



SHORT TERM RENTALS ORDINANCE

FACT SHEET

San Antonio's City Council approved this ordinance on Nov. 1, 2018 and affects only properties within San Antonio city limits. **Short term rentals (STR) permits will be required on Feb. 11, 2019.** Below is a summary and some frequently asked questions to help you navigate through the requirements and key points of this new ordinance.

WHAT IS AN STR? ARE THERE TYPES?

An STR is defined in the ordinance as a residential dwelling unit, apartment, condominium or accessory dwelling where sleeping areas are rented to overnight guests for a period of less than 30 consecutive days (but not less than 12 hours). There are two types of STRs:

- * In Type 1, the owner or operator resides on the property and it is their primary residence.
- * In Type 2, the property is not occupied by either the owner or operator.

PERMITS

The ordinance is effective immediately, but you have until Feb. 11, 2019, to get your permit through the Development Services Department (DSD). For more information on the ordinance, application, checklist and more, visit us at:

www.sanantonio.gov/DSD
(under "Resources," "Codes and Ordinances")

HOW TO APPLY FOR A PERMIT

1. Set up an account with the City's Finance Department to pay the Hotel Occupancy Tax (HOT). You will need the customer account number in order to apply for your permit.
2. Download, fill out, and submit your application to DSD for our review. The fee is \$100.00 per application. Applications are available online at www.sanantonio.gov/DSD (under "Resources," "Codes and Ordinances").

Permits are valid for three years and are not transferable. A separate permit is required per individual unit.

FINANCE HOTEL OCCUPANCY TAX

If you own or operate a short term rental (STR), you should already be paying your HOT. If you are new to STRs, you will need to set up an account with the City's Finance Department in order to pay the HOT. For more information on setting up an account, HOT, or back taxes, visit: www.sanantonio.gov/Finance (under "Taxes, Licenses & Fees").

WHERE ARE THEY ALLOWED?

They are allowed in any residential zoning district, as well as in O-1, O-1.5, O-2, NC, C-1, C-2, and D commercial zoning districts.

ARE THERE ANY DENSITY LIMITATIONS?

- * Type 1 STRs have no density limitation.
- * Type 2 STRs are allowed by right, up to 12.5% of the units on a block face. If the STR is in a multi-family building, no more than 12.5% of the total number of units can be a Type 2 STR by right. When the 12.5% density limitation is met or exceeded, a special exception is needed from the Board of Adjustment in order to operate a Type 2 STR.

If you had a HOT account set up on or prior to Nov. 1, 2018, for the property you want to register and are current in all your taxes, your property may be grandfathered for the purpose of a Type 2 density requirement. You will still need to register your STR with DSD. Density requirements do not apply for Type 1 STRs.

HOW TO GET A SPECIAL EXCEPTION

If it is determined, at the time of review, that a special exception is required, you will need apply through DSD's Zoning Section for one. The application fee is \$400.00 and is available at: www.sanantonio.gov/DSD/BuildSA.

OPERATING WITHOUT A PERMIT

Each day a violation of this ordinance continues may be considered a separate offense. Each day a unit is occupied in violation of the ordinance may be considered a separate offense and, upon conviction, may be subject to a minimum fine of \$500.00 per violation, per day.

WHO TO CONTACT

City staff is available and ready to assist you with any questions and information you may need.

Permit Information - Tony Felts at 210.207.0153

HOT Accounts - Finance Department at 210.207.8667

Board of Adjustment (special exceptions) - Logan Sparrow at 210.207.8691



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES
DEPARTMENT



ORDENANZA DE ALQUILERES VACACIONALES (SHORT TERM RENTALS-STR) HOJA DE DATOS

El Ayuntamiento de San Antonio aprobó esta ordenanza el 01 de noviembre de 2018 afectando solo a propiedades dentro de los límites de la ciudad de San Antonio. Los alquileres vacacionales necesitarán obtener permisos a partir del 11 de febrero de 2019. A continuación hay un resumen y preguntas para ayudarle a navegar los requisitos y puntos claves de esta nueva ordenanza.

¿QUÉ ES UN STR? ¿HAY VARIOS TIPOS?

Un STR se define en la ordenanza como una unidad de vivienda residencial, apartamento, condominio o vivienda accesoria donde se alquilan áreas para dormir a huéspedes por un período de menos de 30 días consecutivos (pero no menos de 12 horas). Hay dos tipos de alojamientos vacacionales:

- * En Tipo 1, el propietario o usuario reside en la propiedad y es su residencia principal.
- * En Tipo 2, la propiedad no está ocupada por el dueño o el operador.

PERMISOS

La ordenanza entro en vigor inmediatamente, pero tiene hasta el 11 de febrero de 2019, para obtener su permiso a través del Departamento de Servicios de Desarrollo (DSD). Para más información sobre la aplicación, lista de verificación y más, visítenos en:

www.sanantonio.gov/DSD
(bajo "Recursos," "Códigos y Reglamentos")

CÓMO SOLICITAR UN PERMISO

1. Abrir una cuenta con el Departamento de Finanzas de la Ciudad para pagar el Impuesto de Ocupación Hotelera (HOT). Usted necesitará el número de esta cuenta para solicitar su permiso.
2. Descargar, llenar y enviar la solicitud a DSD para nuestra revisión. El costo es de \$100.00 por aplicación. Las aplicaciones están disponibles en línea en www.sanantonio.gov/DSD (bajo "Recursos," "Códigos y Ordenanzas locales").

Los permisos son válidos por tres años y no son transferibles. Se requiere un permiso por cada unidad individual.

IMPUESTO DE OCUPACIÓN HOTELERA

Si tiene u opera un alquiler a corto plazo (STR), usted debe ya estar pagando el Impuesto de Ocupación Hotelera (HOT). Si es usted nuevo en esta industria, necesitará abrir una cuenta con el Departamento de Finanzas de la Ciudad para comenzar a pagar este impuesto. Para más sobre cómo abrir una cuenta, y este impuesto visite: www.sanantonio.gov/Finance (debajo de "Impuestos, Lincencias y Cuotas").

¿DÓNDE SE PERMITEN LOS STR?

Se permiten en cualquier propiedad con zonificación residencial (R), así como con las zonificaciones comerciales O-1, O-1.5, O-2, NC, C-1, C-2 y D.

¿HAY ALGUNA LIMITACIÓN DE DENSIDAD?

- * STRs de Tipo 1 no tienen limitación de la densidad.
- * Las STRs de Tipo 2 son permitidos por derecho, hasta el 12.5% de las unidades en una cara del bloque. Si el STR está en un edificio multifamiliar, no más de 12.5% del número total de unidades puede ser Tipo 2 por derecho. Cuando se llega o se excede el límite de densidad de 12.5%, una excepción especial es necesaria de la Junta de Ajuste para operar un STR Tipo 2.

Si ya tiene una cuenta establecida para el pago de este impuesto en o antes del 01 de noviembre de 2018 para la propiedad que desea registrar, y está vigente en todos sus pagos, su propiedad puede recibir una exención para el requisito de densidad del Tipo 2. Aun tendrá que registrar su propiedad con DSD. Requisitos no se aplican para el Tipo 1.

CÓMO OBTENER UNA EXCEPCIÓN ESPECIAL

Si se determina, al momento de revisión de la solicitud, que una excepción especial es requerida, necesitara someter una solicitud a través de la sección de zonificación de DSD. El costo de solicitud es \$400.00 y está disponible en: www.sanantonio.gov/DSD/BuildSA.

OPERANDO SIN UN PERMISO

Cada día en violación de esta ordenanza puede ser considerado un delito individual. Cada día en una unidad está ocupada en violación de la ordenanza, puede ser considerado un delito individual y, al ser convicto, puede estar sujeto a una multa mínima de \$500.00 por violación, por día.

