

# Rancho Mirage can implement short-term rental ban before lawsuit is resolved, judge rules



Sherry Barkas

Palm Springs Desert Sun / *Published July 18, 2022*



Rancho Mirage can implement its ban on short-term vacation rentals, even while a lawsuit against the city continues to make its way through the legal system, a Riverside County judge has ruled.

The lawsuit was filed after the city council in October 2021 adopted an ordinance banning all short-term rentals in Rancho Mirage, including within HOAs. That ban went into effect on Jan. 1, 2022, but active permits did not expire until July 1.

Plaintiffs are members of the group Vacation Rental Owners and Neighbors of Ranch Mirage, or VRON RM.

The lawsuit contends the ban “unlawfully cancels all short-term rental permits in the city, without notice; arbitrarily bans STRs as an allowable land use for all properties; unlawfully revokes vested property rights and rights to renew existing STR permits; and prohibits the continuance of previously lawful use of land.”

The plaintiffs sought a temporary suspension of the ban on permits, which went into effect July 1, until the lawsuit is settled.

In denying that request, Riverside County Judge Manuel Bustamante wrote that “it is unreasonable for property owners to believe that (the) city’s laws will not change.” The plaintiffs, he said, had not shown that Rancho Mirage was going against the city’s general plan by prohibiting short-term rentals.

In his ruling, Bustamante wrote that short-term rental bans in California, like the one adopted by the Rancho Mirage council in October, have been upheld by the courts over the last 30 years.

Melinda Luthin, attorney for VRON Rancho Mirage, said the ruling was “extremely” disappointing.

“We believe the evidence clearly shows that VRON, its members, the residents and visitors to Rancho Mirage and the public at large will suffer irreparably if the city is not enjoined from enforcing the unlawful STR ban in the challenged ordinance,” Ordinance 1189, Luthin said.

VRON Rancho Mirage has not decided whether to appeal Bustamante’s ruling, she said.

Michael Cobden, deputy city attorney for Rancho Mirage, said the city had no comment. But he added that the case is still in its early stages.

The next hearing date and a case management conference are set for Aug. 2 at the Riverside County courthouse in Palm Springs.

## Not the only STR case against Rancho Mirage

The case is one of two active lawsuits filed by VRON against the City of Rancho Mirage over its short-term rental bans.

The first suit was filed in January 2021, when a ban on short-term rentals except in communities where they allowed by the homeowners' associations went into effect.

That lawsuit is being heard by Riverside County Superior Court Judge Russell Moore.

The ruling by Bustamante does not affect the approximately 25 short-term rental property owners involved with the case before Moore.

Moore has ruled that the city must continue to issue STR permits to those plaintiffs until the lawsuit is resolved.

The next scheduled court date for that case is Aug. 10.

*Desert Sun reporter Sherry Barkas covers the cities of La Quinta, Indian Wells, Rancho Mirage and Palm Desert. She can be reached at [sherry.barkas@thedesertsun.com](mailto:sherry.barkas@thedesertsun.com). Follow her on Twitter @TDSsherryBarkas*