

Senate Bill No. 1092

CHAPTER 113

An act to amend Sections 22592 and 22594 of the Business and Professions Code, relating to business.

[Approved by Governor July 25, 2016. Filed with
Secretary of State July 25, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1092, Monning. Advertising: Internet private residence rental listings: notice.

Existing law requires 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. Existing law requires 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.

This bill would require that notice to also be provided to mobilehome offerors and include a statement advising the offeror to review any restrictions on coverage under the offeror's homeowners' or renters' insurance policy related to short-term rental activities, as specified, and would make technical and conforming changes.

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

SECTION 1. Section 22592 of the Business and Professions Code is amended to read:

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

(a) If you are a tenant who is listing a room, home, mobilehome, 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, mobilehome, condominium, or apartment. Listing your room, home, mobilehome, 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.

(b) You should review any restrictions on coverage under your homeowners' or renters' insurance policy related to short-term rental activities to ensure that there is appropriate insurance coverage in the event that a person sustains an injury or loss for which you are responsible, a person damages or causes loss to your personal or real property, or a claim or lawsuit is made against you or otherwise arises out of activities related to this hosting platform.

SEC. 2. Section 22594 of the Business and Professions Code is amended to read:

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