How to Get a Permit for a Short Term Rental in San Antonio

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SHORT TERM RENTAL ASSOCIATION OF SAN ANTONIO

All documents mentioned here (including this presentation) are on the Resources page at:

strassociationofsa.com

Disclaimer: We are not the ultimate authority on permitting STRs in SA, and the process represented here is how we understand it. There may be factual errors, changes in administration, ordinance, or policy since this presentation was written.

What is a short term rental?

SA UDC Appendix A

Short term rental. A property that rents out all or a portion of a residential dwelling unit, apartment, condominium, or accessory dwelling for a period of not less than twelve (12) hours and for a maximum of thirty (30) consecutive days to a particular occupant and the operator does not provide food or beverage for consumption for a fee.

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. A 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.

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Why did San Antonio pass an STR ordinance?

- In 2017 and 2018 constituents complained to City Council that Airbnb rentals in San Antonio neighborhoods were causing parking, noise, and other problems.
- Council requested a task force to draft an ordinance, which was eventually passed in late 2018.
- The ordinance was updated June 13, 2024 to improve enforcement.

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San Antonio, TX Code of Ordinances Chapter 16 ARTICLE XXII. - SHORT TERM RENTALS

Establishes permitting for short term rentals

- Apply online
- Tiers: Type 1 and Type 2, with density limitations; single family and multi-family
- Fees: Type 1 - $450, Type 2 - $1,000; both valid for 3 years; renewable
- Non-transferable
- General Standards: structures conforming to codes (no RVs, tents); occupancy; smoke and CO detectors; evacuation plan; comply with noise, other codes (ADUs); no outdoor spaces (hammock or lounge chair on the porch)
- Inspection upon complaint
- Short term rentals are subject to Hotel Occupancy Tax
- Permit numbers are required in all platform listings. The city can request a platform to remove a listing without a valid permit number.

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ARTICLE XXII. - SHORT TERM RENTALS (continued)

Inside your listing, you must notify your guests of…

- Maximum number of occupants.
- Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.
- Quiet hours and noise restrictions.
- Restrictions on sleeping in outdoor areas.
- Twenty-four-hour contact person and phone number.
- Property cleanliness requirements.
- Trash pick-up requirements, including location of trash cans.
- Flooding hazards and evacuation routes.
- Emergency numbers.
- Notice that an occupant or visitor can be cited for violating city codes.
- Displaying short term rental permit, health department permit, and/or any other required permits.
- Hotel occupancy tax registration.

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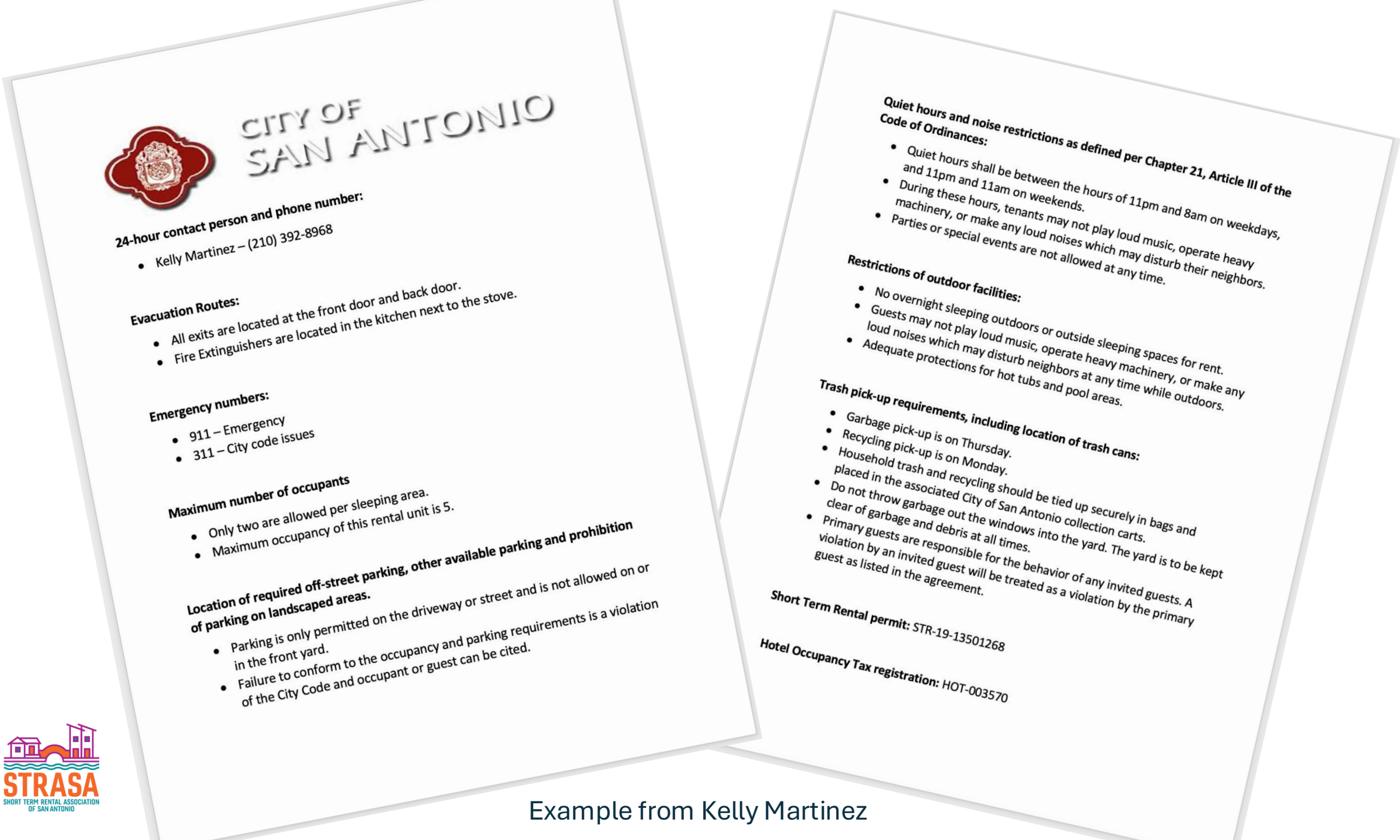

CITY OF SAN ANTONIO

24-hour contact person and phone number:

- Kelly Martinez – (210) 392-8968

Evacuation Routes:

- All exits are located at the front door and back door.
- Fire Extinguishers are located in the kitchen next to the stove.

