

AN ORDINANCE

AMENDING CHAPTER 16, OF THE CITY CODE OF SAN ANTONIO, BY ADOPTING ARTICLE XXII ENTITLED “SHORT TERM RENTALS”, TO ESTABLISH PROCEDURES FOR INSPECTION, REGISTRATION, AND PERMITTING OF SHORT TERM RENTAL PROPERTIES; AMENDING CHAPTER 35 BY ADDING PROVISIONS RELATED TO SHORT TERM RENTALS; PROVIDING FOR PUBLICATION; PROVIDING FOR PENALTIES; AND MODIFYING THE DEPARTMENT PERSONNEL COMPLEMENT.

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WHEREAS, the City Council has determined that the regulation of short term rental properties is in the best interest of the public; and

WHEREAS, the City Council has determined that such regulation include registration, permitting, and the inspection of short term rental properties; and

WHEREAS, the City Council has determined that and the ability to enforce the provisions of such regulations will promote the public health, safety and welfare of its citizens, NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO;

SECTION 1. The City Code of San Antonio, Texas, is hereby amended by adding language that is underlined (added) and deleting language that is stricken (deleted) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 16 of the City Code of San Antonio, Texas, entitled “Licenses and Business Regulations,” is amended by creating and inserting a new Article XXII as follows:

**ARTICLE XXII. – SHORT TERM RENTALS**

**DIVISION I – GENERAL**

**Sec. 16-1100. – Purpose.**

- (a) The purpose of this article is to establish regulations for the protection of the health and safety of occupant(s) of short term rental properties, and to protect the integrity of the neighborhoods in which short term rental properties operate.

**Sec. 16-1101. – Definitions.**

As used in this article the following words and phrases shall have the definitions ascribed to them by this section:

**Adult** - means an individual 18 years of age or older.

**Agent** - means a person designated by the short term rental operator in lieu of themselves as the 24-hour emergency contact for a lawfully operating short term rental

**Bedroom** - means a room designated and used primarily for sleeping and rest on a bed.

**Occupant** - means the person(s) who have lawfully obtained the exclusive use and possession of the short term rental property from its operator, and the guest(s) of such person(s).

**Operator** - means any person who operates a short term rental, as defined in this Article.

**Owner** - means the person or entity that holds legal and/or equitable title to the private property.

**Short term rental** – Shall be as defined in chapter 35, Appendix 'A' of this code.

**Short term rental permit** - means the permit issued by the city that identifies the subject property as a lawful short term rental, the short term rental permit number, the names and contact information of the owner, operator, and agent if applicable, and 24-hour emergency contact phone for at least one of the preceding.

**Sleeping area** - means a room or other space within a dwelling designed or used for sleeping, including a bedroom. Tents and recreational vehicles shall not be considered a sleeping area.

#### **Sec. 16-1102. - Authority of the director.**

The director of Development Services shall implement and enforce this chapter and may by written order establish such procedures, not inconsistent with this chapter or other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations, as the director determines are necessary to discharge any duty under this chapter.

#### **Sec. 16-1103. - Permit required.**

No short term rental shall operate within the city of San Antonio without a current valid short term rental permit.

#### **Sec. 16-1104. - Short term rental permit.**

(a) **Application.** Application for a short term rental permit shall be in writing on an application form available at the Development Services office, shall be

accompanied by a one-time payment of the fee of (to be determined) and shall include the following information, at a minimum:

- (1) A list of all owners, operators, and agents (if applicable) of the short term rental including names, addresses, current email address(es) of owner/operator, and telephone numbers.
  - (2) A sketch or narrative describing the location of the available parking spaces as required by subsection 16-1107.c., Parking, of this section.
  - (3) A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s).
  - (4) The name, address and 24-hour telephone numbers of a contact person, who is the owner, operator, or designated agent and who shall be responsible and authorized to respond to complaints concerning the use of the short term rental.
  - (5) A letter from The City of San Antonio Finance Department showing proof of hotel occupancy tax compliance with V.T.C.A., Tax Code ch. 351, and registration with the City of San Antonio Finance Department for Hotel Occupancy Tax collection will be need to be provided before permit is granted.
  - (6) A statement that the owner of the short term rental has met and will continue to comply with the standards and other requirements of this section.
  - (7) Proof of coverage under a homeowners property insurance policy
  - (8) Proof of coverage under a Commercial General Liability Insurance policy with limits of 500k per occurrence and 1mil aggregate, including Host Liquor Liability coverage
- (b) *Completeness of application.* Applications shall not be considered complete until all documentation required under this Article has been submitted, and until the full application/permit fee has been paid. Incomplete applications will not be accepted

**Sec. 16-1105. - Expiration and renewal of permit.**

- (a) A permit to operate a short term rental expires one (1) year after the date of issuance.
- (b) A permit holder shall apply for renewal at least thirty (30) calendar days before the expiration of the permit on a form provided by the director. The permit holder shall update the information contained in the original permit application required under section 16-1104 of this article or any subsequent renewals under this section, if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been

updated is accurate and complete. Complete applications for renewal received less than 30 days prior to expiration of a current permit shall be treated as applications for a new permit, as described in Sec. 16-1104.

