Presented by: The Manager
Presented: 05/08/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-26(c)(am)

An Ordinance Creating a Short-Term Residential Rental Registration Program and Providing for a Penalty.

WHEREAS, the City and Borough of Juneau (the "CBJ") is facing a severe housing shortage; and

WHEREAS, an increase in short-term rental properties is believed to be one of the factors having an impact on available long-term housing, but there is a lack of quality data to understand the extent of that impact; and

WHEREAS, short-term rental listings are very fluid and utilize multiple platforms; and

WHEREAS, sales tax account numbers are considered confidential information; and

WHEREAS, "gig economy" entrepreneurs operating businesses through third-party platforms like Airbnb may not understand that it is their responsibility to register with the sales tax office and collect and remit sales tax and hotel bed taxes; and

WHEREAS, the CBJ places great importance on the need to treat similarly situated businesses the same, and that sales tax compliance is a necessary feature of an equitable marketplace; and

WHEREAS, the purpose of this Ordinance is to ensure that the CBJ has adequate information so that it can have proper policy consideration of other regulatory ideas and debate whether they are necessary or not.

THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Title. Title 69 Revenue and Taxation is amended by adding a new Chapter 40, to read:

Chapter 69.40 – SHORT-TERM RESIDENTIAL RENTAL REGISTRATION PROGRAM

69.40.005 Short-Term Residential Rental Registration Program Intent.

The purpose and intent of this chapter is to require registration of short-term residential rentals within the City and Borough of Juneau. An operator offering or using a property as a short-term residential rental shall annually register such property in the short-term residential rental registry maintained by the CBJ Sales Tax Office.

69.40.010 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Guest means an individual, corporation, partnership or association paying monetary or other consideration for the use of a short-term rental.

Operator means a person, firm, corporation, or other designated legal entity, who offers for rent or otherwise makes available in the City and Borough rooms for monetary or other consideration.

Person means an individual natural person.

Property and *properties* mean real estate offered by an operator as a short-term residential rental.

Rent and *rents* mean the amount paid or promised, in terms of money, as consideration for the use by a transient of a room in a hotel, motel or other place of public accommodation.

Short-Term Residential Rental means a dwelling unit that is rented, leased, or otherwise advertised for occupancy for a period of less than 30 days.

Transient means a person who occupies or rents a unit, room or rooms for fewer than 30 consecutive days for the purpose of habitation.

69.40.020 Registration required.

(a) The operator of a short-term residential rental must register with the CBJ sales tax office on a form or platform specified by the CBJ prior to offering a unit for rent.

(b) Registration must be renewed annually.

(c) The CBJ will provide a rental registration number for each registered short-term residential rental. The registration number must be displayed on each advertisement or public listing for a short-term residential rental that the operator or operator's designee maintains.

(d) There is no fee for registration.

(e) The operator shall provide the CBJ with the following at the time of registration:
(1) Their state business license number.
(2) Name, address, phone number, and email address for the operator or operator's designee.
(3) A general description of the short-term residential rental unit, to include address, property type, number of bedrooms, and capacity.

(f) If there is a change in the information submitted pursuant to subsection (e) of this section, a new registration must be completed within 30 business days.

(g) The property owner of the short-term rental is responsible for taxes, fees, interest, and/or penalties associated with the rental.

69.40.030 Penalty.

(a) Renting, or offering for rent, a short-term residential rental without complying with the registration requirement in 69.40.020 is prohibited.

(b) An operator required to register a property pursuant to this chapter who offers or uses such property without being registered is subject to a penalty in the amount of $25 per violation. A separate violation shall be deemed committed each day during or on which a property is offered or used as a short-term residential rental without registration. Such operator may not offer or use, or continue to offer or use, such property for a short-term residential rental, unless and until the penalty is paid and the property is properly registered.

69.40.040 Exemptions.

(a) The registration required under this chapter shall not be required of:

(1) Hotels required to keep a register under chapter 20.10 and taxed pursuant to chapter 69.07.

Section 3. Amendment of Section. CBJC 03.30.070 Violations; civil fines, is amended to read:

03.30.070 Violations; civil fines.

(a) Notwithstanding any provision of the CBJ Code to the contrary, the offenses listed in the table below shall be considered violations subject to a civil fine not to exceed that set forth in the table below; payment of the listed civil fine shall be accepted in satisfaction of the violation; and the violation shall be subject to the procedure set forth in CBJ 03.30.075—03.30.085:

CBJ	Type of Violation	Civil Fine
…	…	…
69.40	**SHORT-TERM RESIDENTIAL RENTAL REGISTRATION PROGRAM**	
69.40.020	Registration required	$25.00
…	…	…

Section 4. Effective Date. This ordinance shall be effective 90 days after its adoption.

Adopted this 10th day of July 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk