

Date of Hearing:

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, AND TOURISM

Mike Gipson, Chair

SB 620 (McGuire) – As Amended August 23, 2024

**SENATE VOTE:** 40-0

**SUBJECT:** Low-impact camping areas

**SUMMARY:** SB 620 establishes the Rural Tourism Marketing Fund, administered by the Office of Tourism, and funded through voluntary assessments of online hosting platforms for low-impact camping areas. The bill exempts “low-impact camping areas” from the Special Occupancy Parks Act (SOPA), establishes minimum health and safety requirements for low-impact camping areas in a county that has adopted an ordinance authorizing low-impact camping, and modifies the small business exemption in the California Tourism Marketing Act.

Specifically, **this bill:**

- 1) Defines “low-impact camping area” to mean any area of private property that provides for the transient occupancy rental of a temporary sleeping accommodation for recreational purposes that is not a commercial lodging facility.
- 2) Defines “temporary sleeping accommodation” to include, but not be limited to, a tent, yurt, or recreational vehicle.
- 3) Exempts a low-impact camping area from the definition of “special occupancy park” within SOPA if the low-impact camping area is located in a county that has enacted an ordinance authorizing low-impact camping and meets all of the following requirements:
  - a) Provides for the transient occupancy rental of a temporary sleeping accommodation, not exceeding 14 consecutive nights per camper and 28 nights per calendar year per camper;
  - b) Has no more than nine temporary sleeping accommodations;
  - c) Does not include a temporary sleeping accommodation that is rented out for permanent human occupancy;
  - d) Prohibits onstreet parking;
  - e) Complies with applicable state and local fire safety requirements; state and local tax requirements, including the payment of local transient occupancy taxes; requirements for disposal of human waste and trash; local requirements for quiet hours, or in the absence of such requirements, enforces quiet hours from 10pm to 6am; and local zoning, permit, lot size, and setback requirements;
  - f) Designates an operator or property manager who is available by phone 24 hours a day, seven days a week;

- g) Includes no more than one temporary sleeping accommodation per acre and is located on a parcel of two acres or more;
  - h) Requires all temporary sleeping accommodations to be located no less than 200 feet from any offsite residence and no less than 30 feet from any adjoining property or road;
  - i) Is not located on an urban infill site, as defined; and
  - j) Has not been used as a special occupancy park for the last five years unless the area was a special occupancy park before January 1, 2024 and the area met the requirements of this bill on January 1, 2023.
- 4) Requires a county that has authorized low-impact camping to do the following:
- a) Establish a registry of low-impact camping areas with specified information;
  - b) Establish a complaint program to support code enforcement related to low-impact camping areas; and
  - c) Require all low-impact camping owners or operators to post contact information for the county for complaints or information related to low-impact camping areas.
- 5) Provides that this bill does not authorize an individual to access private property without the permission of the landowner.
- 6) Sunsets 1)-5) above on January 1, 2026, unless a voluntary tourism marketing agreement, as specified in 12) below, is in effect. As long as there is an agreement, 1)-5) shall remain in effect. When/if all agreements have come to an end, 1)-5) above will remain in effect for six months, and are then repealed.
- 7) Modifies existing exemptions to assessments under the California Tourism Marketing Act by deleting “location” from the existing definition of “small business” in the Act, thereby expanding the small business assessment exemption to include businesses without a physical location with less than \$1 million in total California gross annual revenue from all sources.
- 8) Establishes the intent of the Legislature to promote rural tourism and the development of local tourist infrastructure by encouraging online hosting platforms that facilitate bookings of low-impact camping sites, who are currently not subject to an existing tourism assessment, to enter into voluntary agreements with the California Travel and Tourism Commission (the Commission) to collect tourism assessments with the goal of further promoting rural tourism and funding rural tourist infrastructure, including nonmotorized trails.
- 9) Establishes the Rural Tourism Marketing Fund (the Fund) and continuously appropriates all moneys in the Fund to be available to the Office of Tourism. Establishes that revenues deposited into the Fund shall only consist of assessments received by the Office of Tourism under the bill.