CONTACTOS

Tenemos personal disponible y listo para ayudarle con cualquier pregunta y la información que necesite.

Información sobre los permisos - Tony Felts, 210.207.0153
Cuentas para Impuestos de Ocupación Hotelera (HOT) -
Departamento de Finanzas, 210.207.8667
Junta de Ajuste (para excepciones especiales) - Logan Sparrow,
210.207.8691





PERMIT APPLICATION CHECKLIST:

- ____ Completed and signed application form
- ____ Approved Special Exception for a Short Term Rental from the City of San Antonio's Board of Adjustments (**if applicable**). Includes noticing to all property owners within 200 feet of the property. An STR license will not be issued until the special permit is approved.
Additional fees for a Special Exception apply. The granting of any special exception may be revoked if the conditions specified for each special exception are not maintained.
- ____ A list of all owners, operators, and agents (if applicable) of the short term rental including names, addresses, current email address of owner/operator, and telephone numbers.
- ____ A sketch or narrative describing the location of the available parking spaces
- ____ A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s),
- ____ The name, address and 24-hour telephone numbers of a contact person, who is the owner, operator, or designated agent and who shall be responsible and authorized to respond to complaints concerning the use of the short term rental.



CITY OF SAN ANTONIO
**DEVELOPMENT SERVICES
DEPARTMENT**

APPLICATION FOR SHORT TERM RENTAL (STR) PERMIT



Cliff Morton Development and Business Services Center • 1901 South Alamo Street • San Antonio, TX 78204

This application is for Short-Term Rentals and is required for rentals where rooms are occupied for less than thirty (30) consecutive days. For the purposes of this application, neither a Hotel nor Extended stay hotel/motel shall be considered an STR.

A separate application is required for each STR unit

A unit is defined as having a kitchen, bathroom, and sleeping area

Items that MUST be submitted with the application:

- Application fee of \$100 (non-refundable if application is not approved)
- A sketch or narrative describing the location of the available parking spaces.
- A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), and location of fire extinguisher(s).
- Either a Customer Account Number OR written confirmation from the City of San Antonio Finance Department showing proof of an account for Hotel Occupancy Tax collection. Please visit the webpage for more information on obtaining the customer number or confirmation:
<http://www.sanantonio.gov/Finance/taxeslicensesfees/hoteltax>
- Special Exception from Board of Adjustment – if required

Submitting the application:

By Mail - Completed applications may be mailed to:

Development Services Department
1901 S. Alamo Street
San Antonio, TX 78204

In person: Completed applications may be submitted in person. Business hours are from 7:45 am – 4:30 pm Monday- Friday. After your application has been received, DSD staff will review the application. STR Permits will expire three (3) years after the date of issuance. If you have questions please contact (210) 207-1111.

A Short Term Rental (STR) is a residential dwelling unit, apartment, condominium, or accessory dwelling where sleeping areas are rented to overnight guests for a period of not less than 12 hours and for less than 30 consecutive days. Additionally, regulations for operating an STR within the city of San Antonio are located in Chapter 16, Article XXII of the City Code and Sec. 35-374.01 of the UDC outlines the. These regulations can be found at:

<https://library.municode.com/tx/sanantonio>.

FOR STAFF USE ONLY

Payment Method _____

Check Number _____

APPROVED _____ NOT APPROVED _____

NEED SPECIAL EXCEPTION _____

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES
DEPARTMENT****APPLICATION FOR SHORT TERM RENTAL (STR) PERMIT**

Cliff Morton Development and Business Services Center • 1901 South Alamo Street • San Antonio, TX 78204

1. TYPE OF SHORT TERM RENTAL BEING APPLIED FOR**___ STR TYPE 1.**

STR Type 1 property is owner or operator occupied or associated with an owner or operator occupied principal residential unit.

___ STR TYPE 2.STR Type 2 is not owner or operator occupied and is not associated with an owner-occupied principal residential unit.**2. APPLICANT INFORMATION**

Applicant Identity:

Owner ☐Tenant ☐ (If tenant, written permission to operate STR from the owner must be attached)**Applicant's Name:****Applicant's Address:****Telephone:****Email:****OWNER INFORMATION** Same as Applicant ☐**Owner's Name:****Type of Ownership:**Corporation ☐LLC ☐Single Member-LLC Partnership ☐Individual-Sole Proprietor ☐**Owners' Address:****Telephone:****Email:****DESIGNATED OPERATOR'S INFORMATION** Same as Applicant ☐**Designated Operator's Name:****Designated Operator's Address:****24 Hour Telephone:****Email:**

3. HOTEL OCCUPANCY TAX ACCOUNT INFORMATION

Provide the Hotel Occupancy Tax Account Number for the property _____

For more information: <https://www.sanantonio.gov/Finance/taxeslicensesfees/hoteltax>

4. PREMISES INFORMATION

Physical address of short term rental (*only one unit per application*) :

Street Address

Unit Number (if applicable)

Legal Description: NCB _____ Block _____ Lot _____

BCAD Parcel ID: _____

Legal Description and Parcel ID available at: <http://www.bcad.org/>

Type of Structure:

Residential (Single Family) ☐ Residential (Two Family/Multi) ☐ Accessory Dwelling ☐
Apartment or Unit in Multi-Family/Multi-Unit Building ☐

Optional: Has the property been purchased within the last six months? Yes ☐ No ☐

Optional: If yes, was the property purchased with intended use as a STR? Yes ☐ No ☐

Optional: If yes, what was the purchase price: _____

What is the BCAD Appraised Value? _____

BCAD Appraised Value available at: <http://www.bcad.org/>

Zoning District: _____

Total number of units located on property: _____

Number of Off-Street Parking Spaces: _____

(Minimum vehicle spaces = 1 per unit)

List of short term rental platforms the property will be advertised through (ex. AirBnB, HomeAway, VRBO, etc):

IMPORTANT NOTICE

The City of San Antonio does not enforce private covenants or deed restrictions. It is the responsibility of property owner or applicant to verify the existence of any covenants or deed restrictions that may be applicable to your project. The City does not require, create, amend or enforce covenants or deed restrictions.

Applicant/Owner states that to the best of their knowledge, the property meets the requirements for a Short Term Rental:

(Please initial each applicable statement as evidence of fact and compliance)

- _____ The designated operator shall be available by phone at all times the Short Term Rental is in use.
- _____ The unit has a working smoke detector and carbon monoxide detector in or outside of sleeping areas, and on all habitable floors.
- _____ The unit has a properly maintained and charged "2A:10B:C" fire extinguisher.
- _____ The unit provides a posting which provides emergency contact information and a floor plan indicating fire exits and escape routes, which shall be posted in a prominent location
- _____ The unit provides a posting which provides all required tenant notifications required by Section 16-1108(f) of the San Antonio City Code
- _____ The unit has a posting which indicates that the maximum number of adults occupying the short term rental is two per room
- _____ Every sleeping area has at least one operable emergency escape and rescue opening per all applicable city-adopted codes, regulations, and ordinances
- _____ There is no overnight sleeping in outdoor areas
- _____ The short term rental complies with all requirements of Chapter 16, Article XXII of the City Code of San Antonio
- _____ The permit number shall be included in all advertisements and/or online listings for the short term rental.

I hereby certify under penalty of perjury that the information included in this application is true to the best of my knowledge, and I have checked to determine that no deed restrictions apply to this property that conflict with this request.