Emergency numbers:

- 911 – Emergency
- 311 – City code issues

Maximum number of occupants

- Only two are allowed per sleeping area.
- Maximum occupancy of this rental unit is 5.

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

- Parking is only permitted on the driveway or street 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 outside 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.

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

- Garbage pick-up is on Thursday.
- Recycling pick-up is on Monday.
- 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: STR-19-13501268

Hotel Occupancy Tax registration: HOT-003570

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Example from Kelly Martinez









Other Facts You Must Certify

- A designated operator is available by phone at all times when the unit is occupied.
- Working smoke detectors are installed.
- The unit has a fire extinguisher.
- Emergency contact information and exits are posted.
- The unit has a posting for the maximum number of occupants.
- Every sleeping area has at least one emergency escape.
- The permit number is included in all advertisements or online listings.

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Many US Airbnb Venues May Be Falling Short On Fire Safety

May 8, 2018 0 Comments

By Eurasia Review

BAY AREA

10 Airbnb guests flee from fire at Santa Rosa home

by: Bay City News

airbnb

SOUTH FULTON COUNTY

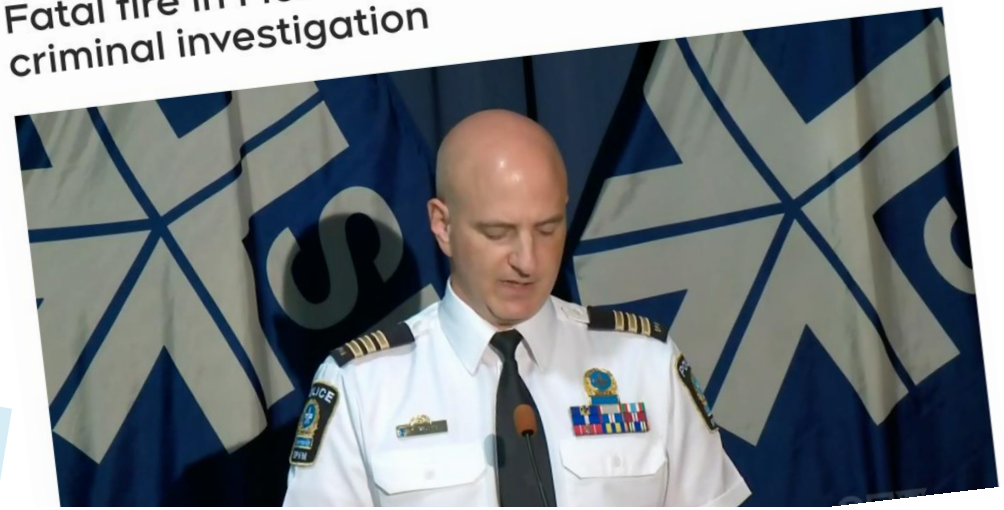
Couple leaps 23 feet to escape Airbnb fire, both break backs in the process

By Tyisha Fernandes, WSB-TV

February 20, 2023 at 6:43 pm EST

MONTREAL | News

Fatal fire in Montreal Airbnb now subject of criminal investigation



ABC NEWS — October 5, 2018

Arson suspect wanted for igniting fire to an Airbnb home in Florida

Surveillance footage released by police shows a suspect setting the front door of an Airbnb home on fire as the search for the wanted individual continues in Hollywood, Florida.

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Healthcare & Pharmaceuticals

Many Airbnb rentals in U.S. cities lack fire safety features

By Lisa Rapaport

May 7, 2018 5:46 PM CDT · Updated 6 years ago

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Safety

*What is the number one thing you can do to help make your STR safe?**



Home must have

- smoke detectors
- exit signs
- location and emergency services contact

Bedrooms must have

- smoke detector
- two modes of exit – a door, and a window. The window must have a clear opening of at least 5.7 ft^2, at 20 inches wide and 24 inches tall, and a sill height of not more than 44 inches.

Kitchens must have

- fire extinguisher mounted on the wall or clearly marked within 30 feet of the cooking area

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**Properly install and regularly test working smoke detectors.*

How Can I Lose My Permit?

Code Citations	Get three citations for any city ordinances, including noise, parking, trash
Violate STR Ordinance	Violate the STR ordinance (operating without a permit, failure to pay HOT, etc.)
Don't Renew	Fail to renew your permit or cancel your permit.
Sell	Sell your property.
Break Other Ordinances	Violate zoning, other ordinances (e.g. the ADU ordinance)

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A unique STR permit number and HOT account number is needed for each unit you operate, even if there are multiple units in one property.

Note: A home may only have 2 - Type 1 permits; any subsequent permits must be Type 2, subject to density limitations.

Multiple Type 2 permits on a property must have separate dwelling units – apartments or a duplex, for example, also subject to density limitations.

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Can I have a permit for my address?

- Type 1: Owner-occupied. No density limitations.
- Type 2: Not occupied by the owner. Limited in density to 12.5% of the residential units on a block face.
- Multi-family (over 4): Limited in density to 12.5% of the total number of units

How do I check to see if my block face is limited under this rule?