- 10) Requires funds collected under the bill to be deposited into an account of the Commission, to be audited annually. Provides that this account shall not be an account of the state government, and requires the Commission to keep the assessments in the Fund separate from the revenue it receives from assessments under the Act.
- 11) Provides that the assessed funds shall be under the control of the Commission, which must spend the funds consistent with Commission policies and specified law. Establishes that the state has no interest in the fund except the general interest that the state has in nonprofit corporations.
- 12) Requires the Director of the Office of Tourism (the Director) to seek to enter into voluntary agreements, pursuant to existing provisions in the Act allowing the Commission to enter into voluntary assessment contracts with non-assessed businesses, with online hosting platforms to impose, collect, and remit a tourism assessment equal to at least 2% of the total cost of each booking for low-impact camping areas facilitated through an online booking platform, added as a separately itemized charge on each booking.
- 13) Requires the Director, before July 1, 2025, to provide both a summary of agreements entered with online hosting platforms, if any, and the Director's estimate of the percentage of low-impact camping locations potentially covered by the agreements, to the Director of Finance.
- 14) Requires any assessments received as a result of agreements with online hosting platforms, entered under 12) above, to be deposited into the Fund.
- 15) Requires the startup costs of the bill to be part of the agreement between the Office of Tourism and the online hosting platforms, and provides that nothing in the bill requires the Office of Tourism or the Commission to advance or to otherwise expend funds to implement or administer the requirements of the bill. Allows the Office of Tourism to offset reasonable costs incurred to implement the requirements of the bill from assessments received.
- 16) Requires online hosting platforms to provide information to the Office of Tourism, upon request, necessary for facilitating collection of the fees.
- 17) Continuously appropriates and allocates the revenue in the Fund as follows:
  - a) Fifty percent to the Commission to supplement its rural marketing and grant programs, which shall not replace existing funding provided by the Commission for these purposes at the time of the bill's enactment; and
  - b) Fifty percent to the State Coastal Conservancy to provide funding to support the expansion of statewide nonmotorized trails.
- 18) Enacts this bill as an urgency statute to take immediate effect.

**EXISTING LAW:**

- 1) Enacts The California Tourism Marketing Act to increase California's share of the national travel and tourism market. This enabled the state's tourism industry to assess itself,

authorizing the establishment of a nonprofit, public benefit corporation – Visit California – to oversee the promotion of California as a premier travel destination. (Government Code (GOV) Section 13995)

- 2) Allows the Commission, by written contract, to accept a voluntary assessment from any person in a travel and tourism related business who is not an assessed business. The contract shall apply solely to the person in question and not to any other person in a travel and tourism related business that is not an assessed business. The contract shall provide that the voluntary assessment be proportionately equivalent to the assessment that would be levied if the person were an assessed business under this chapter, shall permit that business to vote on any referendum conducted under this chapter as if that person were an assessed business, and shall have a term concurrent with the effective period of any referendum on which the person votes. Individual voluntary assessments under this section shall be enforceable only under the terms of the respective contracts to which they pertain. This section shall not be construed to preclude donations to, or cooperative marketing activities of any kind with, the Commission on the part of any person. (GOV 13995.49)
- 3) A business is exempt from the assessments provided for in this chapter if any of the following apply (GOV 13995.77):
  - a) The business is a travel agency or tour operator that derives less than 20 percent of its gross revenue annually from travel and tourism occurring within the state. A travel agency or tour operator that qualifies for this exemption may participate as an assessed business by paying an assessment calculated on the same basis applicable to other travel agencies or tour operators, respectively, and by filing a written request with the director indicating its desire to be categorized as an assessed business.
  - b) The business is a small business. For purposes of this section, “small business” means a business location with less than one million dollars (\$1,000,000) in total California gross annual revenue from all sources. This threshold amount may be lowered, but never to less than five hundred thousand dollars (\$500,000), by means of a referendum conducted pursuant to Section 13995.60; however, the director may elect to forgo assessing a business for which the expense incurred in collecting the assessment is not commensurate with the assessment that would be collected.
  - c) The assessments provided for in this chapter shall not apply to the revenue of regular route intrastate and interstate bus service: provided, however, that this subdivision shall not be deemed to exclude any revenue derived from bus service that is of a type that requires authority, whether in the form of a certificate of public convenience and necessity, or a permit, to operate as a charter-party carrier of passengers pursuant to Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code.
  - d) Any business exempted pursuant to this section may enter into a contract for voluntary assessments pursuant to Section 13995.49.
- 4) Defines “special occupancy park” as a recreational vehicle park, temporary recreational vehicle park, incidental camping area, or tent camp. (Health and Safety Code (HSC) Section 18862.43)

