

Resolution from Neighborhood Commission to update Short Term Rental Ordinance

Issues related to Commissioners from residents

- Noise
- Parties and loud events with large numbers of attendees
- Parking
- Unauthorized events
- Owners not living in the licensed short term rental
- Increase in the number of strangers in the neighborhood due to rentals

Issues enforcement is currently having

- Possible absentee permit holders that rent whole house
- On premise permit holders that rent up to the allowed five bedrooms

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Solutions

- Move all permitting and enforcement functions to Neighborhood Enhancement (Done)
- Restrict numbers of rooms that can be rented (in proposed recommendation)
- Add sections to address denying, suspending or revoking permits
- Add section to address access to records which is vital for enforcement

Recommended updates:

- Add definition of Director
- Amend definition of Short Term Rental to add “whereby two bedrooms maximum may only be used?”
- Amend Sec 34.811 b 5 to add “for a total of six guests”.
- Add Sec 34-813 to include a section for issuance or denial of applications.
- Add Sec 34-814 to include a section for disciplinary actions.
- Add additional items in Sec 38-815
 - License number required in all advertisements
 - Violation for a booking service company to advertise an unlicensed STR
 - Violation to fail to comply with new Sec 34-816
- Add Sec 34-816 to required STR to maintain and provide records

Recommended updates:

- Add definition of Director

Director means the department(s) or division(s) of the City designated by the City Manager to administer and/or enforce the provisions of this Ordinance and any person or persons designated by such a department or division to represent the department or division for said purpose.

- Amend definition of Short Term Rental to add “whereby two bedrooms maximum may only be used?”

Short term rental means a primary residence having fewer than five bedrooms, or portion thereof, whereby two bedrooms maximum may only be used for lodging accommodations to guests with a lease term for a period of less than 30 consecutive days. A short term rental does not include a bed and breakfast inn as defined in the city's Development Code, subpart B of the city's Code of Ordinances.

Recommended updates:

- Amend Sec 34.811 b 5 to add “for a total of six guests”.

No more than two adult guests per bedroom, plus no more than two additional adults **for a total of six guests**, shall be allowed when renting a property as a short term rental.

- Add Sec 34-813 to include a section for issuance or denial of applications.
- Add Sec 34-814 to include a section for disciplinary actions.

Recommended updates:

- Add additional items in Sec 38-815
 - License number required in all advertisements
 - Violation for a booking service company to advertise an unlicensed STR
 - Violation to fail to comply with new Sec 34-816

It shall be unlawful to advertise a short term rental without the license number clearly displayed on the face of the advertisement. For the purpose of this section, the terms "advertise," "advertising" or "advertisement" mean the act of drawing the public's attention to a short term rental.

On and after November 1, 2021, it shall be unlawful for any booking service provider to receive payment, directly or indirectly, for an unlicensed short-term rental located in the City of San Marcos. The provisions of this subsection (13) are entirely strict liability in nature.

On and after November 1, 2021, it shall be unlawful for any person or entity to fail to comply with section 34.816.

Recommended updates:

- Add Sec 34-816 to required STR to maintain and provide records

This section is necessary to conduct enforcement investigations regarding violations to code and to ensure that proper HOT taxes are being paid.

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Next steps

- Receive direction from City Council
 - Keep ordinance as is
 - Update ordinance
- Staff will return with updated ordinance if that is the desire of council