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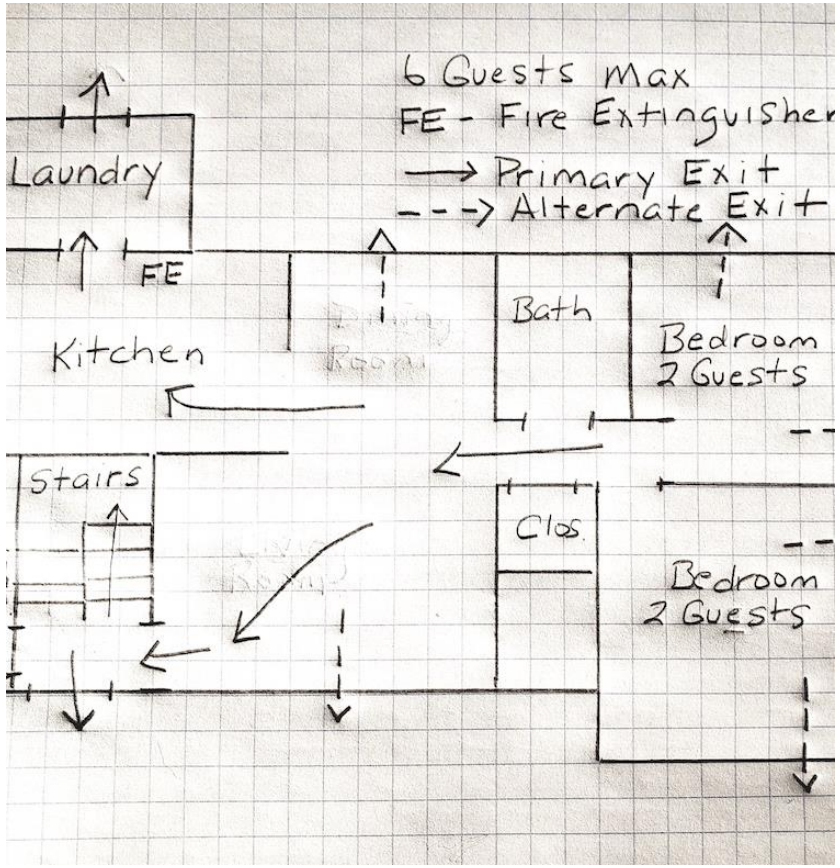
Calculating and Checking Density

- Use the San Antonio One Stop map
- Visit the Development Services STR website, and click on the STR Activity Report
- Calculate the density by only counting the residentially zoned addresses on the block face – including additional addresses where there might be several in a home (123 Main St. #1, and 123 Main St. #2 where the house is divided or someone rents out the ADU long term, for example). Do not include I/L zoned addresses, or multifamily zoned addresses (MF). Multifamily properties over 4 units have their own density calculation in the same way a block face is calculated. Calculations are **not rounded up**. For example, if the calculation is 2.8, only 2 are allowed.

What you need to apply for a permit

- Your Bexar County property ID number. Find that at bcad.org
- A sketch of the floorplan of your property: by hand or with any basic software is fine. Also draw a sketch of where the parking places are on the property- there must be one off street space.
- Proof of written permission to operate. Proof of ownership or a notarized letter of permission from the owner is required.
- Your name, address, phone number, email, and the same for the owner and 24-hour contact person, if different.
- The platform where you're going to advertise the STR (Airbnb, VRBO, etc.)
- Check that you've complied with the information you need to provide the guest about a 24-hour contact, noise restrictions, parking regulations, etc. as well as emergency exit signs, a fire extinguisher, CO and smoke detectors, and so on.
- Type 1 or Type 2?
- Payment