- 5) Defines “recreational vehicle (RV) park” as any area or tract of land, or a separate designated section within a mobilehome park where two or more lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate owners or users of recreational vehicles, camping cabins, or tents. (HSC 18862.39)
- 6) Defines “temporary recreational vehicle park” as any area or tract of land where two or more lots are rented, leased, or held out for rent or lease to owners or users of recreational vehicles and that is established for one operation not to exceed 11 consecutive days, and is then removed. (HSC 18862.47)
- 7) Defines “incidental camping area” as any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where two or more campsites used for camping are rented or leased or held out for rent or lease. The density of usage shall not exceed 25 camping parties within a radius of 265 feet from any campsite within the incidental camping area. (HSC 18862.19)
- 8) Defines “tent” as any enclosed structure or shelter fabricated entirely or in major part of cloth, canvas, or similar material supported by a frame. (HSC 18862.49)
- 9) Establishes requirements for the construction, maintenance, occupancy, use, and design of special occupancy parks and creates the Special Occupancy Parks Revolving Fund through SOPA. (HSC 18860 et seq.)
- 10) Gives the Department of Housing and Community Development (HCD) authority over special occupancy and recreational vehicle parks. (HSC 18865)

**FISCAL EFFECT:**

- 1) HCD estimates ongoing General Fund costs of up to \$1.14 million annually for up to six staff positions to handle additional technical assistance, complaint, and inspection workload. Actual costs would depend on the number of participating counties and whether certain conditions regarding the rural tourism assessments created by this bill and imposed on each booking of a low-impact camping area are met prior to January 1, 2026.
- 2) The Office of Tourism (within the Governor's Office of Business and Economic Development (GO-Biz)) estimates one-time costs of up to \$1 million to establish a process to impose, collect, and remit a tourism assessment for each booking of a low-impact camping area facilitated through an online hosting platform. The bill requires these costs be included in the agreement between the Office of Tourism and the online hosting platforms.

The Office of Tourism also estimates ongoing General Fund administrative costs in the low hundreds of thousands of dollars to implement the requirements of the program. The bill allows, but does not require, the office to offset reasonable administrative costs from the rural tourism assessments received. The bill does not limit the amount or percentage of the assessments received that may be used for administrative purposes.

This estimate assumes the Office of Tourism assesses an online hosting platform, as allowed under the bill. The Office of Tourism notes it is aware of only one online hosting platform, Hipcamp, Inc. If Hipcamp dissolves or is otherwise unavailable, the Office of Tourism previously indicated its one-time costs will increase to nearly \$4.4 million and its ongoing costs to approximately \$800,000. Actual costs may be lower, but absent an online platform, there would be General Fund cost pressures to fund the rural tourism assessment program infrastructure.

- 3) Potential decline in statewide tourism assessment revenue of an unknown amount due to exempting additional small businesses from existing assessments under the California Tourism Marketing Act.
- 4) Local costs to each county authorizing low-impact camping of an unknown, but potentially significant amount to enforce the requirements relating to waste disposal and quiet hours within low-impact camping areas. These costs will vary by county depending on the absence of local requirements and the number of these camping areas within a given county. These costs are likely not reimbursable by the state because counties are not required to authorize low-impact camping.
- 5) Local costs to each county authorizing low-impact camping of an unknown amount to establish a registry of low-impact camping areas per the requirements of the bill, to establish a complaint program, and to enforce new requirements regarding low-impact camping. These costs are likely not reimbursable by the state because counties are not required to authorize low-impact camping.

#### COMMENTS:

- 1) Author's Statement. According to the author, "California's outdoor recreation economy is one of the state's largest economic drivers – worth an estimated \$54 billion. Camping and hiking are top tiers within that economy and in too many cases, the expense associated with camping is out of reach financially for everyday Californians.

"SB 620 will usher in greater and more affordable access to the outdoors and expanded camping opportunities. The bill will also establish a needed framework, guardrails and regulations for new low impact camping including important health and safety regulations. The bill will also empower local governments to manage and oversee new low impact camping sites, and it will open up new economic opportunities for some of the most economically disadvantaged rural communities."

- 2) Background. The Department of Housing and Community Development (HCD) has authority over mobilehome and special occupancy parks. Both mobilehome parks and RV or tent camping parks must meet minimum health and safety standards and are subject to regular inspections. California has a number of state laws covering recreational vehicle parks, including requirements outlined in Special Occupancy Parks Act (SOPA). These parks are required to comply with legally distinct requirements related to permitting, operator responsibilities, and fees. Some of these requirements include toilet, shower, and lavatory provisions; domestic animal limitations; lighting installations; and lot line registrations.

