



Item # 78

Late Backup

**COUNCIL COMMITTEE REPORT**  
**Planning and Neighborhoods Committee**

Date: September 15, 2015

Agenda Item #: 3

Discussion and possible action on recommendations for short-term rental regulations and enforcement (no public comment taken).

**Vote**

Committee voted to move forward all recommendations discussed at PNC and those not discussed to Full Council on Thursday, September 17, 2015, on a 4-0 vote.

**Sponsors/Department:** Carl Smart and Marcus Elliot, Austin Code Department

**Summary of Discussion**

Council Member Gallo, provided a little bit of background of the revised "draft" Resolution. This has been an ongoing process which started about six months ago as a result of a town hall meeting in District 10, where a constituent told the story of living next to a person that was we operating a short-term rental and was not in compliance and in violation of zoning. Subsequent investigation found there were multiple neighborhoods in District 10 and other areas within the City of Austin neighborhoods that were not operating in compliance with existing laws and code. The recommendations we have been discussing is to help enforcement tools strengthened so that Austin Code can go in and actually do something to stop the operators who are not operating in compliance.

**Public Comments**

No public comments taken.

**Direction**

Item #1 (from Council Member Gallo's draft resolution) adding short-term rentals to the inspection requirements in Chapter 13 of the Local Amendments: Council Member Renteria moved for Committee to recommend item #1 to full Council and Seconded by Council Gallo on a vote of 3-1 with MPT Tovo off the dais.

Item #2 (from Council Member Gallo's draft resolution) requiring inspections of Type 2 during the short-term rentals application and renewal process: After committee discussion, Council Gallo motioned to remove the language for item #2 to replace the word "require" with "evaluate". Council Member Gallo motion for committee to recommend to full Council. Council Member Casar (Chair) moved to recommend item 2 to the full Council with one additional amendment. Amending item #2 limiting it to Type 2 Short Term Rentals by inserting "Type 2" before short-term rental. Council Renteria seconded the motion on vote of 3-0 with MPT Tovo off the dais.

Item #3 (from Council Member Gallo's draft resolution) requiring short-term rentals to have property insurance that provides liability coverage when the property is rented; Council Member Gallo moved for the Committee to recommend item #3 to the full Council. Seconded by Council Member Renteria on a vote of 2-1 with Council Member Casar abstaining and MPT Tovo off the dais.

Item #4 (from Council Member Gallo's draft resolution) prohibiting the clustering of Type 2 short-term rentals; Council Member Gallo moved for the Committee to recommend item #4 to the full Council. Seconded by Council Member Renteria on a vote of 3-0 with MPT Tovo off the dais.

Items #5 & 6 (from Council Member Gallo's draft resolution) regarding the occupancy limit for short-term rentals and the enforcement of occupancy limit through the use of administrative hearing process; were discussed and considered together. MPT Tovo moved to strike the word "unrelated" from a and b under item #5. Council Member Renteria seconded. Motion failed on a vote of 2-2 with MPT Tovo and Council Member Renteria voting for and Council Member Casar (Chair) and Council Member Gallo voting against.

Council Member Gallo moved for the Committee to recommend item #5 and 6 from Council Member Gallo's draft resolution to full Council. Motion failed on a vote of 2-2 with Council Casar (Chair) and Council Member Gallo voting for and MPT Tovo and Council Renteria voting against.

MPT Tovo moved to forward items #5 and 6 from Council Member Gallo's draft resolution to the full Council without a recommendation from the Committee and a record showing the votes for these items. Council Member Gallo seconded. Motion passed on 4-0 vote.

Council Member Gallo moved that all items from Council Member Gallo's and MPT Tovo's resolutions not discussed by the Planning and Neighborhoods Committee (PNC) be forwarded onto the full Council without a recommendation and indicating that there was no PNC discussion. This was done to allow the full Council on Thursday, September 17, 2015, to still be able to consider all the items not discussed by PNC. Council Member Renteria seconded. Motion passed on a vote of 4-0.

**Recommendation:**

Committee voted to move forward recommendations discussed and those not discussed to Full Council on a 4-0 vote.