

AMENDMENTS FROM MAYOR PRO TEM KATHIE TOVO
Introduced at the September 15, 2015,
Special Called Planning and Neighborhoods Committee

WHEREAS, on August 2, 2012, the City Council adopted Ordinance No.20120802-122 to regulate the use of single-family homes for short-term rentals (“STRs”); and

WHEREAS, Part 9 of Ordinance No, 20120802-122 directed the City Manager to report on the program no later than one year after the effective date of the ordinance and stated that “[i]f Council finds that short-term rental (Type 2) uses have had a significant negative effects on the community, Council may consider termination of the short-term rental (Type 2) use;” and

WHEREAS, Council Resolutions No. 20121018-069 and No. 20150618-078 directed the City Manager to recommend amendments to the City Code to gain better compliance; and

WHEREAS, even with subsequent amendments to the City Code, concerns remain about the use of residential properties as short-term rentals, and

WHEREAS, directly as a result of the City’s permitting of short-term rental (Type 2) uses, more than 400 single-family homes throughout Austin (predominantly in Central and South Austin) have been removed from the city’s housing stock available for families; and

WHEREAS, a growing number of multifamily units available for both ownership and rental are being converted into short-term rental (Type 3) uses, which removes these units from the housing market; and

WHEREAS, transforming single-family homes, apartments, and condominiums into permanent commercial uses negatively impacts the enrollment potential for neighborhood schools, increases economic pressures on the supply of single-family homes and the rental market, and limits opportunities for community building; **NOW THEREFORE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council directs the City Manager to immediately suspend all new Type 2 short term rental licenses. The Council further directs the City Manager to schedule a public hearing six months after the date of adoption of new code enforcement amendments to gauge their effectiveness and consider revisions.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council initiates and directs the City Manager to process amendments to the City Code necessary to achieve the following objectives:

- (A) Initiate a phased-in process to limit Type 2 short term rentals to commercially zoned areas and require Conditional Use Permits for continued operation of Type 2 short term rentals in single family zoning.
- (B) Repeal the provision that allows 25% of multifamily units on a commercially zoned property to be removed from the rental market as Type 3 STRs, and cap all Type 3 STRs to no more than 3% by property.
- (C) Define Type 2 STRs and non-owner occupied Type 3s consistent with the definition of public accommodations under the federal ADA statutes, or in the alternative, incorporate requirements that provide the equivalent level of accessibility and protections for persons with disabilities.
- (D) Prohibit use of STRs for large gatherings of ten or more, such as weddings, bachelor parties, and corporate events.
 - Advertising of large gatherings or corporate events shall be evidence of a violation and shall result in penalties and probable forfeiture of the short-term rental license.
- (E) For any STR license application or renewal, certify that both owner and property manager have no significant code or Austin Police Department violations or significant verified complaints within the last two years.

- (F) Require STR advertising and listing services to collect and remit hotel/motel taxes to the City of Austin.

ADOPTED: _____, 2015

ATTEST: _____

Jannette S. Goodall
City Clerk