

Senate Bill No. 761

CHAPTER 239

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

[Approved by Governor September 1, 2015. Filed with
Secretary of State September 1, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 761, 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 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 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.

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

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

CHAPTER 22.3. INTERNET PRIVATE RESIDENCE RENTAL LISTINGS

22590. As used in this chapter, a "hosting platform" means a marketplace that is created for the primary purpose of facilitating the rental of a residential unit offered for occupancy for tourist or transient use for compensation to the offeror of that unit, and the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining that marketplace. "Facilitating" includes, but is not limited to, the act of allowing the offeror of the residential unit to offer or advertise

the residential unit on the Internet Web site provided or maintained by the operator.

22592. A hosting platform shall provide the following notice to occupants listing a residence for short-term rental on a hosting platform:

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

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

(b) The notice shall be provided immediately before the occupant lists each real property on the hosting platform's Internet Web site, and shall require the occupant to interact with the hosting platform's Internet Web site to affirmatively acknowledge he or she has read the notice. This affirmative acknowledgement may be accomplished by the inclusion of a statement in the notice described in Section 22592 that the occupant acknowledges reading this notice before proceeding to list a real property with the hosting platform's Internet Web site.