Local agencies may assume special occupancy park authority in place of HCD. In order to do that, local enforcement agencies or a local building or health department must satisfy certain criteria, including:

- Providing prompt and effective recovery assistance or services during or immediately following a disaster;
- Authorization from a local governing body that has jurisdiction over the local building or health department; and
- Possessing the knowledge and expertise to administer the inspection responsibilities.

HCD can limit local enforcement authority to specific areas or parks, and the local enforcement agency can charge fees or be reimbursed by HCD. HCD must also post a description and send annual electronic notices that explain the process for local agencies assuming enforcement authority. A significant number of local agencies representing districts with special occupancy parks returned enforcement authority to HCD in recent years, citing lack of capacity and other limitations after receiving these notices. By exempting low-impact camping sites from SOPA in counties that have adopted an ordinance authorizing this type of camping facility, this bill removes these sites from HCD jurisdiction, essentially returning them to local oversight.

- 3) Low-Impact Camping Areas. This bill defines low-impact camping areas as any area of private property that provides for the transient occupancy rental of a temporary sleeping accommodation for recreational purposes that meets specified criteria. Low-impact camping areas are small-scale (nine or fewer sites), short-term (no more than 14 consecutive days and 28 days per year), recreational, private campgrounds – typically imagined as open areas on private, rural land that can support a handful of tents, RVs, or other recreational camping setups.

These small, private camping areas would currently be regulated as special occupancy parks under existing law. For these small-scale recreational campsite operators, some of the minimum requirements under SOPA may be cost-prohibitive and unnecessary. By exempting low-impact camping areas from SOPA, this bill removes these minimum requirements for these smaller camping facilities and imposes alternative locally-enforced health and safety standards to preserve a layer of oversight and enforcement. The author contends that this may provide an opportunity to increase affordable access to the outdoors, help develop rural economies, and diversify and supplement incomes for rural landowners.

According to the author's office, a number of large counties have already started working on ordinances to allow for low-impact camping, but are on hold due to concerns that these ordinances will be in conflict with SOPA if SB 620 does not go into effect. These counties include, Santa Cruz, Mendocino, Santa Barbara, El Dorado, Marin, and San Luis Obispo. Others have gone forward with ordinances already, including Nevada County, Calaveras, Modoc, Trinity, Santa Clara, Tehama, Placer, and Siskiyou.

- 4) California Tourism Marketing Act. The California Tourism Marketing Act (the Act) was enacted in 1995 to increase California's share of the national travel and tourism market (Government Code sections 13995 et. seq.). The legislation enabled the state's tourism

industry to assess itself, authorizing the establishment of a nonprofit, public benefit corporation – Visit California – to oversee the promotion of California as a premier travel destination. The Act became operative upon industry-wide approval in 1997.

Some travel and tourism-related businesses are exempt from the assessments in the Act, including travel agencies and tour operators that derive less than 20% of gross annual revenue from travel and tourism occurring within the state of California; small businesses with a business location with less than \$1 million in total California gross annual revenue from all sources; and certain types of intra- and inter-state bus services. Any business exempted from the Act is allowed to enter into a contract for voluntary assessments with the California Travel and Tourism Commission, as specified.

This bill deletes “location” from the definition of “small business” in the exemptions to the Act, thereby expanding the small business assessment exemption to include businesses without a physical location with less than \$1 million in total California gross annual revenue from all sources. It is unclear how many travel and tourism-related businesses that primarily operate without a physical location will be impacted by this definition change and whether there will be impacts to the existing industry assessments or any voluntary assessments that might be entered into under the existing allowance for exempt businesses to seek voluntary contracts.

Visit California provided a statement that the change won’t impact any business making less than \$1 million. Given that SB 620 instructs the Office of Tourism to negotiate voluntary assessment agreements with online hosting platforms like Hipcamp, it is necessary to remove “location” because the parameters around voluntary agreements do not fit the existing definition within GOV Code 13995.49.

13995.49 allows for businesses or individuals to become subject to the assessment through a voluntary agreement. That section, however, requires that any such agreements function so as to treat the volunteering entity as if they were an assessed business. With regard to online hosting platforms who join through voluntary agreements, such agreements might cause a conflict with 13995.77.

