

DIVISION 3. - LONG TERM RENTAL REGISTRATION

Sec. 34.820. - Purpose and applicability.

The purpose of this division is to safeguard the life, health, safety, welfare, and property of the occupants of long term rental unit(s) and the general public by establishing minimum standards and registration requirements. Additionally, the purpose of this division is to identify and notify owners regarding minimum building standards, complaints and property maintenance codes in a timely manner. The provisions of this Code shall apply to all existing and future rental units.

(Ord. No. [2018-04](#), § 11, 4-17-18)

Sec. 34.821. - Registration and standards.

- (a) *Registration required.* Long term Rental registration shall be required before renting any rental units located in the City of San Marcos for a continuous period of 30 days or more. Application for long term rental registration shall be made upon a form prescribed by the City of San Marcos for such purpose. The following is required of all applications and missing items or information constitute an invalid application. Additional information may be required based on individual circumstances.
- (1) Registrant's name, business address, home address, telephone number, electronic mail address; or
 - (2) If the owner is a partnership, the principal business addresses, telephone and electronic mailing address; or
 - (3) If owner is a corporation or other business organization, the person registering must state whether the corporation or business organization is organized under the laws of this state or is a foreign entity, and must show the mailing address, business location, telephone number, electronic mail address, contact information and name of the primary individual in charge of the local office of such entity, if any, and the names of all officers, directors, members or trustees of such entity, and, if a foreign entity, the place of organization; or
 - (4) Name, address, electronic mail address and telephone number of the property manager or management company (if any); and
 - (5) Street address of the rental property; and
 - (6) Zoning district classification of the property (verified by the Planning and Development Services Department); and
 - (7) Indication whether the occupancy of each unit on the property is restricted to a family and one other person who is not related (as stated in the Development Code); and
 - (8) Number of rental units and persons each rental unit is designed to occupy; and
 - (9) Whether there has been a change of occupancy use; and
 - (10) The name(s), address, electronic mail address and phone number (24-hour contact number) of designated employee(s) or authorized representative(s) who shall be assigned to respond to emergency conditions. Emergency conditions shall include but not limited to; fire, natural disaster, flood, burst pipes, collapse hazard, emergency repairs and violent crime; and
 - (11) Signature or electronic signature by the registrant requiring the applicant to self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Texas; and
 - (12) Payment of any applicable fee established by this article or the city council.
- (b) *Registration following violations.* Immediate registration is required, and no exceptions shall be made, if the following conditions exist:

- (1) Two or more separate notices of violation are issued for the same property within a 12-month period and the owner of the property fails to correct the violations within the time frame required by the code official;
 - (2) Five or more separate code violations within a 12-month period regardless of whether the owner of the property corrects the violations within the time frame required by the code official; or
 - (3) Two or more citations are issued for the same property within a 12-month period.
 - (4) For the purposes of this section, violations identified in the notices and citations must be related to the San Marcos Code of Ordinances, or violations of state law relating to public order and decency, controlled substances or alcohol, or public health, safety and morals.
- (c) *Standards specific to long term rentals.*
- (1) Each property upon which is located a rental unit is required to register under this division, except:
 - a. Registration of a long term rental is not required when at least one occupant of the property is the owner of record. This exemption shall not apply if two or more citations are issued for the same property within a 12-month period.
 - (2) It shall be the sole responsibility of the registrant, owner, and/or landlord to review this registration for each long term rental unit in accordance with the terms outlined in this article.
 - (3) The occupancy restrictions of subpart B of the city's Code of Ordinances shall apply.

(Ord. No. [2018-04](#), § 11, 4-17-18)

Sec. 34.822. - Registration term and renewal.

- (a) All properties requiring registration of a long term rental must complete an application prior to January 1, 2021. This initial registration of a long term rental shall be effective until January 1, 2022.
- (b) All subsequent registrations approved under this division shall be valid for a period of one year from the date of their issuance.
- (c) The city may, by administrative order, divide the city into geographical areas and establish annual registration dates for rental units located within each geographical area. A copy of the geographical designation shall be on file with the code official.
- (d) If the registrant has received notice of violation of any law or regulation including enforcement action, the application shall include a copy of this notice.
- (e) A renewal shall be considered required if a change in ownership, trade name or transfer occurs prior to the expiration of the permit, the new landlord, owner, or registrant of the premise shall have 30 days from the date the change of ownership occurred to file a new registration with the City of San Marcos and pay the applicable fee.

(Ord. No. [2018-04](#), § 11, 4-17-18)

Sec. 34.823. - Violations.

- (a) A violation of this division is a class C misdemeanor offense. any persons, firm, corporation or any others acting on behalf of said person, persons, firm or corporation violating or failing to comply with any of the provisions of this division is subject to payment of a fine not to exceed \$2,000.00 plus court costs. Each act of violation and each day upon which such violation occurs constitutes a separate offense. Additionally, this division authorizes cumulative enforcement action against repeated or multiple violations under this division.

- (b) Violations of this division shall additionally be enforced in accordance with and subject to the remedies in division 4 of this article.
- (c) It is unlawful, and shall be considered a violation of this article, to:
 - (1) Allow operation of a rental unit that is not registered in accordance with this division;
 - (2) Fail to renew required registration (may result in double fees);
 - (3) Register past the deadline of required registration;
 - (4) Omit, or provide false or incorrect information on application; or
 - (5) Not comply with applicable city and state laws and codes;

(Ord. No. [2018-04](#), § 11, 4-17-18)

Secs. 34.824—34.829. - Reserved.