

## Draft Short-Term Rental Code Amendments

Amend Section 5.3.5T as follows:

### T. Short-Term Rental

#### 1. Registration Requirements

No person ~~or entity~~ shall advertise, offer to rent, or rent, lease, sublease, license, or sublicense a ~~residential property~~ dwelling unit or bedroom within the city as a short-term rental for which a registration has not been properly made and filed with the Development Services Department. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

- a. Name, address, phone number and e-mail address of the property owner ~~and the management company (if applicable)~~ of the short-term rental property;
- b. Verification that the proposed short-term rental ~~property~~ dwelling unit or bedroom is ~~managed by the property owner or by a management company~~ the applicant's primary residence;
- c. Name, address, phone number and e-mail address of the designated Local Emergency Contact ~~local emergency contact~~;
- d. ~~The maximum number of occupants permitted for the dwelling unit or sleeping room in accordance with Subsection 5.3.1D: Maximum Persons Occupying a Dwelling;~~
- e. A submission of a sketch floor plan of the dwelling unit or bedroom with dimensional room layout; and
- f. A site plan/survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto streets, sidewalks or alleys, other public rights-of-way or public property. The site plan/survey is required to ensure compliance with Section 5.3.5T.2.c.

#### 2. Operation

##### a. External Signage

There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term rental.

##### b. Limit on Occupants Allowed

No more than ~~one person per 200 square feet, two adult guests per bedroom, plus no more than two additional adults shall be allowed when renting a property as a short-term rental, except that there shall be a maximum occupancy of 10 persons, adults and children.~~

##### c. Limits on Number of Vehicles

~~There shall be a maximum of~~ Parking shall be limited to one vehicle per bedroom, or the maximum number of vehicles that can be accommodated within the garage and driveway, without extending over the public rights of way (alleys and sidewalks), whichever is less.

##### d. Advertisements and Contracts

Any advertisement of the property as a short-term rental and all rental contracts must contain language that specifies: the allowed maximum number of occupants; ~~and~~

**Commented [MRP1]:** The purpose of the Code amendment is to clarify that an entire unit or a single bedroom can be a Short-Term Rental. NEED TO DISCUSS WITH DCRC

**Commented [MRP2]:** The purpose of the Code amendment is to obtain information of the management company managing the Short-Term Rental, if applicable.

**Commented [MRP3]:** The purpose of the Code amendment is to respond to a recent 5<sup>th</sup> Circuit court decision in Hignell-Stark v City of New Orleans.

The 5<sup>th</sup> Circuit recently held that NOLA's regulation requiring short term rentals (STRs) license applicants to demonstrate the proposed STR home was their primary residence was unconstitutional under the dormant Commerce Clause because it discriminated against out-of-state real estate owners who wanted to operate Short-Term Rentals in NOLA.

**Commented [MRP4]:** The purpose of the Code amendment is to capitalize Local Emergency Contact to let the reader know that a definition is provided in Section 9.2 Definitions of the DDC.

**Commented [MRP5]:** The purpose of the Code amendment is to delete a provision already included in the DDC.

**Commented [MRP6]:** The purpose of the Code amendment is to provide reason for the site plan/survey requirement.

**Commented [MRP7]:** The purpose of the Code amendment is to establish the maximum occupancy per the Building Code.

**Commented [MRP8]:** NEED TO DISCUSS WITH DCRC

maximum number of vehicles; ~~and states that the short-term rental may not be used for the sole or primary purpose of having a party venue.~~

**e. Other Restrictions and Enforcement**

It is unlawful: ~~The following actions are violations of this DDC and are enforceable as established in Section 1.6 Enforcement Actions.~~

- i. To ~~advertise, offer,~~ operate or allow to be operated ~~as~~ a short-term rental without first registering, in accordance with this DDC, the property in which the rental is to occur;
- ii. ~~To advertise or offer a short-term rental without first registering, in accordance with this DDC, the property in which the rental is to occur; documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this DDC;~~
- iii. ~~To operate a short-term rental in any location that is not the registrant's primary residence;~~
- iv. To operate a short-term rental that does not comply with all applicable city and state laws and codes;
- v. To operate a short-term rental without paying the required hotel occupancy taxes;
- vi. To offer or allow the use of a short-term rental for the sole or primary purpose of having a party venue;
- vii. ~~To fail to include a written prohibition against the use of a short-term rental for having a party in every advertisement, listing, or other publication offering the premises for rent; and~~
- viii. ~~Permit~~ To permit the use of short-term rental for the purpose of: housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business; ~~and.~~
- ix. ~~To operate a short-term rental in a Recreational Vehicle (RV) or a travel trailer.~~
- x. ~~Failure to have a Local Emergency Contact available to respond to complaints; and~~
- xi. ~~Failure to correct any violation(s) found during inspection.~~

**Commented [MRP9]:** The purpose of the Code amendment is to clarify that Short-Term Rentals shall not be used for the sole or primary purpose of having a party venue.