If the word "location" is not removed from 13995.77(b), a small business operator (e.g. someone renting out their property as a campsite) who would otherwise be exempt from the assessment might bring a lawsuit against the Commission and the online hosting platform claiming that their specific "business location" should be exempt from the assessment. What also is concerning is that some of the end customers (the campers) might claim that they were improperly required to pay the assessment when the campsite they stayed at should have been exempt. So, without the suggested change to the statute, it's possible that a lawsuit could be brought as a class action by businesses and/or their end customers seeking to recover the allegedly improperly paid assessments. Removing the word "location" from 13995.77(b) would resolve this issue by making it clearer that it is the size of the business volunteering under 13995.49 which negates the exemption.

- 5) Rural Tourism Marketing. This bill also attempts to set up a tourism assessment for low-impact campsite bookings under the provisions of the California Tourism Marketing Act. The bill requires the Director of the Office of Tourism, a department within the Governor’s Office of Business and Economic Development (GO-Biz) that is responsible for promoting



California as a global tourism destination and providing information services to visitors, to attempt to enter into voluntary tourism assessment agreements with online hosting platforms who provide consumers the ability to book low-impact campsites. The Director must attempt to enter into an agreement with the platforms for them to impose, collect, and remit a tourism assessment on each booking equal to at least 2% of the total cost of the booking, added as a separate itemized charge to each booking to be paid by the consumer. By July 1, 2025, the Director must report to the Director of Finance whether any agreements have been reached, and the Director's estimate of the percentage of campsites potentially covered by these agreements.

Assessments that might be received as a result of these agreements, if any, will be deposited into the Rural Tourism Marketing Fund, which will be established as an account of the Commission and under the control of the Commission. In addition, if there is a voluntary agreement with the online booking platforms, the startup costs of the bill must be part of the agreement. Otherwise, the Office of Tourism is permitted to offset reasonable costs incurred to implement the bill from assessments received, although the fund will be housed separately at the Commission and it is unclear how the Office might seek these reimbursements.

Any revenues in the Fund must be allocated as follows: 50% to the Commission to supplement rural marketing and grant programs, which shall not replace existing funding the Commission provides for these purposes at the time of the bill's enactment; and 50% to the State Coastal Conservancy for expanding statewide nonmotorized trails.

- 6) Arguments in Support. According to a coalition of supporters including Audubon California, "There are too few outdoor recreation accommodations for Californians and visitors, and this bottleneck could have negative impacts on outdoor access, conservation values, and recreation businesses in the absence of state action. We support SB 620 as amended because it will create more affordable access to the outdoors and expanded camping opportunities across California, while taking pressure off our public lands. Low-impact camping harnesses the financial power of outdoor recreation to create sustainable revenue for farmers, rural landowners, and small businesses while supporting the conservation of natural, undeveloped landscapes. This bill is a win-win for conservation and outdoor recreation."
- 7) Arguments in Opposition. None on file.
- 8) Prior and related legislation:
  - a) SB 1307 (Rubio), Chapter 669, Statutes of 2022: Required HCD to post an explanation of the process for a city, county, or city and county to assume the enforcement responsibilities pursuant to SOPA, and made other changes to permitting and enforcement timelines.
  - b) SB 325 (O'Connell), Chapter 434, Statutes of 2001: Established SOPA under the jurisdiction and enforcement of HCD and local enforcement agencies.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Audubon California

California Association for Local Economic Development (CALED)  
California Certified Organic Farmers (CCOF)  
California Mountain Biking Coalition (CAMTB)  
California Outdoor Recreation Partnership  
City of Cloverdale  
Community Alliance with Family Farmers (CAFF)  
Forest Landowners of California  
Great Redwood Trail Agency  
Hipcamp, INC.  
HydraPak  
John Haschak - Mendocino County Supervisor  
Latino Outdoors  
Little Kamper, LP  
Marmot  
Mendocino County Board of Supervisors  
Nemo Equipment  
OutDoor Afro  
Outdoor Industry Association (OIA)  
Outdoor Outreach  
Pathloom  
REI  
Save the Redwoods League  
Sterling Rope Co.  
Tahoe Mountain Sports  
The Conservation Alliance  
The Nature Conservancy  
The Xerces Society for Invertebrate Conservation  
Toad & Co.  
Top Rope Media  
Urban Surf 4 Kids  
Vertical Supply Group (VSG)

**Opposition**

None on file.

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