Applicant's Name Printed

Applicant's Signature

Designated Operator's Name Printed

Designated Operator's Signature

Owner's Name Printed

Owner's Signature



Tenant Indoor Notification Template

24-hour contact person and phone number:

- _____
- _____

Evacuation Routes:

- All exits are located at _____
- In the event of flooding please take _____

Fire Extinguishers:

- Fire extinguishers are located in the _____

Emergency numbers:

- 911- Emergency
- 311- City Code issues
- _____
- _____

Maximum number of occupants.

- Only two occupants are allowed per sleeping area.
- Maximum occupancy of this rental unit is _____ (2 x number of sleeping areas)

Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.

- Parking is only permitted in the driveway and is not allowed on or in the front yard.
- Failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or guest can be cited.

Quiet hours and noise restrictions as defined per Chapter 21, Article III of the Code of Ordinances:

- Quiet hours shall be between the hours of 11pm and 8am on weekdays, and 11pm and 11am on weekends.
- During these hours, tenants may not play loud music, operate heavy machinery, or make any loud noises which may disturb their neighbors.
- Parties or special events are not allowed at any time.

Restrictions of outdoor facilities:

- No overnight sleeping outdoors or outdoor sleeping spaces for rent.

- Guests may not play loud music, operate heavy machinery, or make any loud noises which may disturb neighbors at any time while outdoors.
- Adequate protections for hot tubs and pool areas

Property cleanliness requirements:

- Leashes are required for any pet taken off property and pet waste must be cleaned up immediately — *City Code, Ch. 5 Sec. 5-19 Leash and pooper scooper required*

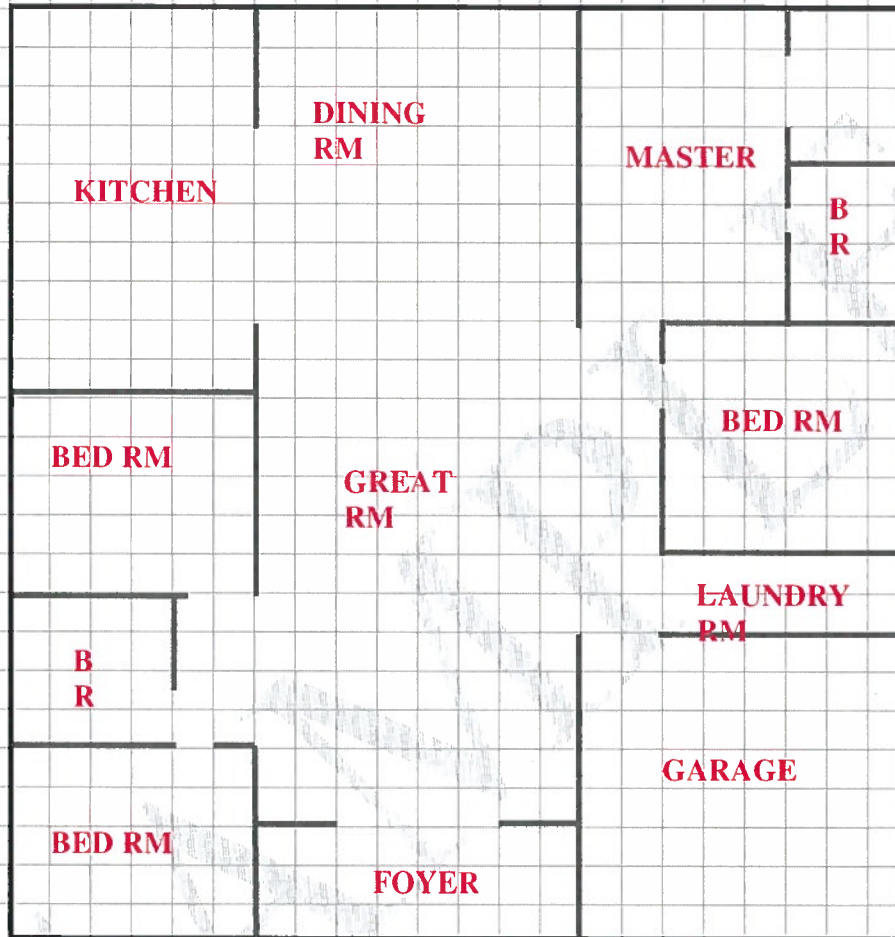
- _____
- _____

Trash pick-up requirements, including location of trash cans:

- Garbage pick-up is on _____
- Recycling pick-up is on _____
- Household trash and recycling should be tied up securely in bags and placed in the associated City of San Antonio collection carts.
- Do not throw garbage out the windows into the yard. The yard is to be kept clear of garbage and debris at all times.
- Primary guests are responsible for the behavior of any invited guests. A violation by an invited guest will be treated as a violation by the primary guest as listed in the agreement.

Short Term Rental permit, Health Department permit, and/or any other required permits, if applicable: _____

Hotel Occupancy Tax registration: _____



Please provide a sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s) and parking spaces.



HOTEL OCCUPANCY TAX (HOT)

FACT SHEET

Below is a summary and some frequently asked questions to help you navigate through the **Hotel Occupancy Tax (HOT)** requirements. All short term rentals located in Bexar County are required to pay HOT.

WHAT IS HOT?

The City of San Antonio collects HOT for the City and Bexar County. The revenue derived from the Hotel Occupancy Tax is used to support tourism, convention activities, arts and cultural programming across the City, and the Convention Center expansion.

DEFINITIONS

Hotel includes hotel, motel, tourist homes, houses or courts, lodging houses, inns, **short term rentals**, bed and breakfasts, rooming houses, trailer houses, trailer motels, parked railroad Pullman cars used for sleeping accommodations not involving the transportation of travelers, dormitories where bed space is rented, apartments not occupied by permanent residents, and all other facilities or space are furnished for consideration.

Occupancy is the use or possession, or the right to the use or possession, of any room or rooms in a hotel if the room is one which is ordinarily used for sleeping and if the occupant is other than a permanent resident.

A **permanent resident** is defined as an occupant who has fully prepaid for thirty (30) consecutive days for the exclusive right to occupy a particular sleeping room.

WHO MUST PAY HOT?

You must file this report if you are a sole owner, partnership, corporation or other organization that owns, operates, manages, and/or controls any **Hotel** offering sleeping rooms for periods of less than 30 days in Bexar County. **This includes short term rentals.**

TAX AMOUNT

The City of San Antonio's HOT rate is 9%, comprised of a 7% general occupancy tax and an additional 2% for the Convention Center expansion. The City also collects 1.75% for Bexar County.

The State of Texas collects an additional 6%, which is paid directly to the State.

REPORTING PERIOD

The month that receipts for sleeping rooms were collected from the guest.

RECORDS YOU NEED TO KEEP

The City must have access to books and records to enable it to determine the correctness of any report filed and the amount of taxes due to include any exemptions granted. Records must be retained for not less than 4 years and need to be available for inspection by the City's Deputy Chief Financial Officer, or his designee.

WHEN ARE TAX REPORTS DUE?

Reports must be filed on or before the **20th of each month**, following the last day of the standard Reporting Period by submitting the report and full payment. Reports must be filed even if the receipts for the month are \$0.00.

PENALTIES AND INTEREST

Beginning the first day of the second month following the Reporting Period, delinquent taxes accrue a 5% penalty. An additional 5% penalty accrues on the first day of the third month following the Reporting Period. The penalty shall never be less than \$5.00.

Beginning the second month following the Reporting Period, delinquent taxes accrue interest on the first day of each month at the rate of 10% annually or a monthly interest rate of 0.833%.

REPORTING FORMS

The instruction and HOT forms are available at:

www.sanantonio.gov/Finance
(under "Taxes, Licenses & Fees")

WHO TO CONTACT

City staff is available and ready to assist you with any questions and information you may need.

