

RESOLUTION NO. 20150618-078

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, in response to concerns raised during early implementation of the regulations, the City Council passed Resolution No. 20121018-069 directing the City Manager to recommend amendments to, among other things, ensure greater compliance with the short-term rentals regulations, to improve notification and enforcement, and to ensure more efficient and cost-effective permit review; and

WHEREAS, on September 26, 2013, the City Council adopted Ordinance No. 20130926-144 relating to the regulation of short-term rental residential uses and other regulated lodging establishments; and

WHEREAS, when operated correctly, short-term rentals provide a financial benefit to the City and offer housing options for travelers and residents in housing transition; and

WHEREAS, the majority of the 1,125 currently registered short-term rentals operate in compliance with City Code, better enforcement is needed to provide remedies for residents living near noncompliant short-term rentals and properties that are operating without short-term rental licenses; and

WHEREAS, the difficulty in enforcing code to address the misuse of short-term rentals has led to considerable concern among residents who are trying to live peacefully in their neighborhoods; and

WHEREAS, it is in the City's best interest to ensure compliance with short-term rental regulations and other City codes including occupancy limits, noise and amplified sound restrictions, and zoning and land use regulations, so that short-term rentals are good neighbors in our community; **NOW, THEREFORE**,

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

The City Council directs the City Manager to develop a plan for better enforcement regarding short-term rental properties, particularly those that have repeated complaints. A report shall:

1. Examine issues and citizen complaints related to the City's ability to effectively enforce City Code requirements for short-term rentals. This shall include both complaints regarding unregistered properties and complaints related to other issues such as noise, occupancy, and others.
2. Determine if these issues are related to department resources/policies and/or deficiencies within City Code or the existing short-term rental regulations, that require Council action. Barriers to enforcement shall be identified, including both barriers in the legal framework and those in the operating procedure in the Austin Code Department.
3. Identify additional performance measures to capture data related to complaints associated with short-term rentals, hotel occupancy taxes received from short-term rentals, and other data that would be useful to an ongoing assessment of short-term rental activity.
4. Make recommendations on how the City can provide better enforcement for non-compliant short-term rentals.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to present his findings, report, and recommendations to the Council no later than August 13, 2015.

BE IT FURTHER RESOLVED:

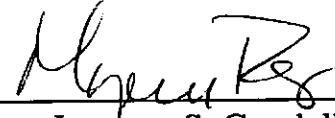
The City Council directs the City Manager to bring forth a resolution at the August 20, 2015 Council Meeting to initiate code amendments to incorporate the proposed City Code amendments submitted by the Code Department. Those proposed code amendments are:

1. Add a penalty for operating without a license
 - Noncompliance Penalty
 - Equal to the cost of an Operating License;
 - Collected in addition to the Operating License Fee; and
 - Would encourage compliance with the ordinance
2. Occupancy Limit Statement
 - Effective April 1, 2016, all short-term rental advertisements or promotions must include the following statement:
 - It is a violation of city code to allow more than six (6) unrelated adults to occupy the dwelling at one time.
 - In the interim, no more than six (6) unrelated adults may reside in a dwelling unit, except in the area defined in Subchapter F: Residential Design and Compatibility Standards Section 1.2.1
3. Add a penalty for operating with an expired license
 - Noncompliance Penalty
 - Equal to the cost of an Operating License;
 - Collected in addition to the Operating License Fee;
 - To encourage the timely renewal of licenses; and

- Decrease wait list time in capped areas (Type 2 and Type 3)
- 4. Add an inspection requirement for short-term rentals
 - To investigate complaints regarding over occupancy and compliance with other applicable laws”
- 5. Strike section 25-2-791(G) of the City’s Land Development Code.

ADOPTED: June 18, 2015

ATTEST:

 *for*
Jannette S. Goodall
City Clerk