

## ***SHORT-TERM RENTAL REGISTRATION PROCESS IN SINGLE FAMILY DISTRICTS***

### **Section 150.118. -- . Purpose and applicability of Short-Term Rental Registration.**

The purpose of this division is to establish regulations for the registration and use of short-term rentals for single family dwelling units. The requirements of this division apply only to short term rentals, as defined herein, located in single family residential districts established under the city's Zoning Ordinance. Nothing in this division, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than 30 consecutive days, or any other applicable provision of the Sunset Valley Code of Ordinances.

### **Section 150.119. --. Definitions for Short-Term Rentals.**

*Advertise* means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a short-term rental in order to promote the availability of the short-term rental.

*Bedroom or Sleeping Unit* as required by the International Residential Code shall contain the following:

- (1) Egress – shall contain 2 methods of egress, one to exterior via a door measuring 36" in width or greater or window measuring 2ft x 3ft and one to the interior via a door measuring 32" in width or greater*
- (2) Ceiling Height - Minimum ceiling height of 7 feet from the floor to the ceiling*
- (3) Size - Be a minimum of 70 square feet and it must have at least 7 feet in any horizontal direction*
- (4) Light and Ventilation –*
  - (a) Must have window glazing of at least 8% of the floor area*
  - (b) Natural ventilation for outdoor airs through a window that are not less than 4% of the floor size.*
- (5) Must be able to be heated and cooled and maintain a temperature of at least 68 degrees F*
- (6) A smoke alarm must be installed per the International Residential Code.*

*Guest House* A single guest house, as that term that is defined in the City of Sunset Valley Land Development Code, which is used for human habitation of which the maximum number of occupants permitted for the dwelling unit is three times the number of bedrooms per the Texas Property Code, Section 92.010.

*Host* means the person, firm, corporation, partnership, or association, assigned the duty and responsibility by the owner to manage or rent the residence for a short-term rental.

*Hotel occupancy tax* means the hotel occupancy tax as defined in Chapter 112 of the Sunset Valley Code of Ordinances and Chapter 3 of the Texas Tax Code.

*Local emergency contact* means an individual other than the registrant, who can respond within the hour of the subject property or has given enforcement authorization to Sunset Valley Police Department, and who is designated by the owner/registrant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the short-term rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

*Owner* means the person who, in accordance with the most recently recorded deed, deed of trust, security instrument, trust instrument, affidavit of heirship, muniment of title or other similar document indicating title to real property recorded in the Official Public Records of Travis County, Texas, is vested in, the ownership, dominion or title of real property, including, but not limited to:

- (1) The owner of a fee simple title;
- (2) The owner of a life estate;

- (3) The purchaser named in an executory contract for conveyance entered in compliance with title 2, chapter 5, subchapter D of the Texas Property Code, or
- (4) A mortgagee, receiver, executor, or trustee in control of real property.

*Person* means an individual, corporation, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or community entity.

*Primary residence* means the usual dwelling place of the registrant's residential dwelling and is documented as such by at least two of the following: motor vehicle registration, driver's license, Texas State Identification card, voter registration, property tax documents, or utility bill. For purpose of this chapter, a person may have only one primary residence.

*Short-term rental (STR)* is defined as "the rental of any residence or residential structure, means a single-family residence with the following criteria, or a portion of a residence or residential structure for a period of less than 30 days". The term does not include

- (1) A unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;
- (2) A bed and breakfast; or
- (3) A hotel/residence hotel.
- (4) A structure that is not permanently affixed such as a travel trailer.

*A residential structure* means a single-family residence as referred to in this article is a:

- (1) One-family dwelling (detached): A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract;
- (2) One-family dwelling (attached): A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family
- (3) Guest House: a single guest house, as that term that is defined in the City of Sunset Valley Land Development Code, which is used for human habitation of which the maximum number of occupants permitted for the dwelling unit is three times the number of bedrooms per the Texas Property Code, Section 92.010.

*Residential districts:* Includes the following districts: SF- Single Family or any Planned Development District defined as a residential use in the Code of Ordinances.

*Short term rental registration* means the registration issued by the Building Official or their designee pursuant to this article.