Finance Department (Revenue Collections) - 210.207.8667 or
HotelMonthlyReport@sanantonio.gov
State HOT - 1.800.252.1385





HOTEL OCCUPANCY TAXES (HOT)

HOJA DE DATOS

A continuación encontrará un resumen y algunas preguntas frecuentes para ayudarlo a navegar a través de los requisitos del Impuesto de Ocupación del Hotel (HOT). Todos los alquileres vacacionales en el condado de Bexar están sujetos a pagar el HOT.

¿QUÉ ES ESTE IMPUESTO?

La Ciudad de San Antonio recolecta HOT para la Ciudad y el Condado Bexar. Los ingresos derivados de este impuesto se utilizan para respaldar el turismo, las actividades de convenciones, la programación artística y cultural en toda la ciudad, y la expansión del Centro de Convenciones.

DEFINICIONES DE TÉRMINOS

Hotel incluye hoteles, moteles, casas de turismo, casas o canchas, casas de hospedaje, posadas, **alquileres vacacionales**, casas de huéspedes, casas de remolque, moteles de remolques, vagones Pullman estacionados que se utilizan para dormir y que no implican el transporte de viajeros, dormitorios en donde camas son alquiladas, apartamentos que no están ocupados por residentes permanentes y todas las demás instalaciones o espacios están amueblados para este uso.

La **ocupación** es el uso o posesión, o el derecho al uso o posesión, de cualquier habitación o habitaciones de un hotel si la habitación se usa normalmente para dormir y si el ocupante no es un residente permanente.

Un **residente permanente** se define como un ocupante que ha pagado por completo por treinta (30) días consecutivos por el derecho exclusivo de ocupar un dormitorio en particular.

¿QUIÉN DEBE PAGAR EL HOT?

Cualquier persona que es propietario único, sociedad, corporación u otra organización que posee, opera, administra y/o controla cualquier **Hotel** que ofrezca habitaciones para dormir por períodos de menos de 30 días en el condado de Bexar. **Esto incluye alquileres vacacionales.**

TAX AMOUNT

La tasa HOT de San Antonio es 9%, compuesta de un impuesto general de ocupación del 7% y un 2% adicional para la expansión del Centro de Convenciones. La ciudad también cobra 1.75% para el Condado de Bexar. El Estado de Texas recauda un 6% adicional, lo cual es pago directamente al Estado.

PERÍODO DE INFORMACIÓN

El mes en que se recogieron los recibos de los dormitorios de los huéspedes.

REGISTROS QUE NECESITA MANTENER

La Ciudad debe tener acceso a libros y registros para permitirle determinar la exactitud de cualquier informe presentado y la cantidad de impuestos debidos para incluir cualquier exención otorgada. Los registros deben ser retenidos por no menos de 4 años y deben estar disponibles para inspección por el Director de Finanzas Adjunto de la Ciudad, o su representante.

¿CADA CUANTO SE REPORTAN?

Los informes deben presentarse a más tardar el día 20 de cada mes, después del último día del período de informe estándar mediante la presentación del informe y el pago completo. Estos deben ser presentados aunque el período de informe para el mes sea de \$0.00.

SANCIONES E INTERESES

A partir del primer día del segundo mes posterior al período de informe, los impuestos morosos acumulan una multa del 5%. Se acumulará una multa adicional del 5% el primer día del tercer mes posterior al período de informe. La multa nunca será inferior a \$ 5.00 por cada multa.

A partir del segundo mes posterior al Período de Informe, los impuestos morosos acumulan intereses el primer día de cada mes a una tasa del 10% anual o una tasa de interés mensual de 0.833%.

FORMAS NECESARIAS

Los formularios de instrucción y HOT están disponibles en:

www.sanantonio.gov/Finance
(bajo "Taxes, Licenses & Fees")

CONTACTOS

City staff is available and ready to assist you with any questions and information you may need.

Finance Department (Recaudación de Ingresos) - 210.207.8677 o
HotelMonthlyReport@sanantonio.gov
State HOT - 1.800.252.1385



GENERAL INSTRUCTIONS FOR REPORTING AND REMITTING HOTEL OCCUPANCY TAXES

See City of San Antonio Ordinances for Details.

WHO MUST FILE

Every person owning, operating, managing or controlling any hotel shall collect the tax imposed, complete a Hotel Occupancy Tax Report and remit both to the City Tax Collector. A Hotel Occupancy Tax Report must be filed for each calendar month or 30 days after the end of an alternative reporting period even if there are no Taxable Room Receipts.

WHEN TO FILE

Hotel Occupancy Tax Reports are considered timely if received by the twentieth (20) day after the end of the Reporting Period. Reports must be received on or before the last day of the calendar month following the Reporting Period or 30 days after the end of an alternate reporting period. Should the last day to file fall on a weekend or City of San Antonio official holiday, the report must be received no later than the next scheduled City workday.

HOTEL DEFINITION

The term shall include hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, trailer houses, trailer motels, parked railroad Pullman cars used for sleeping accommodations not involving the transportation of travelers, dormitories where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for consideration. The term hotel does not include hospitals, sanitariums or nursing homes.

REPORTING PERIOD

Reporting periods are regular calendar months of the year. Any alternate Reporting Period must be approved by the City's Finance Director upon written request by the hotel. Do not combine more than one month on a single form.

SLEEPING ACCOMMODATIONS LOCATION

The physical location of the hotel.

TOTAL ROOM RECEIPTS

All charges for sleeping accommodations including any sleeping accommodations claiming an exemption. Total Room Receipts includes items or services (other than personal services or the use of a telephone), that are furnished in connection with the occupancy of the room. Charges for pets, pet cleaning fees, rollaway beds, refrigerators and safe charges should be included. Revenue received from a Rewards Program should also be included in Total Room Receipts. If a hotel pays specifically into a Rewards Program, then receipts which exceed these payments are taxable and should be included in Total Room Receipts

The following charges should not be included:

MAILING ADDRESS

City of San Antonio
Department of Finance
Revenue Division
P.O. Box 839975
San Antonio, TX 78283-3975

1. Receipts for sleeping accommodations rented for less than two dollars (\$2.00) per day;
2. Charges received from the use of meeting and/or banquet space.

EXEMPT ROOM RECEIPTS

Receipts for sleeping accommodations which qualify for an exemption. Exemptions granted by the City of San Antonio and Bexar County are listed below:

1. Permanent resident defined as an occupant who has fully prepaid for thirty (30) consecutive days for the exclusive right to occupy a particular sleeping room;
 2. Federal government employees traveling on government business (Texas Hotel Occupancy Tax Exemption Certificate required);
 3. Texas State employees who present a State Hotel Exemption Photo ID Card (Texas Hotel Occupancy Tax Exemption Certificate required);
 4. Foreign diplomats who present a tax exemption card issued by the U.S. Department of State, Office of Foreign Missions (Texas Hotel Occupancy Tax Exemption Certificate required);
 5. Electric cooperatives formed under the Electric Cooperative Corporation Act (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required);
 6. Telephone cooperatives formed under the Telephone Cooperative Act (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required);
 7. Housing Finance Corporations (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required);
 8. Housing Authorities (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required);
 9. Health Facilities Development Corporations engaged exclusively in the performance of charitable functions (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required); and
 10. Public Facility Corporations engaged exclusively in the performance of charitable functions (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required).
 11. When on federal service, Texas National Guardsmen traveling on official business are exempt. Proof is a federal government ID or federal travel orders.
- Any individual or organization requesting an exemption from hotel occupancy taxes must provide a Texas Hotel Occupancy Tax Exemption Certificate (Texas Comptroller of Public Accounts, Form 12-302). Hotels are required to retain these certificates for not less than 4 years in order to validate exemptions claimed if audited.

