

Bond Case Briefs

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MUNICIPAL ORDINANCE - CALIFORNIA

Harrison v. City of Rancho Mirage

Court of Appeal, Fourth District, Division 2, California - December 18, 2015 - Cal.Rptr.3d - 2015 WL 9258957

Condominium owner brought complaint for declaratory and injunctive relief, alleging that city ordinance, which provided rules and regulations for renting private homes as short-term vacation rentals and required that a person over the age of 30 sign a contract, violated Unruh Civil Rights Act. The Superior Court granted city's demurrer without leave to amend, and owner appealed.

The Court of Appeal held that:

- City was not acting as a "business establishment" under the Unruh Act, and
- Owner could not amend complaint to challenge ordinance on grounds it violated planning and land use law.

City was not acting as a "business establishment" when it amended existing municipal code regarding short term vacation rentals of private homes to require that a person over the age of 30 sign a contract, and thus Unruh Civil Rights Act did not apply to city's action; city merely increased the minimum age of a responsible person from the age of 21 years to 30, and city was not directly discriminating against anyone.