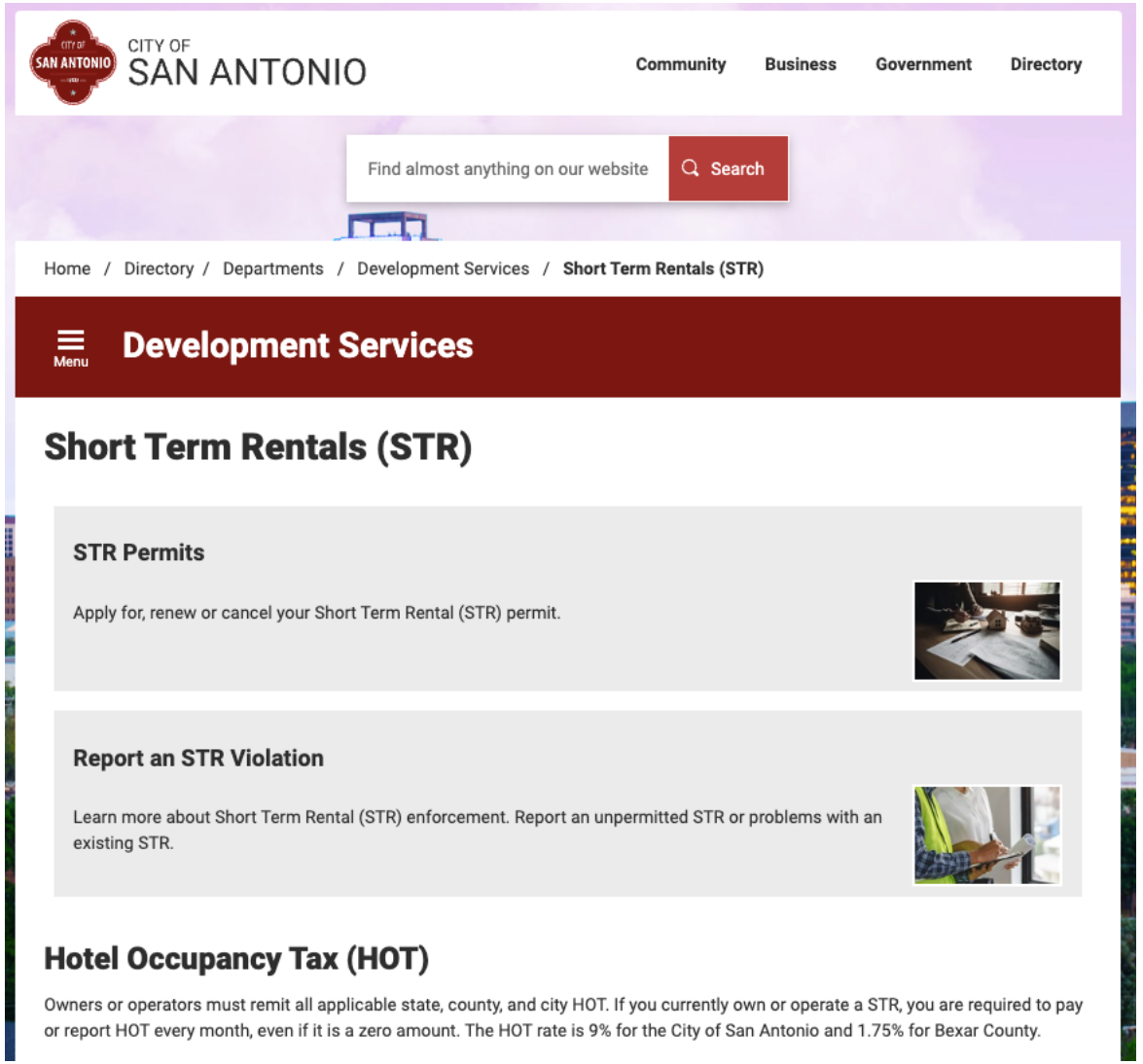
Occupancy Limits

- According to San Antonio Property Maintenance Code
- A bedroom must be at least 70 ft^2
- Bedrooms for two or more adults must have at least 50 ft^2 per occupant.
- The maximum occupancy per bedroom is 3 adults (>12 years)



