

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AUTHORIZING THE ISSUANCE OF
SUBPOENAS FOR CERTAIN DOCUMENTS RELATED
TO SHORT-TERM RENTALS IN THE CITY

WHEREAS, Government Code section 37104 authorizes the City Council to issue subpoenas requiring the attendance of witnesses or the production of books or other documents for evidence or testimony in any action or proceeding pending before it;

WHEREAS, Santa Barbara City Charter section 509 provides that in any proceeding or investigation before the City Council, the Council shall have the power to issue subpoenas “to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it,” and that “disobedience of such subpoenas, or the refusal to testify (under other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable;”

WHEREAS, short-term rentals, which pursuant to the Santa Barbara Municipal Code (“SBMC”) include the rental of residential units for periods of thirty (30) consecutive days or less in those zoning districts which do not permit or otherwise allow hotels, motels, or bed and breakfasts, present a significant burden impacting the City’s ability to provide housing for its residents;

WHEREAS, all residential short-term rental operators are subject to the City’s Transient Occupancy Tax ordinance (“TOT”) codified in Santa Barbara Municipal Code section 4.08.030;

WHEREAS, subpoenas serves a lawful legislative purpose by allowing the City Council to facilitate and conduct TOT reviews and audits;

WHEREAS, subpoenas serve a lawful legislative purpose by allowing the City Council investigate the effects of short-term rentals on the City’s housing market and the City’s affordable housing stock; and

WHEREAS, subpoenas serve a lawful legislative purpose by allowing the City Council to study the effects that short-term rentals have on the existing character of City neighborhoods and to determine any impacts they have had to adjacent properties and neighborhoods.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The above listed-recitals are hereby declared to be true and correct and adopted as findings of City Council of the City of Santa Barbara; and

SECTION 2. That subpoenas similar to the subpoena attached as Exhibit A, are hereby issued, and the Mayor is authorized to sign each subpoena commanding the subpoenaed party to appear before the City Council at a specified City Council meeting to produce the requested records, or alternatively to make arrangements with the City for production of said records prior to that time; and

SECTION 3. City staff is directed to have the subpoenas served in accordance with all legal requirements for service of subpoenas; and

SECTION 4. If a subpoenaed party fails to comply with the subpoena authorized by this resolution, the Mayor is authorized to submit a report of noncompliance to the Santa Barbara Superior Court.