- (c) The director shall follow the procedures set forth in this article when determining whether to renew a permit.
- (d) The fee for the renewal of a permit to operate a short term rental is (to be determined).

#### **Sec. 16-1106. – Non-transferability.**

A permit to operate a short term rental is not transferable to another owner, operator, or location.

#### **Sec. 16-1107. – Standards.**

All short term rentals permitted pursuant to this chapter are subject to the following standard requirements:

- (a) **Occupancy.** The maximum number of persons allowed to reside in a short term rental is two adults per sleeping area plus an additional four adults per residence.
- (b) **Short term rental permit display.** As part of a short term rental permit, the city issued short term rental permit shall be posted at all times in a prominent location inside the property for which it was issued
- (c) **Parking.** A minimum of one off-street parking space, not including the garage, per sleeping area shall be provided with a minimum of two and a maximum not to exceed the number of sleeping areas plus one. No required parking shall be permitted within public right-of-way or access easements as defined by city and state regulations regarding parking, nor shall the yard be utilized to provide the necessary parking.
- (d) **Life safety.**
  - (1) Short Term Rentals and structures where they are located shall conform to all applicable city-adopted codes, regulations, and ordinances
  - (2) A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within 75 feet of all portions of the short term rental on each floor.
  - (3) Smoke and CO2 detectors shall be installed and conform to all applicable city-adopted codes, regulations, and ordinances
  - (3) Every sleeping area shall have at least one operable emergency escape and rescue opening per all applicable city-adopted codes, regulations, and ordinances
  - (4) An evacuation plan shall be posted conspicuously in each sleeping area.

(5) Every bedroom/sleeping area in a short term rental that does not comply with subsection (d) Life safety, of this section shall not be used as a sleeping area and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short term rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation for the short term rental. The owner/operator shall notify every occupant, in writing, that the non-compliant sleeping area may not be used for sleeping.

**(e) Conduct on premises.**

(1) Short term rental operators shall be responsible for informing their occupants of all relevant city codes and occupants' liability for violations of same.

(2) Operators shall furnish printed copies of the following sections of the city code to their occupants upon commencement of the occupants' stay: [list],

(3) Excessive noise or other disturbance outside the short term rental is prohibited per Chapter 21, Article III of the Code of Ordinances. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.

(4) No sleeping outdoors.

**(f) Signage.**

1. Signage shall be in compliance with the city's current sign code.

2. All advertisements, including online or proprietary (website, app, or other technology), will include the short term rental permit number within the description or body for public reference.

**(g) Tenant indoor notification.** The operator shall post in a conspicuous location of the dwelling the following minimum information:

(1) Maximum number of occupants.

(2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.

(3) Quiet hours and noise restrictions as defined per Chapter 21, Article III of the Code of Ordinances.

(4) Restrictions of outdoor facilities.

(5) 24-hour contact person and phone number.

(6) Property cleanliness requirements.

(7) Trash pick-up requirements, including location of trash cans.

(8) Flooding hazards and evacuation routes.

(9) Emergency numbers.

(10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or visitor can be cited.

(11) Short Term Rental permit, Health Department permit, and/or any other required permits, if applicable.

(12) Hotel Occupancy Tax registration

(h) **Rental agreement notification.** The rental agreement between the owner/operator of the short term rental and the occupant shall include by attachment, all of the information provided on the tenant indoor notification signage.

### **Sec. 16-1108. – Inspections.**

To ensure continued compliance with the requirements of this section a short term rental shall be inspected in the following methods:

(a) *Initial inspection.* As part of the issuance of a new short term rental permit the city's Development Services Department shall conduct an inspection to verify compliance with this section.

(b) *Fire extinguishers.* The owner/operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the city's current fire code.

(c) *Immediate inspection.* The city will perform inspections immediately when a violation is suspected.