Applying for a Permit

https://www.sa.gov/Directory/Departments/DSD/STR



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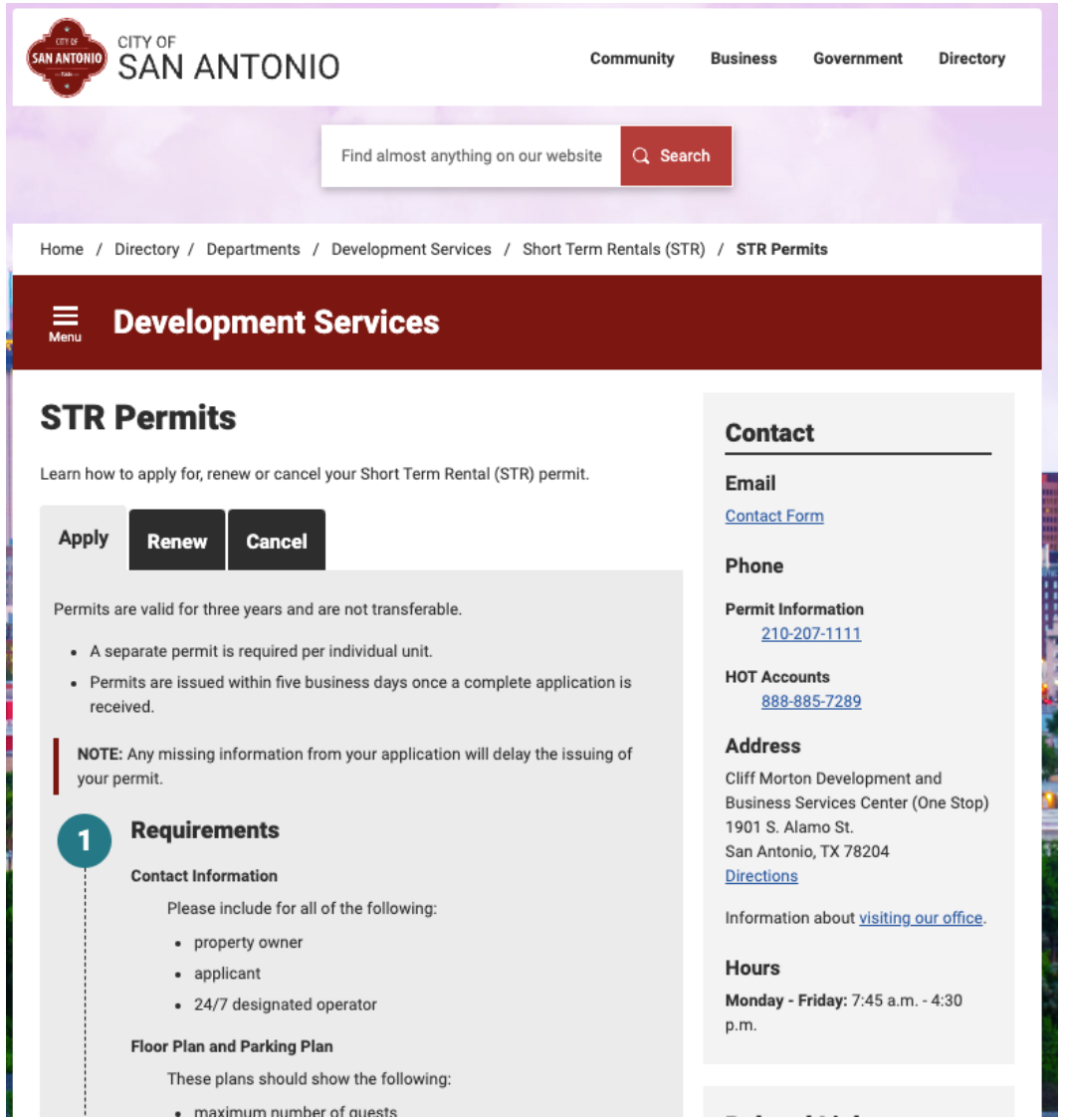
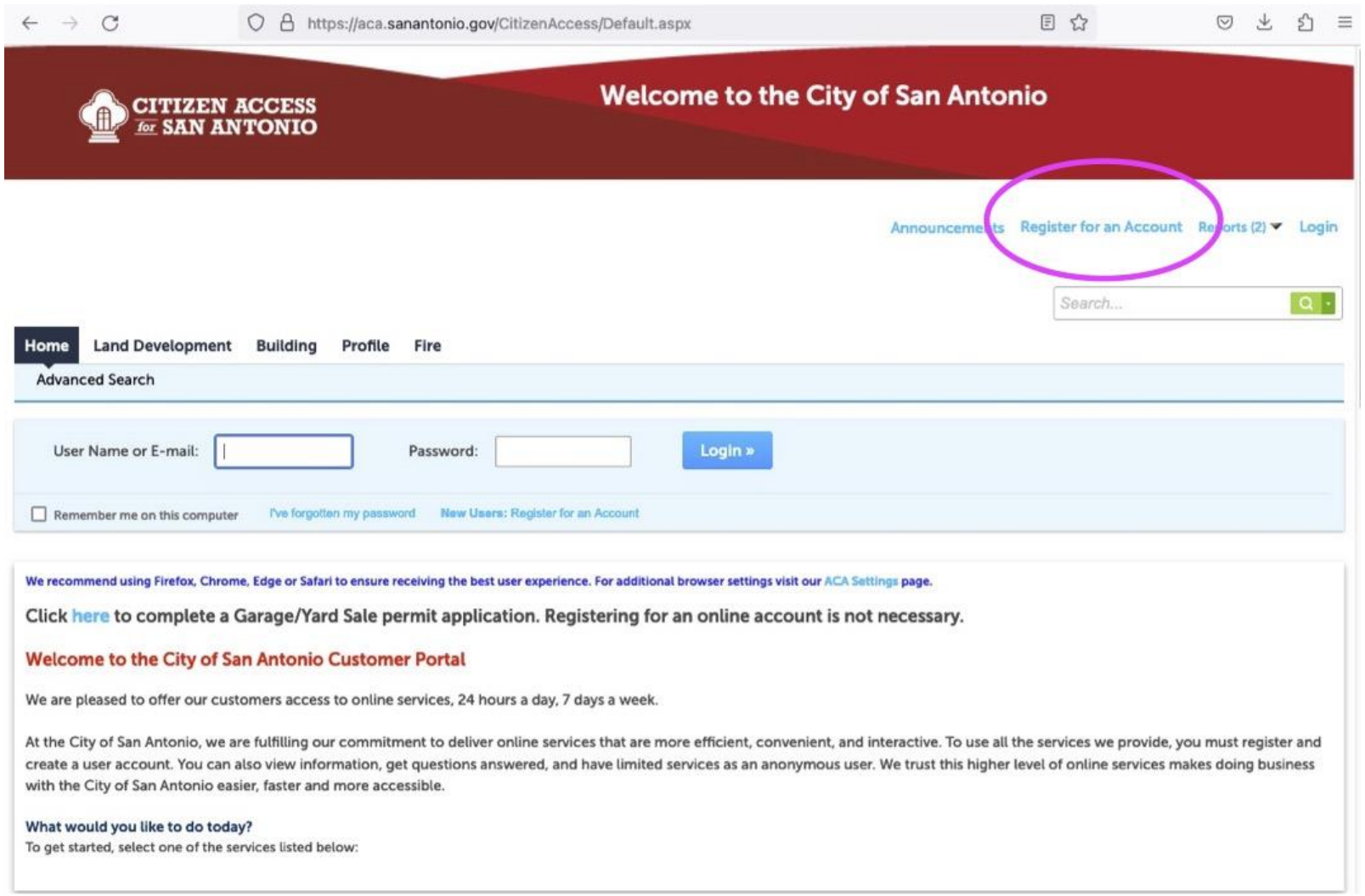
Applying for a Permit (continued)

