



CITY OF AUSTIN
Code Compliance Department
Short Term Rentals Regulations
Ordinance #20120802-122
October 1, 2012

SUMMARY

The Austin City Council approved the Short Term Rental (STR's) Ordinance on August 2, 2012. This program was created to identify and register Short Term Rentals, and will be administered by Code Compliance Department (CCD) in partnership with the Planning and Development Review Department (PDRD). Home owners interested in this program may start registering on October 1, 2012.

Two types of rentals have been identified: **Type I** – owner occupied or a dwelling associated with an owner-occupied principal residential unit that is occupied by the owner at least 51% of the time, is their recorded Homestead, and is rented for periods of less than 30 consecutive days; **Type II** –not owner occupied and rented for periods of less than 30 consecutive days.

A license will be issued for either Type I or Type II if all documents are submitted and can be along with a paid registration fee of \$235.00 and a Notification fee of \$50.00 (\$285.00 total). Type II STRs must fall below a 3% cap within each identified census tract as identified by the City.

Applications and documents submitted will be verified (allow 3-5 business days for processing and approval) by City of Austin staff before a license can be issued. Once documents and payment have been verified, a license will be mailed to the billing address identified during the application process.

Listed below are regulations pertaining to the Short Term Rental Ordinance in a condensed form for readability.

OCCUPANCY LIMITS

A. Notwithstanding any other provisions of this code,

- (1) No more than six unrelated persons may reside in a dwelling unit;
- (2) No more than three unrelated persons 18 years of age or older may reside in a dwelling unit of a duplex residential use, unless:
 - (a) Before June 5, 2003:
 - (i) a building permit for the duplex structure was issued; or
 - (ii) the use was established; and
 - (b) After June 5, 2003, the gross floor area in the duplex structure does not increase more than 69 square feet, except for the completion of construction authorized before that date or to allow for compliance with the Americans with Disabilities Act; and
- (3) For a two-family residential use or a site with a secondary apartment special use, not more than four unrelated persons 18 years of age or older may reside in the principal structure and not more than two unrelated persons 18 years of age or older may reside in the second dwelling unit, unless:
 - (a) Before November 18, 2004:
 - (i) a building permit for the second dwelling unit was issued; or
 - (ii) the use was established; and
 - (b) After November 18, 2004, the gross floor area does not increase more than 69 square feet, except for the completion of construction authorized before that date or to allow for compliance with the Americans with Disabilities Act.

For detailed information please see the Land Development Code:

Dwelling Unit Occupancy Limit §25-2-511

<http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas>

PARKING RESTRICTIONS

The following parking regulations apply in a traditional neighborhood district:

- (a) A condominium, multi-family, group residential, or retirement housing use must provide one parking space for the first bedroom of a dwelling unit and 0.5 parking spaces for each additional bedroom.
- (d) A townhouse, single-family residential, duplex, group home, or family home use must provide two parking spaces for each dwelling unit.

In a Mixed Residential Area or Neighborhood Edge Area, the required parking for this use must be provided on-site.

For detailed information please see the Land Development Code:

Parking §25-3-83

<http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas>

NOISE RESTRICTIONS

General Restrictions:

- (1) A person may not make noise or play a musical instrument audible to an adjacent business or residence between 10:30 p.m. and 7:00 a.m.

Restrictions on use of sound equipment in a residential area:

- (A) This section applies to property zoned as residential under Section 25-2-32(B) (Zoning Districts and Map Codes).
- (B) A person may not use sound equipment that produces sound audible beyond the property line of a residence in a residential area between 10:00 p.m. and 10:00 a.m.
- (C) A person may not use sound equipment audible beyond the property line of a residence in a residential area that produces sound in excess of 75 decibels.

For detailed information please see the Land Development Code:

Restriction on Decibel Level §9-2-4

<http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas>

RELEVANT BURN BANS

Outdoor Burning Rules - Chapter 111 of Title 30 of the Texas Administrative Code (30 TAC 111); subchapter B contains the adopted outdoor burning rules. The rules prohibit outdoor burning anywhere within the state of Texas except as provided by subchapter B or by orders or permits of the Texas Commission on Environmental Quality (TCEQ). The rules also prohibit the outdoor disposal or deposition of any material capable of igniting spontaneously without written permission from the TCEQ. The rules provide for various exceptions where outdoor burning is allowed, and specifies general requirements for allowable outdoor burning.

