *limit your ability to list your room, home, condominium, or*
22 *apartment. Listing your room, home, condominium, or apartment*
23 *may be a violation of your lease or contract, and could result in*
24 *legal action against you by your landlord, including possible*
25 *eviction.*

26
27 22594. (a) The notice required by Section 22592 shall be in a
28 font size that is equal to or greater than 100 percent of the standard
29 font size of the other paragraphs on the ~~online platform or hosting~~
30 *platform's* Internet Web site or equal to the default font size on
31 the ~~online platform or hosting platform's~~ Internet Web site.

32 (b) The notice shall be provided immediately before the
33 occupant ~~commits to offer~~ *lists* each real property on the ~~online~~
34 ~~platform or hosting platform's~~ Internet Web site, and shall require
35 the occupant to interact with the ~~online platform~~ *hosting platform's*
36 Internet Web site to affirmatively acknowledge he or she has read
37 the notice.

O