

The Honorable Gerald Hudspeth and Council
City of Denton
601 East Hickory Street
Denton, TX 76205



July 11, 2024

Mayor Hudspeth and Members of the Council,

On behalf of the nearly 1,400 members of the Greater Denton/Wise Association of REALTORS®, I write today to provide feedback on the proposed updates to the City of Denton's short-term rental (STR) ordinance. Our association is built on a foundation of private property rights, and we advocate on behalf of homeowners throughout the city, and the surrounding region.

As a property owner, you have a bundle of 3 basic rights: you can use your property, you can rent your property, or you can transfer your property.

Eliminating someone's ability to rent their property restrains a third of those rights. Some people might not consider short-term rentals to be "rental housing," but the fact of the matter is, they are. People have been renting rooms or whole homes on a short-term basis for hundreds of years... in fact, state law says that a residential lease of any length still is a *residential* lease.

The Greater Denton/Wise Association of REALTORS® believes that private property rights deserve significant protection. But an overall citywide cap and neighborhood-by-neighborhood density cap on short-term rentals would limit or eliminate a property owner's right to rent their home – not because they've proven to be an irresponsible landlord, but simply because someone else nearby is already exercising their right to rent. Further, such caps are typically arbitrary – there is no defined number of short-term rentals that is better or worse for a city; setting a limit in that way sets up a scenario in the future to further reduce the number of properties that may be rented. Our association must oppose any policy that takes away property rights without due cause.

We recognize the importance of updating the City's existing STR ordinance to comply with the 5th Circuit Court of Appeals ruling in *Hignell vs the City New Orleans*. But elements of the current ordinance, passed in 2019, are well-suited to collect the hotel occupancy tax and effectively manage noise, parking, and trash disturbances in our neighborhoods, consistent with policies already implemented by code enforcement and police.

While we are of course sympathetic to individual experiences with disruptive behavior in a neighboring home, it is our experience that *generally* STRs are not linked to an overall increase

in nuisance or public harm. In fact, STRs are often maintained to a much higher standard than other types of housing.

Further, short-term rental aggregators have made a concerted effort to cut down on disruptive behavior like parties and loud noise and have partnered with local law enforcement and city governments to ensure compliance. Landlords who violate those policies risk losing their ability to use platforms like AirBNB.

In a recent City of Denton survey, 72 percent of respondents expressed that they are okay with some new STRs. Concerns expressed in that survey were typically hypothetical, in which respondents described issues that *might* arise. Public education about the benefits STRs bring, along with remedies available when problems do occur, would help constituents feel confident in the way the city and landlords handle short-term rental homes.

It's important to remember that communities do benefit from short-term rentals. STRs bring revenue and jobs. A recent study, not far away in Fredericksburg Texas, showed STRs have an annual economic impact of \$233 million. Here in Denton, we collect a 7 percent local hotel occupancy tax from all short-term rentals – this is a huge benefit to our tax base and alleviates pressure on our property taxes.

We appreciate the Council's willingness to approach this topic with thoughtfulness and respect for all stakeholders. The Greater Denton/Wise Association of REALTORS® has been a committed partner to the city on policy matters related to housing, and we offer our input and expertise on this issue as well. We would be happy to collaborate on an economic impact study for the city of Denton in addition to any other way we could provide our help and resources. Our door is always open.

Thank you for your consideration.

Lisa McEntire

Lisa McEntire

2024 President

Greater Denton/Wise Association of REALTORS®

3805 W University Dr.

Denton, TX 76207

Manglaris, Angie

From: Lauren with RealEstateManDFW <lauren@dougshanahan.net>
Sent: Wednesday, May 29, 2024 3:07 PM
To: Manglaris, Angie
Subject: STR Hosting caps and regulating feet apart

Follow Up Flag: Follow up
Flag Status: Flagged

This message has originated from an **External Source**. Please be cautious regarding links and attachments.

Dear Ms. Manglaris,

My husband and I own and operate two furnished rentals in Denton. One is a block from the UNT campus and the other is close to TWU. We have been offering these rentals for more than 6 years and love what we do.

We host all sorts of guests from families transferring to our area who need a place to stay while their home is being repaired, or maybe they are waiting for their close date for those moving here.

We also get visiting teachers, nurses and other professionals who need a home away from home for a few months. In fact, during Covid, we helped a military family who were escaping from Egypt and were desperate for find a nice home for their family here in Denton. We were so happy to host them, and we have remained good friends since.

On occasion, we may also offer a shorter term stay depending on what our guests need, provided we have vacancy in between the longer stays.

In addition, my husband and I will soon be building our new home on Amarillo Street in Denton, near the square and UNT. We plan to offer a guest suite as a short term rental for visiting professors and others who need accommodations near UNT.

We are worried that the new proposed regulations could hamper our ability to continuing to offer our fantastic homes to such wonderful guests.


I am not sure I understand why the City would have to limit the number of STR's. This could limit and push out some fantastic Super Hosts in our area that have been working hard keeping their properties to be some of the nicest homes on the block - as do we!