**Commented [MRP10]:** The purpose of the Code amendment is to provide the Enforcement Actions Section of the DDC.

**Commented [MRP11]:** The purpose of the Code amendment is to consolidate two provisions (i and ii) into one.

**Commented [MRP12]:** The purpose of the Code amendment is to respond to a recent 5<sup>th</sup> Circuit court decision in Hignell-Stark v City of New Orleans.

**Commented [MRP13]:** The purpose of the Code amendment is to delete a provision already addressed in the previous Advertisements and Contracts Section above.

**Commented [MRP14]:** The purpose of the Code amendment is to clarify that a RV or a travel trailer cannot be used as a Short-Term Rental. NEED TO DISCUSS WITH DCRC

**3. Brochure and Safety Features**

**a. Informational Brochure**

Each registrant operating a short-term rental shall provide to guests a brochure that includes:

- i. The registrant's 24-hour contact information ~~of the designated Local Emergency Contact~~
- ii. ~~A local responsible party's 24-hour contract information if the owner is not within the city limits when guests are renting the premises;~~

**Commented [MRP15]:** The purpose of the Code amendment is to consolidate two provisions (i and ii) into one and to clarify the contact information of the designated Local Emergency Contact shall be provided in the Informational Brochure.

- iii. Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; and
- iv. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

**b. Safety Features**

Each short-term rental registrant shall provide, in the premises, working smoke detectors in accordance with adopted codes, at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall, otherwise comply with all applicable City regulations, including but not limited to Building and Fire Codes.

**4. Notification of Approval of Short-Term Rental Registration**

Within 10 days of the approval of a short-term rental registration, the city shall send notice to all property owners within 100 feet of the subject property, and shall include the 24-hour complaint line, and pertinent information about standards regulating short-term rentals.

**Commented [MRP16]:** NEED TO DISCUSS WITH DCRC

**5. Registration Term, Fees, and Renewal Revocation**

- a. All short-term rental registrations approved under this DDC shall be valid for a period of one year from the date of its issuance.
- b. The fee for registration of a short-term rental is identified in the City's adopted Fee Schedule Administrative Criteria Manual.
- c. The Director may revoke a short-term rental registration ~~Upon receipt of an application for renewal of the registration, the Director may deny the renewal~~ if there is reasonable cause to believe that:
  - i. The registrant has plead no contest to or been convicted of a violation of any ordinance of the city, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person; or
  - ii. There are grounds for suspension, revocation, or other registration sanction as provided in this DDC or other applicable city codes.

**Commented [MRP17]:** The purpose of the Code amendment is to clarify that the Direct may revoke a Short-Term Rental registration at any time for reasonable cause.

**6. Right to Inspect Premises**

The City of Denton reserves the right, with reasonable notice to the owner, to inspect the residential-premises dwelling unit or bedroom annually to determine compliance with this DDC as well as other applicable city codes.

- a. If only a portion of the premises (bedroom) is offered for rent, then that portion, plus shared amenities and points of access, may be inspected.
- b. If, upon completion of an annual inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to renewal of registration its occupancy.

Amend Table 7.9-I: Minimum Required Off-Street Parking as follows:

**Table 7.9-I: Minimum Required Off-Street Parking**

Short-Term Rental: 1 space per guestroom

Commented [MRP18]: NEED TO DISCUSS WITH DCRC

Amend Section 9.2 Definitions as follows:

**Short-Term Rental**

The rental of an entire dwelling unit or bedroom for monetary consideration for a period of time less than 30 consecutive days, not including a bed and breakfast, boarding or rooming house, hotel, or motel. This definition does not include offering the use of one's property where no fee is charged or collected.

Commented [MRP19]: NEED TO DISCUSS WITH DCRC

**For reference only:**

**Local Emergency Contact**

An individual other than the applicant, who resides within 20 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the Short-Term Rental Property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

**Dwelling/Dwelling Unit**

A structure or portion thereof that provides living, sleeping, eating, cooking, and sanitation accommodations. This term does not include short-term rental.

**Bedroom**

Any room other than a living room, family room, dining room, kitchen, bathroom, closets, or utility room, for the purpose of this DDC, shall be considered a bedroom. Dens, studies, etc. with or without closets and similar areas, which may be used as bedrooms shall be counted as bedrooms for the purposes of this DDC.