NON EXEMPT ROOM RECEIPTS

Receipts for sleeping accommodations which do not qualify for an exemption are listed below:

1. Educational Organizations, including independent school districts, public or private colleges and universities; junior colleges, technical institutes and medical and dental schools of Texas and other states;
2. Religious Organizations formally organized and operated with the primary purpose of engaging in religious worship;
3. Charitable Organizations formed to alleviate poverty, disease, pain and suffering by providing food, medicine or other help to persons in need;
4. City and County employees.

TOTAL TAXABLE ROOM RECEIPTS

Calculated by subtracting Exempt Room Receipts from Total Room Receipts.

HOTEL OCCUPANCY TAX RATES

City of San Antonio - 9.00%

Bexar County - 1.75%

PENALTY CALCULATION

Beginning the first day of the second month following the Reporting Period, delinquent taxes accrue a five percent (5%) penalty. An additional five percent (5%) penalty accrues on the first day of the third month following the Reporting Period. The penalty shall never be less than five dollars (\$5.00) for each penalty.

INTEREST CALCULATION

Beginning the second month following the Reporting Period, delinquent taxes accrue interest on the first day of each month at the rate of ten percent (10%) per annum or a monthly interest rate of 0.833%.

AFFIDAVIT

The signature of the hotel's local manager or person in control of business operations shall sign a statement that the Hotel Occupancy Tax Report is accurate to the best of his/her knowledge and belief.

RECORDS

Each person required to collect Hotel Occupancy Tax must make their records available for inspection by the City's Finance Director or his designated representative at the hotel where the tax is collected. The City must have access to books and records to enable it to determine the correctness of any reports filed and the amount of taxes due to include any exemptions granted. Records must be retained for not less than 4 years.

SUIT TO ENJOIN HOTEL OPERATIONS

The City's Finance Director shall refer any account that has a delinquent balance older than sixty (60) days to the City Attorney for the purpose of filing a suit to enjoin the hotel owner, operator, manager or other person in control from operating any hotel until the tax is paid and/or report filed.

CONTACT INFORMATION

Telephone: 210-207-8677
FAX: 210-207-8676

REV: 12/2011

PHYSICAL ADDRESS

City of San Antonio
Department of Finance
Riverview Towers, 4th Floor
111 Soledad
San Antonio, TX 78205

AN ORDINANCE 2018-11-01-0858

AMENDING CHAPTER 16 OF THE CITY CODE OF SAN ANTONIO, TEXAS, AND CHAPTER 35, UNIFIED DEVELOPMENT CODE OF SAN ANTONIO, TEXAS, BY PROVIDING FOR REGULATIONS FOR THE OPERATION AND USE OF SHORT TERM RENTALS, AND PROVIDING FOR PUBLICATION.

* * * * *

WHEREAS, on February 1, 2017, former City Councilman Gallagher issued a City Council Consideration Request directing staff to consider regulations for Short Term Rentals; and

WHEREAS, on March 22, 2017, the City Council Governance Committee directed city staff to take action on the City Council Consideration Request; and

WHEREAS, city staff convened a diverse taskforce to research and debate Short Term Rental regulations and held multiple taskforce meetings, general public meetings, and stakeholder meetings; and

WHEREAS, the Board of Adjustment, Planning Commission and Zoning Commission held public hearings on January 8, 2018, January 10, 2018, and February 6, 2018 and each made a recommendation of approval; and

WHEREAS, the Zoning Commission after notice and publication held a public hearing at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding the amendments to the zoning regulations of the City of San Antonio; **NOW THEREFORE; NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 16 of the City Code of San Antonio, Texas, is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 16 of the City Code of San Antonio, Texas, is hereby amended by adding **ARTICLE XXII – SHORT TERM RENTALS:**

ARTICLE XXII. – SHORT TERM RENTALS
DIVISION I – GENERAL

Sec. 16-1100. – Purpose.

The purpose of this article is to establish regulations for the protection of the health and safety of occupant(s) of short term rental properties, and to protect the integrity of the neighborhoods in which short term rental properties operate.

Sec. 16-1101. – Definitions.

As used in this article the following words and phrases shall have the definitions ascribed to them by this section:

Agent means a person designated by the short term rental operator in lieu of themselves as the 24-hour emergency contact for a lawfully operating short term rental

Bed and Breakfast shall be as defined in City Code of San Antonio, Texas, Chapter 35, Appendix 'A'.

City Housing Incentive means any monetary payment or concession provided by the City of San Antonio which has the expressed purpose of spurring or encouraging the development of housing, whether affordable or not, or redevelopment in the City of San Antonio.

Occupant means the person(s) who have lawfully obtained the exclusive use and possession of the short term rental property or portion thereof from its operator, and the guest(s) of such person(s).

Operator means any person who operates a short term rental, as defined in this Article. For purposes of this Article, a lessee of a Unit, when expressly permitted in writing by Owner, may serve as Operator of a short term rental.

Owner means the person or entity that holds legal and/or equitable title to the private property. **Owner Occupied** means a property owner, as reflected in title records, who makes his or her legal residence at the site or in the unit, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means.

Operator Occupied means a property lessee, as reflected in a valid lease agreement, and with the express permission of the property owner, who makes his or her legal residence at the site or in the unit, as evidenced by voter registration, vehicle registration, or similar means.

Short term rental shall be as defined in City Code of San Antonio, Texas , Chapter 35, Appendix 'A'.

Short term rental permit means the permit issued by the city that identifies the subject property as a lawful short term rental, the short term rental permit number, the names and contact information of the owner, operator, and agent if applicable, and 24-hour emergency contact phone for at least one of the preceding.

Sleeping area means a room within a dwelling designed or used for sleeping, including a bedroom. Tents, hammocks, recreational vehicles and/or other vehicles and outdoor areas shall not be considered a sleeping area.

Sec. 16-1102. - Authority of the director.

The director of Development Services (the "Director") shall implement and enforce this chapter and may by written order establish such procedures, not inconsistent with this chapter or other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations, as the director determines are necessary to discharge any duty under this chapter.

Sec. 16-1103. - Permit required.

- (a) No short term rental shall operate within the city of San Antonio without a current valid short term rental permit.
- (b) All individual units having cooking, sleeping, and bathing facilities, within common buildings, regardless of ownership, shall require a separate, individual permit for each unit intended to be used as a short term rental.
 - (1) On residential properties which are not multi-family buildings (e.g., duplex, four-plex), a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units.
 - (2) In a multi-family building, a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units.

Sec. 16-1104. - Short term rental permit.

- (a) **Application.** Application for a short term rental permit shall be made either in writing or electronically. Upon submission of a complete application, the Director of Development Services, or his designee, shall determine whether a unit is to be considered a (Type 1) or (Type 2). Application for a short term rental permit shall be accompanied by a one-time application fee of one hundred dollars (\$100.00) and shall include the following information, at a minimum:
 - (1) A list of all owners, operators, and agents (if applicable) of the short term rental including names, addresses, current email address(es) of owner/operator, and telephone numbers.
 - (2) A sketch or narrative describing the location of the available parking spaces as required by subsection 16-1108 (b) Parking.

- (3) A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s).
- (4) The name, address and 24-hour telephone numbers of a contact person, who is the owner, operator, or designated agent and who shall be responsible and authorized to respond to complaints concerning the use of the short term rental.
- (5) Written confirmation from the City of San Antonio Finance Department showing proof of registration with the City of San Antonio Finance Department for Hotel Occupancy Tax collection will be need to be provided before permit is granted.
- (6) A sworn, self certification that the owner of the short term rental has met and will continue to comply with the standards and other requirements of this Article including, but not limited to: maintenance of insurance coverage of the unit or portions thereof in accordance with this Article and obtaining annual independent inspections of required fire extinguishers in compliance with the city's current fire code.
- (b) Completeness of application. Applications shall not be considered complete until all documentation required under this Article has been submitted, and until the full application and permit fees have been paid. Incomplete applications will not be accepted.
- (c) Acknowledgement by Applicant. In connection with submission of the application, each applicant shall acknowledge that any permit granted by Director under this Article does not supersede any property-specific restrictions against short term rentals that may exist under law, agreement, lease, covenant or deed restriction.