## **Section 150.120 --. Short-Term rental registration requirements.**

- A. No person shall hereafter advertise, offer to rent, or rent, lease, sublease, license or sublicense a residential property within the city as a short-term rental for which a registration has not been properly made and filed with the City of Sunset Valley. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:
  1. Name, address, phone number and e-mail address of the property owner(s) of the short-term rental property, and trade names and registered agents if applicable.
  2. Verification that this short-term rental property is the registrant's property, or permission from the property owner allowing the use as an STR.
  3. Name, address, phone number and e-mail address of the designated local emergency contact.
  4. The maximum number of occupants permitted for the dwelling unit is three times the number of bedrooms per the Texas Property Code, Section 92.010.
  5. A submission of a sketch floor plan of the dwelling with room layout.
  6. Sketch of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto street, sidewalks, or alleys; other public rights-of-way or public property.

7. Acknowledgement of receipt of a copy of this article and agreement to comply with all provisions of this article as a condition to receiving and maintaining a short-term rental registration.
8. The registrant shall provide a copy of the filed Comptroller of Public Accounts' Form AP-102 (hotel occupancy tax questionnaire)

#### **Section 150.121. -- . Inspection required for Short-Term Rental Registration.**

- A. Upon registration and renewal, and prior to the first rental occupant of a short-term rental property, the owner is required to schedule an inspection of the residential structure with the City of Sunset Valley to determine compliance with the STR checklist attached.
  1. If only a portion of the premises is offered for rent, then that portion plus shared amenities and points of access shall be inspected.
  2. If, upon completion of the inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violation and shall set a re-inspection date for violation to be corrected prior to its occupancy.

#### **Section 150.122. --. Restrictions on Short-Term Rentals.**

- A. *External signage.* There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term rental.
- B. *Limit on occupants allowed:*

There shall be a maximum occupancy of three persons per bedroom, including adult and children.
- C. *Limits on number of vehicles.* There shall be a maximum of one motor vehicle per bedroom, or maximum number of motor vehicle that can be accommodated within the garage and driveway, without extending over the public rights of way (alleys and sidewalks) whichever is less. No vehicle parking area shall cause the site to be in violation of impervious cover requirements without a variance of such having been approved by the City Council.
- D. *Advertisement and contracts.* Any advertisement of the property as a short-term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
- E. *Other restrictions.* It is unlawful:
  1. To operate or allow to be operated a short-term rental without first registering the property in which the rental is to occur with the city in accordance with this article;
  2. To advertise or offer a short-term rental without first registering the property in which the rental is to occur with the city in accordance with this article; documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this ordinance;
  3. To operate a short-term rental that does not comply with all applicable city and state laws and codes;
  4. To operate a short-term rental without paying the required hotel occupancy taxes;
  5. Permit the use of the short-term rental for the purpose of housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; gambling house; or operating as a sexually oriented business.

#### **Section 150.123. -- Brochure and safety features for Short-Term Rentals.**

- A. *Safety Features:* The owner/registrant shall provide in the premises working smoke detectors in accordance with adopted codes and at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall, otherwise comply with applicable Codes of Ordinance including but not limited to Building and Fire Codes.

B. *Informational brochure.* The City shall provide a brochure that contains:

1. The host's 24-hour contact information if the property owner is not within the city limits when guests are renting the premises;
2. Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates. Information about how parking by renters or their guests shall not encroach upon or obstruct ingress, egress, or access to the neighboring properties.

#### **Section 150.124. --. Notification of approval of Short-Term Rental.**

Within ten days of the approval of a short-term rental registration or renewal, a notice will be sent to all property owners within 200 feet of the property, and shall include the 24-hour complaint line, and pertinent information about this article.

#### **Section 150.125. --. Registration term, fees, and renewal of Short-term Rentals.**

- A. All registrations approved under this chapter shall be valid for a period of two years from the date of its issuance.
1. The fees for registration of a short-term rentals shall be as established by resolution of the city council and include the following:
    - a. The initial registration fee,
    - b. Renewal fee every 2 years.
- B. Upon receipt of an application for renewal of the registration, the City Administrator or their designee may deny the renewal if there is reasonable cause to believe that:
1. There are grounds for suspension, revocation, or other registration sanction as provided in this article.

