

# Mono County Community Development Department

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## Planning Division

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### Short-Term Rental Frequently Asked Questions (FAQs)

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#### Background

Like many jurisdictions, Mono County has been experiencing challenges with housing availability and affordability for its workforce and local, year-round residents. Many factors contribute to the situation, and a variety of strategies are necessary for a comprehensive solution. Regulating short-term rentals is only one small part of the big picture. The purpose of Mono County's short-term rental regulations is to:

- Prioritize personal residential use in residential units, regardless of land use designation, whether for the owner or long-term renting.
- Continue to support a "sharing model," whereby a resident property owner with excess capacity may supplement his/her income, which is different from purchasing assets with the intent of or need for generating income.
- Prevent the loss of residential housing to a visitor lodging business model.
- Prevent the commercialization of residential housing due to the inclusion of an income-generating use like visitor rentals, however indirectly, in the sales price.

The regulations are NOT intended to create or generate community or workforce housing units, or directly or unilaterally solve the workforce housing issues in Mono County. These policies primarily affect the housing marketplace and are one strategy in a larger housing effort.

#### Glossary

Please refer to Chapter 2 of the Mono County General Plan Land Use Element, available at: <https://monocounty.ca.gov/planning/page/general-plan>.

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#### **Q: What is a short-term rental?**

**A:** A "short-term rental" means any residential dwelling, or portion of a residential dwelling, which is occupied, or intended for occupancy, on a short-term basis for purposes of sleeping, lodging or similar reasons in any land use designation. "Short-term" means occupancy by persons other than the Host (property owner, an adult relative of the property owner occupying the property on a long-term basis, or a long-term resident of record), whether by agreement, concession, permit, right of access, license, contract, payment of rent or otherwise, for a period of 30 or fewer consecutive calendar days.

Short-term rentals may be Hosted or Non-Hosted. Hosted Rentals require the Host to be physically and personally present during the short-term rental(s), which includes overnight

sleeping. Hosts must be available on a twenty-four-hour basis by phone and must be able to reasonably respond to issues within an hour. A Non-Hosted Rental means a Host is not present during short-term rentals. Such rentals require a contract with a duly licensed property management company that can respond to issues reasonably within an hour and are available on a 24-hour basis.

**Q: *What permits and fees are required for a short-term rental in Mono County?***

**A:** New requests for short-term rentals in any land use designation require a Use Permit approved by the Planning Commission and a Short-Term Rental Activity Permit approved by the Board of Supervisors, both of which are billed at an hourly rate. Use Permits require a 30-day notice to surrounding properties within 500 feet. A third-party inspection, paid for by the applicant, is required for application submittal. If approvals are granted, applicants must obtain a business license and transient occupancy tax certificate prior to operation. If applicable, Housing Mitigation Ordinance (HMO) fees must also be paid. The current fee schedule for permits and licenses may be found online at: <https://monocounty.ca.gov/auditor/page/auditor-controller-fees>.

Short-Term Rental Activity Permits must be renewed annually. Non-compliance or verified complaints against the rental operation may be grounds for non-renewal.

Application forms are available at: <https://monocounty.ca.gov/community-development/page/short-termtransient-rentals>.

**Q: *What are Housing Mitigation Ordinance Fees?***

**A:** Housing Mitigation Ordinance (HMO) fees are a type of impact fee for development projects. In 2020, the Mono County Board of Supervisors reinstated HMO fees to mitigate the impact of new development on the availability of workforce and affordable housing. If applicable, HMO fees are paid once prior to issuance of a building permit or business license.

The Housing Mitigation Ordinance can be found online at:

<https://monocounty.ca.gov/community-development/page/housing-mitigation-ordinance>

**Where are short-term rentals allowed?**

Short-term rentals may be permitted in a residential unit in any land use designation unless specific planning area policies restrict or prohibit them. Some communities and neighborhoods allow both Hosted and Non-Hosted rentals, others allow only Hosted rentals, and others prohibit short-term rentals entirely. A summary of these restrictions by community is available online at <https://monocounty.ca.gov/community-development/page/short-termtransient-rentals>.

**Q: *Can I obtain approvals before the one-year waiting period?***

**A:** Short-term rentals are subject to a one-year waiting period after the sale of a unit to a new property owner, or after the construction of a new unit, or where a property had a no-fault eviction. Applicants are advised to complete their waiting period before applying for a short-

term rental. The Community Development Department will not hold or delay applications in the office to meet a waiting period, and permits cannot be granted during the waiting period. The waiting period does not apply to projects that meet one of the following circumstances:

1. The housing unit has been properly permitted and continuously operating as a short-term rental for a minimum of the past two years; or
2. A housing unit deed restricted to occupants earning 120% Area Median Income (AMI) or less is on the same property and owned by the applicant; or
3. Properties with a long-term rental by the same owner applying for the permit.

Waiting period clearance and documentation supplied for an exemption will be verified through the Assessor's Office after application acceptance.

**Q: *Can I apply for more than one short-term rental in Mono County?***

**A:** Short-term rental activity permits are limited to one per natural person. If the property owner is not a natural person (e.g., a limited liability company), the natural person who applies on behalf of the property owner (or the "owner's representative") must submit a notarized agreement which declares that the owner's representative may lawfully act on behalf of the property-owner entity.

**Q: *Can I transfer my permit to a prospective buyer?***

**A:** All short-term rentals require two permits: (1) a Use Permit and (2) a Short-Term Rental Activity Permit. Only the Use Permit transfers with the sale of a property. The Short-Term Rental Activity Permit is specific to the property owner and must be obtained by each new property owner prior to operation. For properties not owned by a natural person, the Short-Term Rental Activity permit terminates upon the transfer or sale of any or portion or share of the property-owner entity.

**Q: *What rules apply to short-term rentals?***

**A:** Short-term rentals must comply with the Mono County General Plan, specifically Chapter 25 and applicable development standards, and Chapter 5.65 of Mono County Code (see Section 5.65.110 for specific conditions). An inspection checklist must be completed by a verified third-party inspector and submitted with the Short-Term Rental Activity Permit application to ensure compliance with standards and requirements. Neighborhood opposition and/or inability to meet all the regulations significantly increases the likelihood that a short-term rental request may be denied by the Planning Commission or the Board of Supervisors.

Short-Term Rental Activity Permits must be renewed annually. Non-compliance or verified complaints against the rental operation may be grounds for non-renewal.

*\*Applicants are advised to complete the third-party inspection prior to the use permit phase as due diligence prior to expending any time or money on the permitting process.*

***Q: When can I apply for an inspection?***

**A:** An inspection checklist must be completed by a verified third-party inspector and submitted with the Short-Term Rental Activity Permit application. However, for prospective buyers seeking a short-term rental, it is recommended that an inspection is completed prior to applying for a use permit. The inspection checklist and list of approved third-party inspectors may be found online at: <https://monocounty.ca.gov/community-development/page/short-termtransient-rentals>.

***Q: How can I avoid the complex short-term rental permitting process?***

**A:** Permits are not required for long-term rentals (i.e., any rental longer than 30 days) in Mono County. A property owner may simply make their own legal arrangements with a tenant for a long-term rental and start collecting rental revenue immediately. The time and fees associated with permits for short-term rentals, including the Housing Mitigation Ordinance, business license, and Transient Occupancy Tax, do not apply to long-term rentals.