In addition, if my next door neighbor wants to also offer his home as a STR, let's say near UNT, this new proposed regulation of being 100 feet apart could also hamper that, and could hamper us as well. We would find it very hard to do business, knowing that we could be made unlawful at any time.

I can't express enough how hard we work to keep our guests happy and offer a comfortable and well equipped home away from home for them.

We hope these proposed changes will be reconsidered. Thank you for your time and effort on this!

Sincerely,
Lauren Shanahan
817-881-9258

 [Redacted signature]

Manglaris, Angie

From: James King <jamesking@agentsalliance.biz>
Sent: Wednesday, May 29, 2024 1:29 PM
To: Firgens, Tina
Cc: Manglaris, Angie; Zagurski, Hayley; Bodine, Matt
Subject: RE: STR suggestions and/or Requests

Hi Ms. Firgens,

Would you please forward to all the P&Z members, y email was returned from most of their email addresses.

Thank you very much,

James

From: Firgens, Tina <Tina.Firgens@cityofdenton.com>
Sent: Wednesday, May 29, 2024 1:24 PM
To: James King <jamesking@agentsalliance.biz>
Cc: Manglaris, Angie <Angie.Manglaris@cityofdenton.com>; Zagurski, Hayley <Hayley.Zagurski@cityofdenton.com>; Bodine, Matt <Matt.Bodine@cityofdenton.com>
Subject: RE: STR suggestions and/or Requests

Received. Thank you.

Tina M. Firgens, AICP

Deputy Director of Development Services/Planning Director
Department of Development Services
Office: (940) 349-8507 (Direct)
401 N. Elm Denton, TX 76201
www.cityofdenton.com

From: James King <jamesking@agentsalliance.biz>
Sent: Wednesday, May 29, 2024 12:04 PM
To: Firgens, Tina <Tina.Firgens@cityofdenton.com>
Cc: Ellis, Margie <Margie.Ellis@cityofdenton.com>; Smith, Tim <Tim.Smith@cityofdenton.com>; jason.coe@cityofdenton.com; desiree.pardon@cityofdenton.com; Pruett, Eric <Eric.Pruett@cityofdenton.com>; Villarreal, Jordan <Jordan.Villarreal@cityofdenton.com>; Kimberly Thaggard <Kimberly.Thaggard@cityofdenton.com>; Melinda King <melinda@reddooroperations.com>
Subject: STR suggestions and/or Requests

 This message has originated from an **External Source**. Please be cautious regarding links and attachments.

Thank you all for serving, I've been in your seat literally. Thankfully, that was 15 years ago!! These are some concerns I have and hope they will be helpful.

It is understood that **the first goal** is to bring in all the current Airbnb locations for occupant and neighbor safety and collection of HOT taxes. **Please make this a plan that allows the owners comply and cure deficiencies, if any? With a reasonable cure period.**

Renewal Applications and Code enforcement:

Please consider confirming that owners have a cure period such as 30 days to comply. For example: after a heavy rain there are frequent letters about tall grass. While these are easy to correct and usually without a notice, something such as this could be used to shut down a person's Airbnb business without any real due process.

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1,000 limitation seems like an arbitrary number that just causes confusion. Even the Airbnb website shows less than that. While we all love our City of Denton, we are not even close to the destination location of New Orleans.

If you stay with any set numerical limitation, then **I would suggest that renewals get priority over new applications.**

100-foot Distance requirement causes a problem in that a property owners' freedoms can be restricted if a neighbor already has an approved Airbnb.

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Some locations are better and sometimes obvious locations for an Airbnb.

Example: Please consider allowing a 4-plex in a mixed use, corridor, other non-residential to use all 4 units as Airbnbs.

Thanks

James E King, CPA

940-367-1184

jamesking@agentsalliance.biz

AgentsAlliance
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Manglaris, Angie

From: Mark Haiducek <markhaiducek@gmail.com>
Sent: Tuesday, May 28, 2024 6:15 PM
To: Manglaris, Angie
Subject: Short Term Rentals

Follow Up Flag: Follow up
Flag Status: Flagged

This message has originated from an External Source. Please be cautious regarding links and attachments.

Dear Angie,

Could you please send this to the proper channels to be heard and evaluated by the City Council and Code Office at the upcoming Planning and Zoning Commission Public Hearing tomorrow night. I will be attending the meeting as well.

Thank you,
Mark Haiducek

Thank you for your time to listen to my concerns and ideas regarding Short-term Rental homes. I went to the Denton informational meeting on May 23, 2024 where I met Judge Joe Holland, City Councilman and retired Justice of the Peace of Precinct 1 in Denton.

I was discussing my concerns and ideas about short-term rental homes in comparison to long-term rentals. Short-term rentals haven't been around as long as long-term rentals and there is a need for short-term rentals in our community.

To start off, I have concerns about implementing the HOT tax and increasing prices. Please think about how we are gathering, as a community, 8.25% sales tax on existing real estate that has never been taxed before. It is a completely new revenue source for our city/community that we should be embracing.