Sec. 16-1105. - Expiration and renewal of permit.

- (a) Unless revoked by Director earlier pursuant to this Article, a permit to operate a short term rental expires, as follows:
 - (1) (Type 1) permits expire three (3) years after the date of issuance
 - (2) (Type 2) permits expire three (3) years after the date of issuance
- (b) A permit holder shall apply for renewal prior to the expiration of the permit on a form provided by the director. The permit holder shall update the information contained in the original permit application required under Section 16-1104 of this article or any subsequent renewals under this section, if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete. Complete applications for renewal received after the expiration of a current permit shall be treated as applications for a new permit, as described in Section 16-1104.

- (c) The director shall follow the procedures set forth in this article when determining whether to renew a permit.
- (d) The fee for the renewal of a permit to operate a short term rental is one hundred dollars (\$100.00).

Sec. 16-1106. – Non-transferability.

A permit to operate a short term rental is not transferable to another Owner, Operator, unit or location.

Sec. 16-1107. – Tiers

- (a) Short Term Rental (Type 1) Regulations: This subsection applies to a short term rental use that is rented for periods of less than 30 consecutive days; and property is Owner or Operator Occupied

A short term rental use under this section may include the rental of less than an entire dwelling unit, if the following conditions are met:

- (1) a sleeping area must at a minimum include the shared use of a full bathroom;
- (2) the owner is generally present at the licensed short term rental property;
- (3) may not operate without a permit as required by Section 16-1103 Permit Required.

- (b) Short Term Rental (Type 2) Regulations. This subsection applies to a short term rental that is rented for periods of less than 30 consecutive days; and is not Owner or Operator Occupied

A short term rental use under this section may not:

- (1) include the rental of less than an entire dwelling unit;
- (2) operate without a permit as required by Section 16-1103 Permit Required

If a permit for a short term rental (Type 2) use meets the requirements for renewal under Section 16-1105 (Expiration and renewal of permit) and the property received a city-issued notice of violation related to the life, health, or public safety of the structure, the property is subject to an inspection by the building official to determine if the structure poses a hazard to life, health, or public safety.

Sec. 16-1108. – General Standards

All short term rentals permitted pursuant to this chapter are subject to the following standard requirements:

- (a) **Occupancy.** The maximum number of persons allowed to reside in a short term rental shall be defined by the San Antonio Property Maintenance Code.
- (b) **Parking.** Shall comply with City Code Chapter 35, Unified Development Code with respect to required parking (see Section 35-526). No required parking shall be permitted within public right-of-way or access easements as defined by city code (see Section 35-526) and state regulations regarding parking. The yard(s) shall not be utilized to provide the necessary parking.
- (c) **Insurance.** The applicants shall keep, at a minimum, an insurance policy sufficient for personal injury liability of guests.
- (d) **Life safety.**
 - (1) Short Term Rentals and structures where they are located shall conform to all applicable city-adopted codes, regulations, and ordinances.
 - (2) A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within 75 feet of all portions of the short term rental on each floor.
 - (3) Smoke and Carbon Monoxide detectors shall be installed and conform to all applicable city-adopted codes, regulations, and ordinances.
 - (4) Every sleeping area shall have at least one operable emergency escape and rescue opening per all applicable city-adopted codes, regulations, and ordinances.
 - (5) An evacuation plan shall be posted conspicuously in each unit or permitted sleeping area.
 - (6) Every bedroom/sleeping area in a short term rental that does not comply with this section shall not be used as a sleeping area and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short term rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation as defined by the San Antonio Property Maintenance Code for the short term rental. The owner/operator shall notify every occupant, in writing, that the non-compliant sleeping area may not be used for sleeping.

(d) Conduct on premises.

- (1) Short term rental Operators shall be responsible for informing their occupants of all relevant city codes and occupants' liability for violations of same.
- (2) Excessive noise or other disturbance outside the short term rental is prohibited per Chapter 21, Article III of the Code of Ordinances. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
- (3) No overnight sleeping outdoors or outdoor sleeping spaces for rent.

(e) Signage.

1. Signage shall be in compliance with the city's current sign code as well as any design, design review, and/or approval requirements for the zoning district in which the property is located.
2. All advertisements, including online or proprietary (website, app, or other technology) will include the short term rental permit number within the description or body for public reference.

(f) Tenant indoor notification. The Operator shall post in a conspicuous location of the dwelling the following minimum information:

- (1) Maximum number of Occupants.
- (2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.
- (3) Quiet hours and noise restrictions as defined per Chapter 21, Article III of the Code of Ordinances.
- (4) Restrictions of outdoor facilities.
- (5) 24-hour contact person and phone number.
- (6) Property cleanliness requirements.
- (7) Trash pick-up requirements, including location of trash cans.
- (8) Flooding hazards and evacuation routes.
- (9) Emergency numbers.

(10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or visitor can be cited.

(11) Short Term Rental permit, Health Department permit, and/or any other required permits, if applicable.

(12) Hotel Occupancy Tax registration.

(g) **Hotel Occupancy Tax.** Owner or Operator must remit all applicable state, county, and city Hotel Occupancy Taxes in a timely manner, pursuant to applicable laws and this Article.

Sec. 16-1109. – Inspections.

To ensure continued compliance with the requirements of this section a short term rental may be inspected in the following methods:

(a) *Inspections* upon complaint or suspicion of a violation. The city may perform inspections when a violation is reported or suspected in accordance with established code enforcement procedures.

Sec. 16-1110. - Enforcement/penalty.

(a) A person commits an offense under this chapter if that person owns or operates a short term rental in the city without a valid permit.

(b) Emergency contact. The Owner/Operator of the short term rental shall provide the city with a 24-hour contact number for the operator or a designated agent per Sec. 16-1104, and shall provide timely updates to city of any changes thereto. Should a law enforcement officer respond to the short term rental and issue a citation for any violation of city ordinances, the operator or their agent shall be called by the officer. The Operator or their agent shall attempt to contact the Occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed and citation issued to any part of the occupants or guests, the owner/operator must take appropriate steps, in accordance with the individual rental agreement, to assure future complaints do not occur. Short Term Rental Permits shall be revoked if three or more confirmed citations are issued at a permitted property within any six month period, whether issued to the operator or any occupants. Failure to provide updated information to the city regarding designated agent or responsible party shall be a violation of this section.

(c) Violation of any section of this article shall constitute an offense resulting in permit revocation in accordance with subsection 16-1111, Revocation Procedures.

(d) Failure to timely pay any applicable Hotel Occupancy Tax is a violation of this section, and shall result in permit revocation if arrearage is not paid within ninety (90) days of

the issuance of a delinquency notice, in accordance with subsection 16-1111, Revocation Procedures.

- (e) Failure to successfully complete the renewal process of a short term rental permit is considered a violation of this section.
- (f) The provisions of this subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by city ordinances, county, or state law.
- (g) Violation of the terms and conditions of a short term rental permit under this article shall be punishable by a fine of not less than \$200.00 but not more than \$500.00 per occurrence. Penalties for other violations of the city code shall be as applicable. Each day a violation of this article continues shall be considered a separate offense. Each day that a unit is occupied in violation of this ordinance shall be considered a separate offense, and, upon conviction, shall be subject to a minimum fine of \$200.00 to a maximum fine of \$500.00 per violation, per day.
- (h) For each day any violation of this section occurs it shall constitute a separate offense and is separately punishable, but may be joined in a single prosecution.