#### **Section 150.126. --. Inspections; re-inspections; suspension and revocation of Short-term Rental registration.**

- (a) *Inspections; access.* The resident owner, nonresident owner, resident manager, and property manager, as a condition to the issuance of a short-term rental registration required by this article, shall consent and agree to permit and allow the city's building official or their designee to make the following inspections of the short-term rental when and as needed to ensure compliance with this article:

1) Before the short-term rental registration and any renewal of the short-term rental registration is approved, and before the rental of any single-family residence as a short-term rental under this article, the resident owner, nonresident owner, resident manager, or property manager shall request an inspection and make the single-family residence available for inspection by the building official or their designee. The building official or their designee and the resident owner, nonresident owner, resident manager, and property manager shall agree on a reasonable date and time for the requested inspection.

2) The inspection list will be provided to the registrant prior to the inspection being scheduled.

- (b) *Admission to premises.* The building official or their designee may enforce the provisions of this article upon presentation of proper identification to the occupant in charge of the short-term rental and may enter, with the occupant's permission, any short-term rental between the hours of 8:00 a.m. and 6:00 p.m.; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life, or severe property damage, the building official or their designee may enter the short-term rental referenced in subsection (a) of this section at any time and upon presentation of identification and the occupant's permission shall not apply. Whenever the building official is denied

admission to inspect any short-term rental under this provision, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection.

- (c) *Reinspection.* If any of the inspections authorized by this article require a second reinspection due to noted violations, then a reinspection fee as listed in the City's fee schedule shall be paid prior to the second reinspection.
- (d) *Suspension or revocation of registration.* Failure of an owner to comply with the provisions of this article after receipt of written notice of the violation from the building official or their designee setting out the violations and the time allowed to rectify the violations, the short-term rental registration authorized by this article issued to the owner may be suspended or revoked by the Administration department.
- (e) *Reinstatement.* Any person requesting a reinstatement or reissuance of a short-term rental registration that has been suspended or revoked shall be required to apply for and receive a new short-term rental registration issued under this article upon review by the Administration department that all conditions causing the revocation to have been met.

#### **Section 150.127A. --. Revocation/appeal of Short-term Rental Registration.**

- A. Registration may be denied and/or revoked by the city administrator or designee upon a finding by the noncompliance with any provisions of this article or violations of the Zoning Ordinance, or other applicable city codes.
- B. A registration may be subject to revocation of their registration if there are three or more violations within a twelve-month period of this article or other safety, health, and welfare ordinances of the city.
- C. The Administration department or their designee, shall issue a notice of violation of any provision of this article or violations as provided herein. Such notice shall include the date, time and synopsis of the facts surrounding such violation.
- D. A Registrant who wishes to appeal the denial or revocation of a registration under this article, shall file an appeal with the Board of Adjustment for reinstatement of a denied or revoked registration.
- E. All decisions of the Board of Adjustment shall follow the Sunset Valley ordinance related to the Board of Adjustment Sec. 150.047

#### **Section 150.127B. --. Violations and penalties for Short-term Rentals.**

Violation of this ordinance upon conviction shall be punished by a fine not to exceed the sum of \$2,000.00 for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

#### **Section 150.128. --. Fees for Short-term Rental Registration.**

All fees for registration, inspection, or renewal, including any late fees or exemptions, as provided in this article, shall be as established by resolution of the city council.

#### **Section 150.129. --. Presumption; presentation of documents or affidavit for Short-term Rental Registration.**

- (a) *Presumption.* It shall be a rebuttable presumption that a single-family residence that is occupied by one or more person(s) who are not the owner is being occupied pursuant to an agreement between the owner and the occupant(s) of the single-family residence wherein the occupant(s) have agreed to lease said residence from the owner
- (b) *Presentation of documents or affidavits.* Any resident owner or nonresident owner claiming that the owner is not required to obtain a short-term rental registration pursuant to this article shall, not later than five business days following receipt of a written request of the building official or their designee or, in the case of an appeal filed pursuant to section --- of this article deliver to the City Administrator a true and correct copy of any agreements, documents of title, letters of administration, letters testamentary, executory contracts for conveyance (also known as "contracts for deed"), affidavits, or other documents that establish to the satisfaction of the community development department that a landlord/tenant relationship does not exist between the owner and the occupant(s) of the single-family residence. Unless an extension of the time for delivery of such documents or affidavits is granted by the building official or their designee or city administrator, as the case may be, the failure of the owner to present the requested documents within the

time provided by this subsection (b) shall result in the presumption described in subsection (a) above, becoming irrefutable.