This is a new and wonderful way to bring more money to our small businesses and support property values in our community. Large Corporate companies who own the hotels do not spend their profits in our community like our local citizens that own short-term rentals.

As a homeowner, I have enjoyed the ability to rent my home short-term which can bring me additional income to aid in better care and maintaining my home. If I were long-term renting my home, I would loose rights and control over my immediate house to a renter that does not always have the same values.

When a long-term renter decides to destroy and vandalize a home in our community, Law Enforcement has not tools to assist in preventing or stopping these crimes and the renters are never brought up on charges for criminal vandalism or

forced to make restitution. Renters can destroy \$10k to \$20k or more in real property damage. This should and would be a federal crime but it's not supported under long-term rentals.

In a short-term rental, when someone breaks house rules, they can be immediately held accountable and resolve the situation at that time with financial charges and / or vacate the premises if needed.

In my experience, this has reduced the need to involve law enforcement and the court system.

A few years ago, I called Denton police about a long-term renter who was actively damaging my property. They explained that it was a Civil issue and the renters had 'owner's rights' to my property which prevented Law enforcement from stopping the vandalism.

To my knowledge and experience in providing rental property, over 50% of long-term rentals have required law enforcement and/or court systems from different illegal situations; but have not experienced or heard of any issues requiring either because of situations with short-term rentals.

As a landowner, I have always care about the Immediate condition of my properties. I.E., I have a Super Host rating of a 4.82 star. Repairs are immediate and property is cleaned thoroughly between every guest.

I hire cleaning services, landscaping and handyman services to keep my property in pristine condition. Through the short-term rental platforms like Airbnb and VRBO, if house rules are not followed IE party's, parking violations they can be fined and charged a fee per house rules. By limiting and controlling any volume or density of short-term rentals is reducing business opportunities and taxes for our existing community. Never has long-term rental property limited by location.


Our community is going to benefit from short-term rentals gathering 8.25% sales tax where we have never been able to receive on long-term rentals. In my opinion, short-term rentals are not in the same category as the hotels. We should take this opportunity to keep our cost and taxes low to entice more professionals to stay in our community in short-term rentals.

--

Mark Haiducek
214-636-2947

We hope these proposed changes will be reconsidered. Thank you for your time and effort on this!

Sincerely,
Lauren Shanahan
817-881-9258

 [Redacted signature]

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--

Mark Haiducek
214-636-2947

Manglaris, Angie

From: Bob Bobo <bbobo@therapyspacestx.com>
Sent: Wednesday, May 29, 2024 12:00 PM
To: Manglaris, Angie; Bodine, Matt
Cc: hbobo@therapyspacestx.com
Subject: Feedback on the proposed 100-foot Rule for Short Term Rentals

Follow Up Flag: Follow up
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This message has originated from an **External Source**. Please be cautious regarding links and attachments.

We are unable to be at the P&Z meeting this evening but wanted to submit our feedback.

I appreciate all the work the city has done to clarify the landscape for the short-term rental market in Denton. The city has a reasonable handle on the issues and is acting for the good of all residents.

However, I have a concern regarding the proposed 100-foot rule for short-term rentals. This rule could unfairly put Airbnb owners at risk of losing their business simply for not being first in line for registration renewal.

I believe a better approach would be to set a percentage limit in the zone-to-area. This would ensure a fair distribution and avoid penalizing owners based on their timing of registration.

Thank you for considering my feedback.

Best regards,

Bob and Heather Bobo

On Monday, May 20, 2024 at 12:01 PM, Manglaris Angie <Angie.Manglaris@cityofdenton.com> wrote:

Good morning,

This is Angie Manglaris and Matt Bodine from the City of Denton Planning Division. You have previously indicated interest in the City's Short-Term Rental Code Amendment Project, and we wanted to reach out to you regarding our upcoming Town Hall and future Public Hearings for the project.

A Town Hall will be held on May 23, 2024, at 6:30 p.m., at the Development Service Center, 401 N. Elm Street, to discuss the proposed amendments with the community with opportunities to ask questions directly to city staff.

Further discussions are scheduled for the Planning and Zoning Commission meeting on May 29, 2024, and the City Council meeting on June 4, 2024, both starting at 6:30 p.m. These meetings will take place in the City Council Chambers at City Hall, located at 215 E. McKinney St. They

will include public hearings where amendments concerning the regulation of Short-Term Rentals in Denton will be reviewed and considered.

For more information on these meetings or the proposed amendments to Short-Term Rental regulations, please visit: www.discussdenton.com/short-term-rentals

As always, please feel free to contact us with additional questions.

Respectfully,

Angie Manglaris, AICP

Development Review Manager

Department of Development Services

[401 N. Elm Street, Denton, Texas 76201](#)

Office: (940) 349-8381

Matt Bodine | Assistant Planner

Development Services Planning Division

matt.bodine@cityofdenton.com

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