https://www.sa.gov/Directory/Departments/DSD/STR/Permits

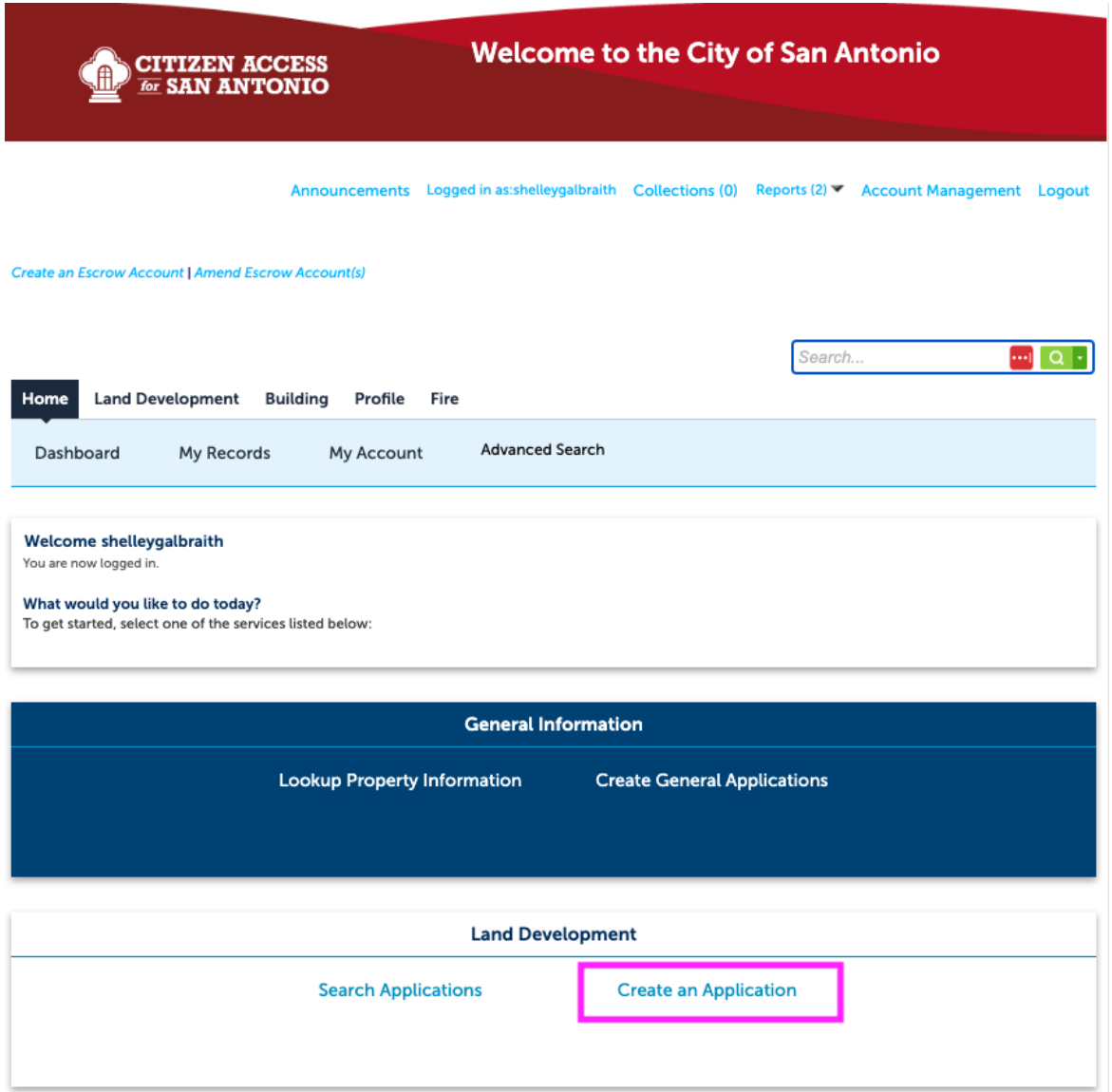




BuildSA: Register for an Account (or log in)

https://aca-prod.accela.com/COSA/default.aspx

Click on Land Development: Create an Application



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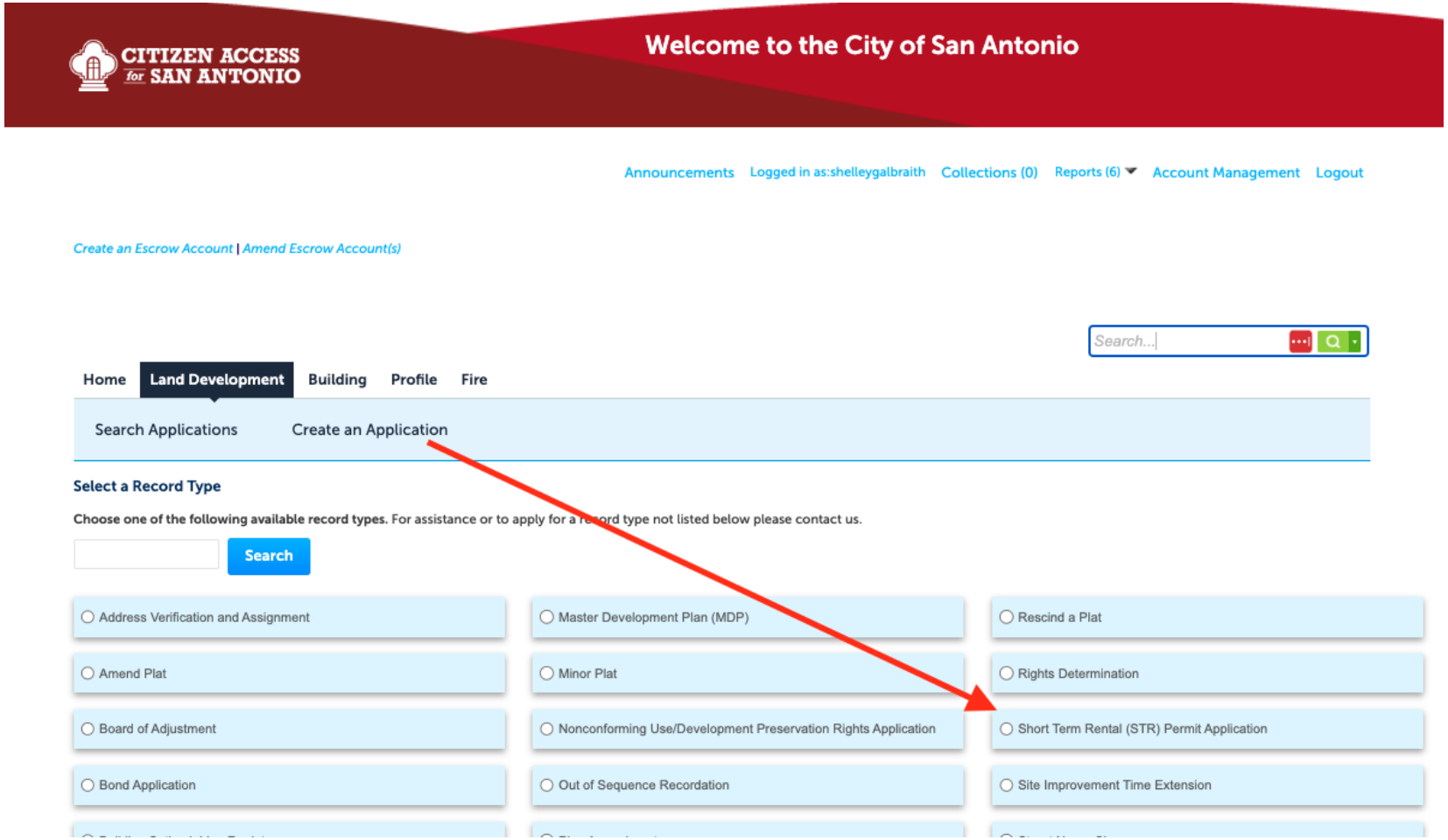
Choose Short Term Rental (STR) Permit Application (and hit Continue)



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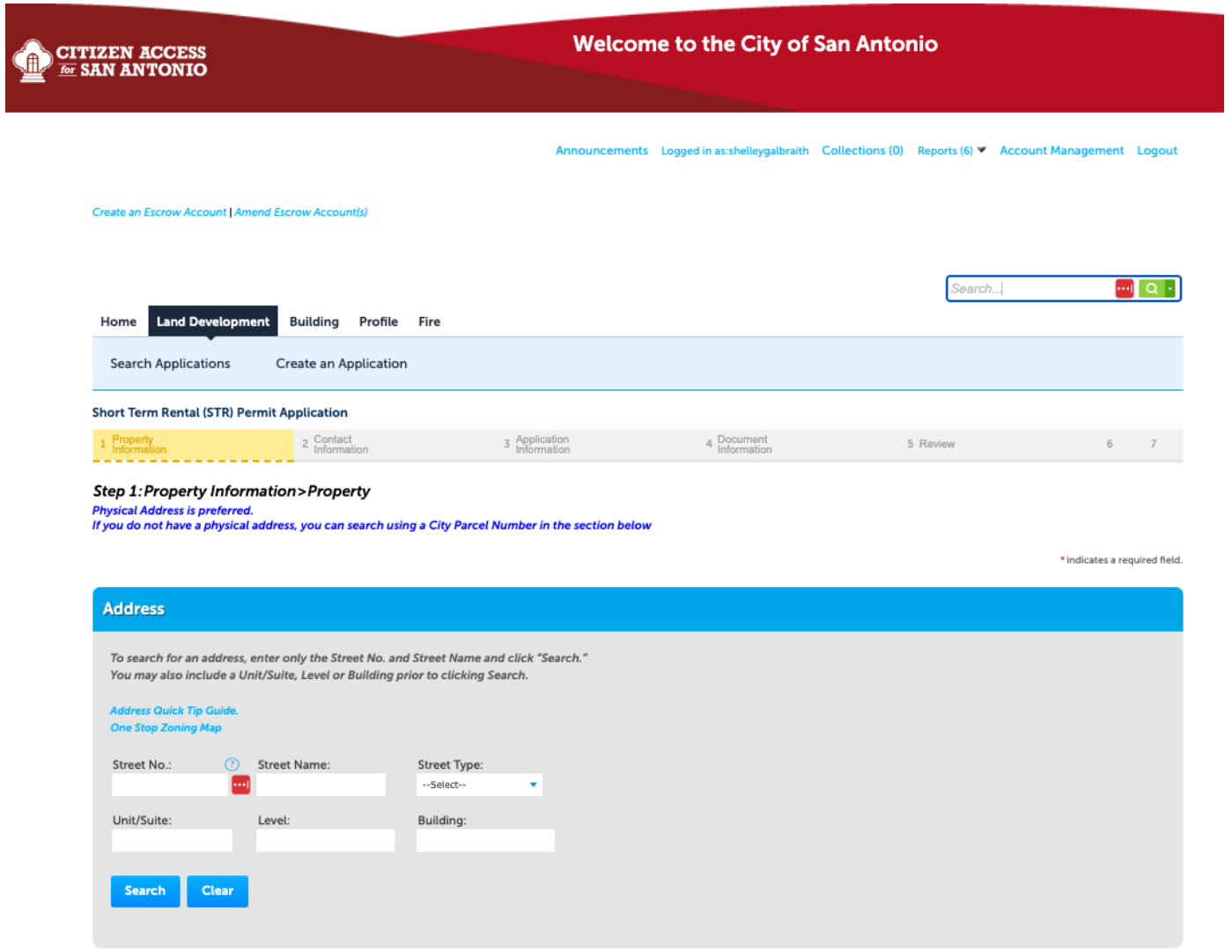
Enter/upload information requested



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Special notes

- **ADU:** If you have an Accessory Dwelling Unit (ADU), commonly called a back house, or casita – another apartment on your land, under the ADU ordinance, you cannot get revenue from the main house and the ADU at the same time. In other words, you can rent the house, or you can rent the ADU as a short term rental, but not both together/or both separately.
- **Zoning:** While the Texas Supreme Court declared short term rentals a residential use of a home, your short term rental is mostly likely in a **home**, zoned residential or multi-family, for use as a home. A house is a place to sleep, eat, relax, and spend time doing things you would do at home, respecting the neighbors and the neighborhood.
- STRs are allowed in all zoning areas except C-3 (commercial) and I/L (industrial). Not allowed is renting your property by the **hour**; providing food (including catering); having parties; renting for anything other than using the home as a home. Unless you are in a commercially zoned property, you may not advertise the space for events such as weddings or parties, photo shoots, filming, renting your pool by the hour, or business meetings. You may not advertise on platforms that are not for overnight stays and residential uses – peerspace.com, giggster.com, swimply.com, homestudiolist.com, sniffspot.com, curbflip.com, or anything that isn't renting out your home for use as a residence, and overnight.

