

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
TITLE 6 OF THE SAN JOSE MUNICIPAL CODE TO ADD
CHAPTER 6.48 RELATING TO THE RENTAL OF
RECREATIONAL VEHICLES TO BE USED FOR LODGING
WITHIN THE PUBLIC RIGHT-OF-WAY**

WHEREAS, the practice of renting out recreational vehicles for use as living or sleeping quarters known as “vanlording” is a growing concern in many urban areas across the country, including the City of San José, as the practice is unlicensed, associated with unregistered, poorly maintained, or substandard housing conditions, and exploits low-income and homeless residents; and

WHEREAS, the recreational vehicles used for “vanlording” are parked on public streets, creating unsafe and substandard living conditions for renters, and creating challenges for fire safety, sanitation, emergency access, and impacting the public welfare and safety of residents, business, pedestrians, and traffic; and

WHEREAS, Section 6.46.040 of Chapter 6.46 of Title 6 of the San José Municipal Code prohibits the use of automobile trailers or house cars for living or sleeping quarters in any place in the City, outside of a lawfully operated mobilehome park, auto camp, or on private property as a bona fide guests of a city resident; and

WHEREAS, the City Council desires to prohibit the use of any recreational vehicle for living or sleeping quarters in any public right-of-way; and

WHEREAS, the City Council also desires to prohibit the advertisement and the rental, leasing, let out, or otherwise loaning of recreational vehicles to be used for living or sleeping quarters within the public right-of-way to ensure the public safety and welfare

including the safety of pedestrians and traffic, protect access for fire safety, sanitation, and emergency access, and protect homeless residents from exploitation; and

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the provisions of this Ordinance do not constitute a project, under File No. PP17-008; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

A new Chapter is added to Title 6 of the San José Municipal Code, to be numbered, entitled and to read as follows:

CHAPTER 6.48

RENTAL OF RECREATIONAL VEHICLES TO BE USED FOR LODGING WITHIN THE PUBLIC RIGHT-OF-WAY ("VANLORDING")

6.48.010 Recreational vehicle – Defined.

"Recreational vehicle" or "RV" means a motorhome, travel trailer, truck camper, camping trailer, or other vehicle or trailer, with or without motive power, designed or

altered for human habitation for recreational, emergency, or other human occupancy. "Recreational vehicle" specifically includes, but is not limited to: a "recreational vehicle" as defined by Cal. Health & Safety Code § 18010; a "truck camper" as defined by Cal. Health & Safety Code § 18013.4; a "camp trailer" as defined in Cal. Veh. Code § 242; a "camper" as defined in Cal. Veh. Code § 243; a "fifth-wheel travel trailer" as defined in Cal. Veh. Code § 324; a "house car" as defined by Cal. Veh. Code § 362; a "trailer coach" as defined in Cal. Veh. Code § 635; a van camper; or a van conversion.

6.48.020 Use of recreational vehicles for living or sleeping quarters – Restrictions.

No person shall use any recreational vehicle for living or sleeping quarters on any street, alley, or city-owned premises within the city, between the hours of 9 P.M. and 6 A.M. Nothing in this Section shall prohibit the owner of any recreational vehicle from utilizing the vehicle for living or sleeping quarters at a city-owned or operated safe parking location.

6.48.030 Rental of recreational vehicles for living or sleeping quarters – Restrictions.

No person shall rent, lease, let out, or otherwise loan any recreational vehicle which is subsequently utilized for living or use as sleeping quarters on any street, alley, or city-owned premises in exchange for money, goods, or services.

6.48.040 Rental of recreational vehicles for living or sleeping quarters – Liability.

It shall not be necessary to prove that the person who rented, leased, let out, or otherwise loaned any vehicle to any other person, which was subsequently utilized for living or sleeping quarters, intended or knew the vehicle would be used unlawfully.

**6.48.050 Rental of recreational vehicles for living or sleeping quarters –
Advertisements prohibited.**

No person shall advertise for rent, lease, let out, or loan in any newspaper, or through any other medium including online, social, media, or platforms, any vehicle available for the purpose of utilizing the vehicle for living or use as sleeping quarters on any street, alley, or city-owned premises.

6.48.060 Enforcement for rental and use of recreational vehicles for living or sleeping quarters in the public right-of-way.

Violations of this Chapter may be prosecuted criminally, civilly, or administratively either undertaken separately or in conjunction with other remedies, at the sole discretion of the City. Nothing in this chapter shall be deemed to prevent the City from commencing any administrative or legal proceeding to enforce this Chapter, Code, or any law.

PASSED FOR PUBLICATION of title this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk