BORNSTEIN LAW
A PROFESSIONAL CORPORATION

AIRBNB & SHORT-TERM RENTAL HOST'S RISK CHEAT SHEET

Avoid overstays. Reduce liability. Protect your property.

A short stay can become a long legal problem.
Plan for the checkout before the check-in.

1 KNOW WHO YOU'RE HOSTING

Good screening now can prevent problems later.

- ☑ Verify the guest's identity.
- ☑ Understand the **purpose** and length of the stay.
- ☑ Look for **outbound travel** plans that match the departure date.
- ☑ Be cautious of last-minute bookings, vague explanations, off-platform requests, unusually large groups, or attempts to negotiate around your rules.

2 KEEP A SHORT STAY SHORT

Once occupancy drifts, your rights can change.

- ☑ **Use definite** check-in and **check-out dates.**
- ☑ **Treat extensions with caution** and document them in writing.
- ☑ **Treat stays approaching 30 days with caution.** Longer occupancy can affect an occupant's legal status and the process required to recover possession.
- ☑ **Don't allow an expired reservation** to simply drift into continued possession.

3 KEEP THE PAPER TRAIL CLEAN

Clear documentation today is your best protection tomorrow.

- ☑ **Keep all bookings, payments,** and communications on the platform.
- ☑ **Be wary of off-platform** payments or side agreements for additional time.
- ☑ **Preserve all house rules,** messages, and notices.
- ☑ Before extending, get the terms in writing and confirm a new departure date.
- ☑ Documentation helps show the stay was always intended to be temporary.

4 PROTECT THE PROPERTY—AND YOURSELF

Risk management is good hosting—and good business.

- ☑ **Confirm with your insurer that your policy covers short-term rental** activity and review liability limits.
- ☑ **Understand that Airbnb AirCover is not a substitute** for your insurance.
- ☑ **Maintain a safe property:** stairs, railings, pools, smoke/CO detectors, lighting, and other hazards.
- ☑ **Enforce occupancy limits,** no parties, no pets (if applicable), no smoking, and parking rules.
- ☑ **Keep emergency contact information** and a plan for complaints or incidents.

5 IF THEY DON'T LEAVE, DON'T IMPROVISE

Self-help can turn a problem into a lawsuit.

- ☑ **Do not** change the locks.
- ☑ **Do not** shut off utilities.
- ☑ **Do not** remove their belongings.
- ☑ **Do not** use threats or **force.**

⚠ If a guest refuses to leave or the situation becomes disputed, call an attorney immediately.

Once someone has tenancy rights, you must use the civil litigation process to regain possession. The process can take months.

KNOW YOUR LOCAL RULES

Before listing, confirm:

- ✓ Is short-term rental use permitted?
- ✓ Is registration or a permit required?
- ✓ Must this be your primary residence?
- ✓ Is there an annual rental-day limit?
- ✓ Are taxes or business registrations required?
- ✓ Does your lease, HOA, or CC&Rs prohibit it?
- ✓ Are there local insurance requirements?

Rules vary widely by city and county (e.g., San Francisco, Oakland, Berkeley). Verify requirements and comply before you list.

⚠ THE RESERVATION ENDED. THE GUEST DIDN'T LEAVE. NOW WHAT?

Call Bornstein Law before an overstay becomes a bigger problem.

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This guide is general information, not legal advice.
Bay Area rules vary considerably by jurisdiction.