(d) *Annual inspection.* The city's Development Services Department will perform annual inspections for compliance with this section.

### **Sec. 16-1109. - Enforcement/penalty.**

(a) A person commits an offense under this chapter if that person owns or operates a short term rental in the city without a valid permit.

(b) Emergency contact. The owner/operator of the short term rental shall provide the city with a 24-hour contact number for the operator or a designated agent per Sec. 16-1104. Should a law enforcement officer respond to the short term rental and issue a citation for any violation of city ordinances, the operator or their agent shall be called by the officer. The operator or their agent shall attempt to contact the occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed and citation issued to any part of the occupants or guests, the owner/operator must take appropriate step, in accordance with the individual rental agreement, to assure future complaints do not occur. Short Term Rental Permits shall be revoked if three or more citations are issued at a permitted property within any six month period, whether issued to the operator or any occupants.

(c) Violation of any section of this article shall constitute an offense resulting in permit revocation in accordance with subsection 16-1110, Revocation.

- (d) Failure to pay hotel occupancy tax timely is considered a violation of this section and shall result in revocation of the short term rental permit in accordance with subsection 16-1110, Revocation. Failure to timely pay any applicable Hotel Occupancy Tax is a violation of this section, and shall result in permit revocation if arrearage is not paid within thirty (30) days of the issuance of a delinquency notice
- (e) Failure to successfully complete the renewal process of a short term rental permit is considered a violation of this section.
- (f) The provisions of this subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by city ordinances or county or state law.
- (g) Prima facie proof of occupancy of a dwelling is established in any prosecution for violation of this section if it is shown that overnight occupants, other than the listed occupants, as agreed upon by the owner or agent, have resided at location during that time. Establishment of a prima facie level of proof in this subsection does not preclude a showing of illegal "occupancy" of a dwelling by a person in any other manner.
- (h) Violation of the terms and conditions of a short term rental permit under this article shall be punishable by a fine of not less than \$200.00 but not more than \$500.00 per occurrence. Penalties for other violations of the city code shall be as applicable. Each day a violation of this article continues shall be considered a separate offense. Each day that a unit is occupied in violation of this ordinance shall be considered a separate offense, and, upon conviction, shall be subject to a minimum fine of \$200.00 to a maximum fine of \$500.00 per violation, per day.
- (i) Each day of violation of said standards and provisions of this section constitutes a separate offense and is separately punishable, but may be joined in a single prosecution.

#### **Sec 16-1110. - Revocation Procedures.**

The building official is authorized to suspend or revoke a short term rental permit issued under the provisions of this chapter wherever the permit is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building, structure, unit, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this chapter. In addition, if any violations stated in subsection 16-1109, Enforcement/penalty, of this section have been committed and not corrected within the time specified, the Development Services director shall begin the procedures to revoke the short term rental permit in accordance with the following:

- (a) The city shall give written notice to the owner/operator regarding the revocation.
- (b) If a short term rental permit is revoked, the owner/operator may not reapply for the same property for a period of 12 months.

#### **Sec. 16-1111. - Appeals.**

If the director denies issuance or renewal of a permit or suspends or revokes a permit issued under this article, the action is final unless the permit holder files a written appeal within ten (10) business days to the director, or his designee. Appeals regarding technical matters will be reviewed by the building related and fire codes appeals and advisory board.

**Sec. 16-1112. - Other Restrictions on Use of Premises**

This section does not create any right to operate a short term rental in violation of any lease, license, deed restriction, covenant, easement, or other legal encumbrance

**SECTION 3.** Chapter 35, Article III, Section 35-311, Table 35-311XX of the City Code of San Antonio, Texas, entitled “Unified Development Code,” is amended as follows:

**SECTION 4.** Chapter 35, Appendix A, Definitions of the City Code of San Antonio, Texas, entitled “Unified Development Code,” is amended as follows:

**Short Term Rental** – means a property that rents out all or a portion of a one-family or two-family house, apartment, condominium, or accessory dwelling (as each of the preceding is defined by this Code), for a period of not less than 12 hours and for a maximum of 29 days and does not provide food or beverage for consumption.

**SECTION 5.** Chapter 35, Article III, Section 35-311, Table 35-311XX of the City Code of San Antonio, Texas, entitled “Unified Development Code,” is amended as follows:

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**Short Term Rental** - A property that rents out all or a portion of a one-family or two-family house, apartment, condominium, or accessory dwelling (as each of the preceding is defined by this Code), for a period of not less than 12 hours and for a maximum of 29 days and does not provide food or beverage for consumption