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Special Notes (continued)

- Type 1 versus Type 2 short term rentals: An owner-occupied rental, where the owner lives on site, is a Type 1 STR, not subject to density restrictions. You must show that you live in the home, and, if it is your home, claim the property tax homestead exemption. If you rent and live on the property, you must provide a notarized letter from the owner that gives you express permission to use the property as an STR and prove that you live there full time. The city will let you know what kind of evidence they need, such as a driver's license, etc.
- Type 2 short term rentals, where the owner does not live on site, cannot claim a property tax homestead exemption.
- Outdoor amenities such as a pool are now subject to quiet hours, which like the STR permit must be posted. Quiet hours are defined as 10 pm to 6 am Sunday through Thursday and 11 pm to 6 am Friday and Saturday.

What now?

Inquiries: dsdshorttermrentals@sanantonio.gov

A permit should take about **5 business days** to process. You will receive your permit by email with a Hotel Occupancy Tax account number.

You are responsible for **reporting HOT** from the day you receive your permit. Even if your income is $0, you must file a report, or be charged a penalty!

Hotel Occupancy Tax (HOT)

The tax is paid by the guest.

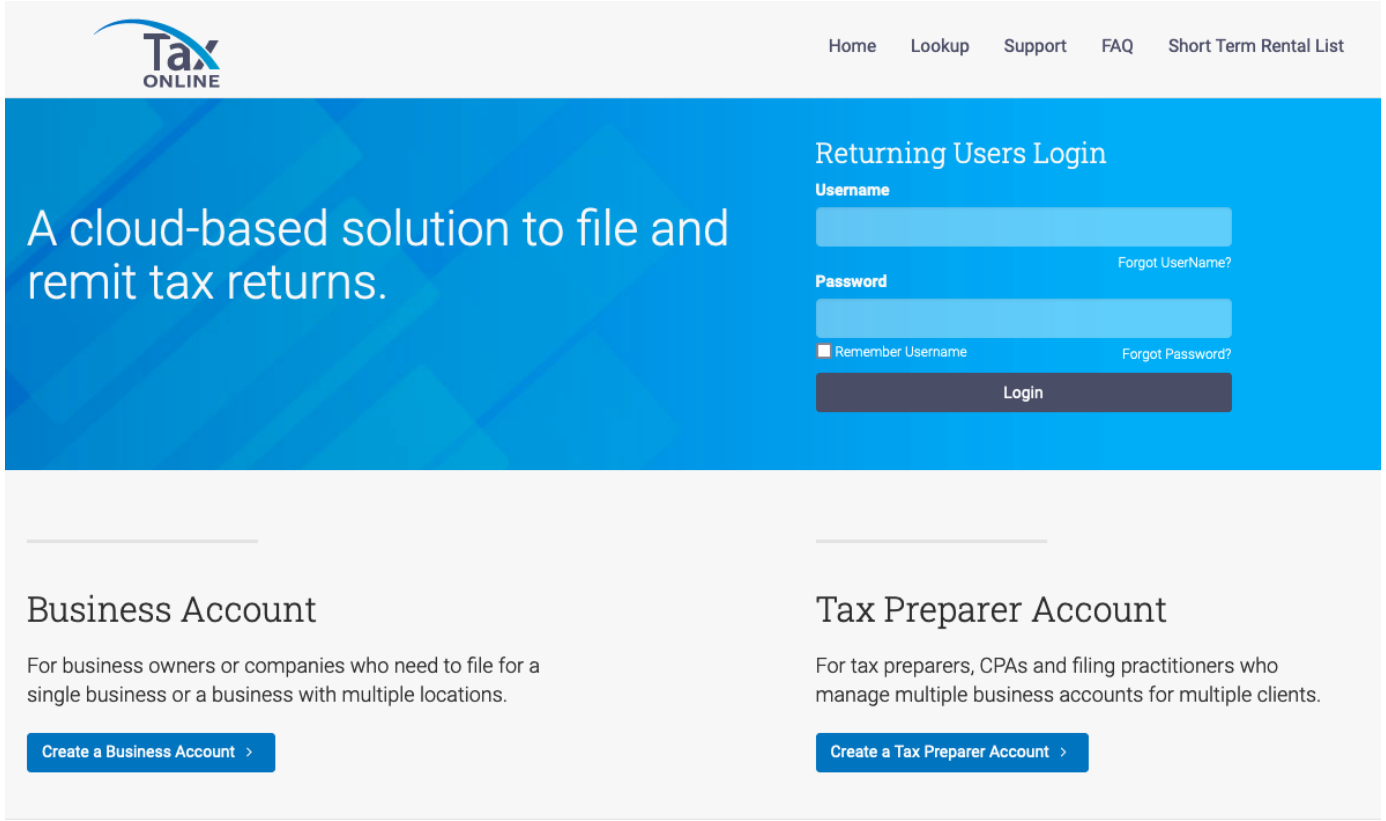
HOT Rates	
State of Texas	6.00%
City of San Antonio	9.00%
Bexar County	2.00%

Collecting Hotel Occupancy Tax (HOT)

- Larger platforms (such as Airbnb, VRBO) collect and remit state and city HOT for you; you must collect, report, and remit county tax. You must report HOT for every stay under 30 nights. (Report a stay of 30 nights as $0).
- There are specific ways to collect the tax on Airbnb, VRBO and other platforms, so read about those in the help areas of those platforms, and on our Resources page.

www.hoteltaxonline.com

Reporting and Remitting HOT: San Antonio's Payment Vendor - Avenu Insights



If you have an HOT account, you can be audited.

- Make sure that you download and keep records for four years.
- Print and keep copies of income statements for each permit.
- If you have a property manager, but you hold the permit and the HOT account, make sure that you have access to and keep copies of income records. Alternatively, register your property manager for the HOT account.

Additional instructions for collecting and remitting HOT can be found at:

strassociationofsa.com/resources

Join us as a member! Only $25 a year.

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