

Late Backup

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 RELATING TO
2 SHORT-TERM RENTALS.

3 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

4 PART 1. City Code Section 25-2-791 (*License Requirements*) is amended to
5 repeal Subsection (G) and to re-letter the remaining subsections to read as follows:

6 § 25-2-791 LICENSE REQUIREMENTS.

7 (A) This section applies to a license required under Section 25-2-788 (*Short-*
8 *Term Rental (Type 1) Regulations*), Section 25-2-789 (*Short-Term Rental*
9 *(Type 2) Regulations*), and Section 25-2-790 (*Short-Term Rental (Type 3)*
10 *Regulations*).

11 (B) To obtain a license, the owner of a short-term rental use must submit an
12 application on a form provided for that purpose by the director. The
13 application must include the following:

- 14 (1) a fee established by separate ordinance;
- 15 (2) the name, street address, mailing address, and telephone number of
16 the owner of the property;
- 17 (3) the name, street address, mailing address, and telephone number of a
18 local responsible contact for the property;
- 19 (4) the street address of the short-term rental use;
- 20 (5) proof of property insurance;
- 21 (6) proof of payment of hotel occupancy taxes due as of the date of
22 submission of the application; and
- 23 (7) any other information requested by the director.

24 (C) Except as provided in subsection (G[H]), the director shall issue a license
25 under this section if:

- 26 (1) the application includes all information required under Subsection (B)
27 of this section;
- 28 (2) the proposed short-term rental use complies with the requirements of
29 Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*), Section

1 25-2-789 (*Short-Term Rental (Type 2) Regulations*), or Section 25-2-
2 790 (*Short-Term Rental (Type 3) Regulations*);

3 (3) for a short-term rental use regulated under Section 25-2-789 (*Short-*
4 *Term Rental (Type 2) Regulations*), no more than 3% of the single-
5 family, detached residential units within the census tract of the
6 property are short-term rental (including Type 2 and Type 1 second
7 dwelling unit or secondary apartment) uses as determined by the
8 Director under Section 25-2-793 (*Determination of Short-Term Rental*
9 *Density*); and

10 (a) the structure has a valid certificate of occupancy or compliance,
11 as required by Chapter 25-1, Article 9 (*Certificates of*
12 *Compliance and Occupancy*); or

13 (b) the structure has been determined by the building official not to
14 pose a hazard to life, health, or public safety, based on a
15 minimum life-safety inspection;

16 (4) for a short-term rental use regulated under Section 25-2-790 (*Short-*
17 *Term Rental (Type 3) Regulations*), located in a non-commercial
18 zoning district, no more than 3% of the total number of dwelling units
19 at the property and no more than 3% of the total number of dwelling
20 units located within any building or detached structure at the property
21 are short-term rental (Type 3) uses as determined by the Director
22 under Section 25-2-793 (*Determination of Short-Term Rental*
23 *Density*); and

24 (a) the structure and the dwelling unit at issue have a valid
25 certificate of occupancy or compliance, as required by Chapter
26 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or

27 (b) the structure and the dwelling unit at issue have been
28 determined by the building official not to pose a hazard to life,
29 health, or public safety, based on a minimum life-safety
30 inspection;

31 (5) for a short-term rental use regulated under Section 25-2-790 (*Short-*
32 *Term Rental (Type 3) Regulations*), located in a commercial zoning
33 district, no more than 25% of the total number of dwelling units at the
34 property and no more than 25% of the total number of dwelling units
35 located within any building or detached structure at the property are
36 short-term rental (Type 3) uses as determined by the Director under
37 Section 25-2-793 (*Determination of Short-Term Rental Density*); and

- 1 (a) the structure and the dwelling unit at issue have a valid
2 certificate of occupancy or compliance, as required by Chapter
3 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or
4 (b) the structure and the dwelling unit at issue have been
5 determined by the building official not to pose a hazard to life,
6 health, or public safety, based on a minimum life-safety
7 inspection.

8 (D) A license issued under this section:

- 9 (1) is valid for a maximum of one year from the date of issuance, subject
10 to a one-time extension of 30 days at the discretion of the director;
11 (2) may not be transferred by the property owner listed on the application
12 and does not convey with a sale or transfer of the property; and
13 (3) satisfies the requirement for a change of use permit from residential to
14 short-term rental use.

15 (E) A license may be renewed annually if the owner:

- 16 (1) pays a renewal fee established by separate ordinance;
17 (2) provides documentation showing that hotel occupancy taxes have
18 been paid for the licensed unit as required by Section 11-2-4
19 (*Quarterly Reports; Payments*) for the previous year; and
20 (3) provides updates of any changes to the information required under
21 Subsection (B) of this section.

22 (F) An advertisement promoting the availability of short-term rental property in
23 violation of city code is prima facie evidence of a violation and may be
24 grounds for denial, suspension, or revocation of a license.

25 ~~[(G) Notwithstanding any provision of Section 25-2-791(F) to the contrary, a~~
26 ~~person may advertise the availability of an unlicensed short term rental and~~
27 ~~the advertisement is not grounds for license denial if the director determines~~
28 ~~all of the following:~~

- 29 ~~(a) The person owns the property advertised or has obtained the~~
30 ~~owner's authorization to advertise the property for short term~~
31 ~~rental solely to gauge public interest in the property for short~~
32 ~~term rental use;~~