Sec 16-1111. - Revocation Procedures.

The Director is authorized to suspend or revoke a short term rental permit issued under the provisions of this chapter wherever the permit is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building, structure, unit, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Article. In addition, if any violations have been committed and not corrected within the time specified, the Director shall begin the procedures to revoke the short term rental permit in accordance with the following:

- (a) The Director shall give written notice to the owner/operator regarding the revocation.
- (b) If a short term rental permit is revoked, the owner/operator may not reapply for the same property for a period of 12 months.

Sec. 16-1112. - Appeals.

If the Director denies issuance or renewal of a permit or suspends or revokes a permit issued under this article, the action is final unless the permit holder files a written appeal within ten (10) business days to the Director, or his/her designee. Appeals regarding technical matters will be reviewed by the appropriate advisory board.

Sec. 16-1113. - Other Restrictions on Use of Premises.

This Article does not create any right to operate a short term rental in violation of any lease, license, deed restriction, covenant, easement, or other legal encumbrance. Unless expressly

authorized by the city, any property which has received a City Housing Incentive is ineligible to receive a permit to operate a (Type 2) short-term rental during the period of time that the property Owner (or third party beneficiary, as the case may be) is eligible to receive a City Housing Incentive.

Sec. 16-1114. - Nonconforming Rights.

Short Term Rentals (Type 2) in Existence as of date of ordinance. Properties which are used as Short Term Rental (Type 2) establishments as of date of ordinance adopting this Article that can also provide written confirmation from the City of San Antonio Finance Department showing proof of registration and proof that their account is not in arrears with the City of San Antonio Finance Department for Hotel Occupancy Tax collection, may be registered as Short Term Rental (Type) establishments at the Department of Development Services and upon such registration will be granted a permit, subject to compliance with requirements under this Article. Registration of the Short Term Rental (Type 2) establishment shall be complete with receipt of applicable permit. Registration is not transferable to another owner, operator, or location. Nonconforming rights shall not transfer with change of Owner, and any short term rental permit shall be revoked by Director. Notwithstanding the foregoing, for purposes of this subsection, the conveyance or transfer of a unit or property ownership to a legal entity controlled by or providing equitable ownership of the prior Owner shall not constitute a change in Owner. It shall be the obligation of any new property Owner to apply for a new short term rental permit under this Article, and to provide evidence satisfactory to Director that ownership did not change, in order to maintain nonconforming rights hereunder.

SECTION 3. Chapter 35 of the City Code of San Antonio, Texas, the Unified Development Code, is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 4. Chapter 35 of the City Code of San Antonio, Texas, is hereby amended as follows:

Chapter 35, Article III, Section 35-311, Table 35-311-1 is amended as follows:

Section 35-311

TABLE 311-1 Residential Use Matrix[illegible]**TABLE 311-2 Non-Residential Use Matrix**

TABLE 311-2 NONRESIDENTIAL USE MATRIX												
PERMITTED USE	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	

Service	Short Term Rental (Type 1) and (Type 2)												
	See Section 35-374.01 for Supplemental Requirements related to Short Term Rentals. (Type 1) and (Type 2)	P	P	P	P	P		P					P

Chapter 35, Article III, is amended to add Section 35-374.01 as follows:

Section 35-374.01 Short Term Rentals

A Short Term Rental is a property that rents out all or a portion of a residential dwelling unit, apartment, condominium, or accessory dwelling (as each of the preceding is defined by this Chapter), for a period of less than thirty (30) consecutive days, and not less than twelve (12) hours, to a particular occupant. A Short Term Rental shall not be considered as a hotel, extended stay hotel, motel, corporate apartment, or bed and breakfast, as defined in this Chapter.

(a) Short Term Rentals are divided into two (2) types:

(1) Short Term Rental (Type 1). A Short Term Rental (Type 1) is a residential dwelling unit, or a portion thereof, which is either occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner. The owner or operator shall make his or her legal residence on the same property, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means.

- i. On residential properties which are not multi-family buildings (e.g. duplex, four-plex), a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units.
- ii. In a multi-family building, a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units and shall be subject to the density limitations in Table 374.01-1.

(2) Short Term Rental (Type 2). A Short Term Rental (Type 2) is a residential dwelling unit, or a portion thereof, which is either not occupied by the owner or operator, or the owner or operator does not occupy another dwelling unit, or portion thereof, on the same property, as reflected in title records.

(b) Limitations on other activities at Short Term Rentals. The following activities or uses may not occur as part of the operation of a Short Term Rental, either (Type 1) or (Type 2):

(1) The Operator shall not provide prepared food or beverage, directly or indirectly (e.g., using caterer), for consumption for a fee. This subsection shall not prohibit an Operator from providing prepackaged food or beverages either as a gift or for a fee.

(2) Short term rentals in residential zoning districts shall not include venues for weddings, events, restaurants, meeting halls, or any other uses otherwise described in the Tables of Permitted Uses (Table 311-1 and Table 311-2) either as an accessory use or a primary use.

(c) Density Limitations for Short Term Rentals (Type 2) in Residential Areas. In order to preserve the essential character of residential areas, the following density limitations are established:

(1) Short Term Rentals (Type 2) shall be limited to no more than one-eighth (12.5 percent) of the total number of single-family, duplex, triplex, or quadraplex units on the block face, as defined in Appendix A of this Chapter, in residential zoning districts. At least one (Type 2) short term rental shall be permitted per block face, regardless of density. Authorized Bed and Breakfast establishments shall be considered in the calculation of these density requirements.

(2) Short Term Rentals (Type 2) within multi-family (e.g. 5 or more units) buildings or groups of buildings on the same land, lot or parcel, regardless of zoning district, shall be limited to the density requirements in Table 374.01-1. Authorized Bed and Breakfast establishments shall be considered in the calculation of these density requirements.

Table 374.01-1

<u>Total Number of Units within the Building</u>	<u>(Type 2) Permit Density Threshold</u>
<u>Five (5) to Seven (7) Units</u>	<u>One (1) (Type 2) Short Term Rental Unit</u>
<u>Eight (8) Units or more</u>	<u>One-eighth (12.5%) of the Total number of units on than same land lot or parcel</u>

In order to establish and operate a Short Term Rental (Type 2) which exceeds the density limitations of this Section, approval of a special exception from the Board of Adjustment shall be required in addition to the requirements of Article XXII of Chapter 16 of the City Code. See Section 35-399.03. of this Chapter.

(d) Nonconforming Rights for Short Term Rentals (Type 2) lawfully in existence as of the effective date of ordinance. Short Term Rental (Type 2) establishments shall be considered lawfully in existence for the purposes of deriving non-conforming rights from Section 35-702 of this Chapter if all of the following criteria are met:

(1) The owner shall provide written confirmation from the City of San Antonio Finance Department showing proof of registration for the specific location for the Short Term

Rental establishment for payment of the Hotel Occupancy Tax required by Chapter 31 of the City Code of San Antonio, Texas.

(2) The owner shall provide written confirmation from the City of San Antonio Finance Department showing proof that their Hotel Occupancy Tax Account with the City of San Antonio is not in arrears.

(3) The Hotel Occupancy Tax confirmation from the City of San Antonio Finance Department indicates that the that the registration occurred prior to the effective date of this ordinance for the specific location for which the Short Term Rental establishment seeking nonconforming rights indicates.

Chapter 35, Article III, Section 35-399 is amended as follows:

Sec. 35-399.03. – Short Term Rentals (Type 2) Establishments.