On Barbecues or Fire Pits - Outdoor burning is authorized for fires used for recreational or ceremonial purposes, for the noncommercial preparation of food, or for supplying warmth in cold weather. A complete list of the general requirements of the Outdoor Burning Rules is available at: www.co.travis.tx.us/fire_marshal/burning_rules.asp

NOTE: For up to date Burn Ban information go to http://www.co.travis.tx.us/fire_marshal/burning_rules.asp

Chapter 111 of Title 30 of the Texas Administrative Code (30 TAC 111), subchapter B
Wednesday, August 8, 2012

Last Modified:

AMERICAN WITH DISABILITIES ACT

Purpose: This document sets standards for accessibility to: public buildings and facilities; privately owned buildings and facilities leased or occupied by state agencies; places of public accommodation; and commercial facilities by individuals with disabilities. Subject buildings and facilities are addressed in more detail in Rule 68.21. These standards are to be applied during the design, construction, and alteration of such buildings and facilities to the extent required by regulations issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, codified as Article 9102, Texas Civil Statutes.

These standards closely follow the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and are intended to facilitate equivalency certification of the state program for the elimination of architectural barriers by the United States Department of Justice by:

- Bringing the state Architectural Barriers Act into alignment with the scoping requirements of the Americans with Disabilities Act (ADA), (P. L. 101-336).
- Expanding ADAAG with additional state scoping requirements and standards.
- Encouraging compliance by using common standards.
- Speeding the dissemination of required standards to owners, design professionals, and related user groups.

Some of the illustrations and text of ANSI A117.1-1980 and ANSI A117.1-1986 are included in this document and are reproduced with permission from the American National Standards Institute. Copies of those standards may be purchased from the American National Standards Institute at 11 West 42nd Street, New York, New York 10036.

For more detailed information please go to <http://www.license.state.tx.us/ab/tas/abtas1.htm> or, <http://governor.state.tx.us/disabilities/resources/ada/>

For detailed information please see the Land Development Code Section at:
American with Disabilities Act § 5-6-9
<http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas>

RELEVANT WATER RESTRICTIONS

The City of Austin is committed to providing for Austin's current and future water needs. Wasting water is prohibited year-round in Austin.

The Water Conservation Code (Chapter 6-4 of City Code) helps conserve treated drinking water by outlining the restrictions that the City of Austin may implement in response to supply and demand triggers or emergency conditions. Homeowners are responsible for preventing water waste on their property.

To help prevent water waste:

- inspect and maintain your irrigation system to repair leaks, replace broken sprinkler heads, adjust misaligned heads, and reduce misting;
- make sure watering times are appropriate to reduce overwatering;
- incorporate the topography of your property into the design of your landscape.

Water waste is:

- failure to repair a leak, including but not limited to a broken sprinkler head, a broken pipe, or a leaking valve;
- allowing water flow during irrigation that runs, or flows.

Violations of mandatory watering restrictions will result in an official warning followed by a citation if the violation is not corrected. Fines are \$475.

NOTE: For up to date water restrictions and conservation information go to www.waterwiseaustin.com

For detailed information please see the Land Development Code:

Water Conservation §6-4-13

<http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas>

Austin Water Conservation Program – Phone: 512-974-2199

TRASH COLLECTION

To be eligible for collection, Austin Resource Recovery provides weekly curbside trash collection to single-family homes, duplexes and triplexes in Austin.

For information on Material Collection and Service pick-up days you may view the pick-up schedule at

<http://www.austintexas.gov/trash>

IMPORTANT NUMBERS

Emergency Police and Fire – 911

Non-Emergency Police – 311 - City of Austin, Homeland Security & Emergency Management: www.austinhsem.com

Travis County Fire Marshal: www.co.travis.tx.us/fire_marshal

Fire Adapted Communities: <http://fireadapted.org/>

National Fire Protection Association: www.firewise.org

For questions regarding the ordinance regulating Short Term Rentals, please contact the City of Austin, Department of Code Compliance at STRlicensing@austintexas.gov

Austin Water Conservation Program – Phone: 512-974-2199

<http://www.austintexas.gov/department/water>