Short Term Rentals (Type 2) establishments may be permitted to exceed the density limitations described in Section 35-374.01(c) subject to the following limitations, conditions and restrictions:

(a) **Short Term Rental Permit.** A Short Term Rental Permit shall be required for all Short Term Rental (Type 2) establishments.

(b) **Parking Space Requirements.** Parking requirements must comply with the parking tables described in Section 35-526.

(c) A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the Short Term Rental (Type 2) is to be located shall be submitted.

(d) The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the short term rental (Type 2) may be permitted.

(e) Signs advertising the Short Term Rental (Type 2) are not permitted, except that a name plate not exceeding one (1) square foot is permitted when attached flat to the main structure. All applicable sign regulations and/or design review provisions in Chapter 28 and Chapter 35 shall be adhered to.

(f) Granting of the permit for a Short Term Rental (Type 2) is to be for a definite period of time not to exceed three (3) years and only after notice and hearings as provided in this chapter to the board of adjustment. Applications for subsequent permits must be submitted prior to the expiration of the previous permit. Granting of the permit is non-transferable to another owner, operator, or location.

(g) The Board of Adjustment, after all required notices have been made as required by this Chapter and the Texas Local Government Code, makes an affirmative finding of fact for the conditions in this Section and Section 35-482(i) of this Chapter.

(h) A special exception approval to operate a Short Term Rental (Type 2) on a block face which exceeds the density limitations described in Section 35-374.01(c) may be granted for the following structures:

(1) Distressed Structure. The applicant must demonstrate, and the board of adjustment must find:

- The restoration of a historic landmark or structure is a valuable addition to the quality and the character of the city; or
- There is proof that a Short Term Rental (Type 2) is the only economically feasible way to finance the preservation of the structure; and
- The granting of a Board of Adjustment approval will not adversely impact the residential quality of the neighborhood in which the structure is located.

(2) Non-Distressed Structure. The applicant must demonstrate, and the board of adjustment must find the public welfare and convenience will be served, as demonstrated by subsections (a) (b) and (c) below.

(a) That nearby streets will not be substantially impacted by the proposed Short Term Rental (Type 2). To make this determination, the Board of Adjustment shall consider input from the city traffic engineer.

(b) The residential character of the neighborhood will not be disrupted in a manner to prevent the adjacent owners from the quiet enjoyment of their property.

(c) The neighboring property will not be substantially injured by such proposed use.

Chapter 35, Article IV-Procedures is amended as follows:

Sec. 35-482. - Zoning Variances.

(h) **Special Exceptions.** The zoning board of adjustment must find that a request for a special exception meets each of the five (5) following conditions:

- A. The special exception will be in harmony with the spirit and purpose of the chapter.
- B. The public welfare and convenience will be substantially served.
- C. The neighboring property will not be substantially injured by such proposed use.

D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The above findings of the board shall be incorporated into the official minutes of the board meeting in which the special exception is authorized.

(i) **Special Exceptions for Short Term Rentals (Type 2) in Residential Districts.** The zoning board of adjustment must find that a request for a special exception for a short term rental (Type 2) in a residential district meets each of the six (6) following conditions:

A. The special exception will not materially endanger the public health or safety.

B. The special exception does not create a public nuisance.

C. The neighboring property will not be substantially injured by such proposed use.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided.

E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within the one year prior to the date of the application.

F. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

Chapter 35, Article V, Section 35-526 is amended as follows:

TABLE 526-3a
Parking in Residential Use Districts

Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
SCHOOL - PUBLIC (includes all ISD schools K-12, open enrollment charter schools, public college or university)	according to use	according to use
SHORT TERM RENTAL (TYPE 1) AND (TYPE 2)	1 per unit	N/A
URBAN FARM	2 spaces	N/A

TABLE 526-3b
Parking in Nonresidential Use Districts

	Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
GOV.	CORRECTION INSTITUTION	1 per employee on maximum shift, 1 per service vehicle	1 per employee on maximum shift, 1 per service vehicle
HOUSING	HOUSING - extended stay hotel or timeshares <u>or short term rental (Type 2)</u>	1 per unit	1.9 per unit
HOUSING	HOUSING - group day care limited to 12 individuals	0.3 per room	1 per room

Chapter 35, Appendix A, Section 35-A101 is amended as follows:

Sec. 35-A101. Definitions and Rules of Interpretation

(b) **Definitions.** Words with specific defined meanings are as follows:

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extended stay hotel/motel or corporate apartment. A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied temporarily for an extended period of time by guest and where a kitchen and dining area are provided within the room or complex of rooms rented by the tenant. An extended stay hotel/motel or corporate apartment shall not be considered a Short Term Rental.

Hospital. An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel. A building/buildings containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purpose by guests. A hotel shall not be considered a Short Term Rental.

Rooming house. A facility where lodging is provided for definite periods thirty (30) days or longer, for compensation, pursuant to previous arrangements. Lodging for less than thirty (30) days is classified as a different use, such as hotel, bed and breakfast, or short term rental.

Short-lived species. Includes all Hackberry (all species), Cottonwood, Ash (all species) Mulberry (all species) and Catalpa.

Short Term Rental. A property that rents out all or a portion of a residential dwelling unit, apartment, condominium, or accessory dwelling (as each of the preceding is defined by this Code), for a period of not less than 12 hours and for a maximum of 30 consecutive days to a particular occupant and the operator does not provide food or beverage for consumption for a fee. A Short Term Rental shall not be considered as a hotel, extended stay hotel, motel, or corporate apartment, as defined in this Chapter. Short term rentals shall not include venues for weddings, events, restaurants, meeting halls, or any other uses otherwise described in the Table of Permitted Uses either as an accessory use or a primary use.

Short Term Rental (Type 1) establishment. A residential dwelling unit which is occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner. The owner or operator shall make his or her legal residence at the site, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means, and which supplies temporary accommodations to overnight guests for a fee.

Short Term Rental (Type 2) establishment. An residential dwelling unit which is not occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner, and which supplies temporary accommodations to overnight guests for a fee.

SECTION 5. All other provisions of Chapter 16 and Chapter 35 of the City Code of San Antonio, Texas, shall remain in full force and effect.

SECTION 6. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 7. The City Clerk is directed to publish notice of this ordinance amending City Code, Chapter 16, and Chapter 35. Publication shall be in a newspaper in the City in accordance with Section 17 of the City Charter.

SECTION 8. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 9. This ordinance shall become effective immediately on passage with eight affirmative votes; otherwise it shall become effective on November 11, 2018.

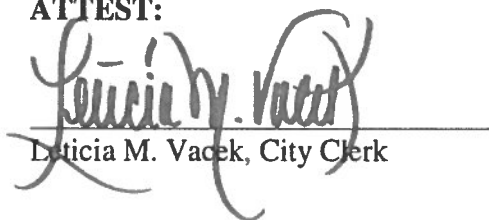
SECTION 10. These newly adopted City Code amendments shall become effective in accordance with Section 9 of this Ordinance with the exception of Chapter 16, Section 16-1110(a), which shall become effective on February 11, 2019.

PASSED AND APPROVED this 1st day of November, 2018.



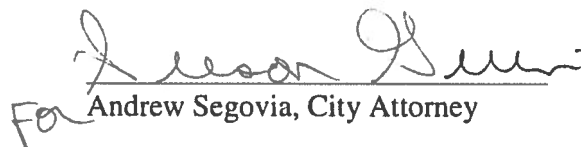
M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



For Andrew Segovia, City Attorney

Agenda Item:	4						
Date:	11/01/2018						
Time:	11:50:17 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance amending Chapter 16 and Chapter 35 of the San Antonio City Code relating to Short Term Rentals, establishing fees, and providing for publication. [Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
William Cruz Shaw	District 2	x					
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6			x			
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9			x			
Clayton H. Perry	District 10		x				x

