



Proposed Changes to the San Antonio Short Term Rental Ordinance*

****UPDATE 4/25/2024: The Planning & Community Development Committee of the San Antonio City Council is proposing to amend this draft, changing Type 2 permit fees to \$325 per year, or \$975 for 3 years.**

The proposed changes to the San Antonio short term rental (STR) ordinance address the main concerns we've raised over the past year: the preponderance of unpermitted STRs in the city that are not collecting and remitting hotel occupancy tax (HOT) and the need for more enforcement of city ordinances regarding violations by STRs, such as houses where large events and parties that disturb the neighborhood often take place.

The work of the Short Term Rental Task Force included the following guidelines from the Planning & Community Development Committee of the San Antonio City Council, which directed Michael Shannon, Development Services Director, to examine the ordinance for revisions relating to:

1. Permit compliance;
2. Hotel Occupancy Tax (HOT) compliance;
3. Enforcement and violation strategies;
4. Events and party violations;
5. Permit fees;
6. LLCs versus individual property owners; and
7. Platform obligations.

The task force is comprised of the following:

- The San Antonio Short Term Rental Association
 - ◇ Shelley Galbraith, Type 1 permitholder
 - ◇ Courtney Rosen, STR property manager and SABOR board member
 - ◇ Kelly Martinez, Jordan Gonzales, Marcella Palaferri, Type 2 permit holders
 - ◇ Brett Cohen, Multifamily Type 2 permitholder
 - ◇ Peter Lund, Type 2 permitholder and Whispering Oaks HOA president
- Representatives from all 10 city council districts
- The Texas Housers and The Texas Organizing Project
- The San Antonio Board of Realtors (SABCA)
- The San Antonio Hotel Lodging Association
- The Real Estate Council of San Antonio
- Airbnb and Expedia Group/VRBO

*From the Draft Ordinance Updates as recommended by the Short Term Rental Ordinance Task Force, 2/21/24

The meetings of the task force were open to the public and include opportunity for public comment.

Here is a summary of the proposed changes of the current short term rental ordinance (Ch 16, Article XXII, 16-1100 to 16-1114, as well as Ch 35, Article III) in basic terms. Keep in mind that this is a summary and is not to be used in place of the actual language or intention of the ordinance, where there are discrepancies, omissions, updates, or errors.

1. New: Permit Numbers Required in All Platform Listings

All platforms that display short term rentals for rent in San Antonio shall require that the listing includes a valid permit number.

If a permit number is missing, invalid, expired or revoked, the city will request that the platform remove a listing from the platform within ten business days, and the listing will be removed.

2. Collecting HOT

You are still required to file a monthly HOT report. However, if you're operating on a platform which collects State of Texas HOT (notably Airbnb and VRBO), the platforms will be required to collect and remit city and county tax on your behalf as well. STR owners/operators on any other platforms must still collect and remit HOT.

3. New: Outdoor Amenities and Quiet Hours

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.

4. Expanded: General Enforcement

The main enforcement issue is houses that hold large events and parties. Critical to this issue is keeping designated agent and contact information up to date with the city in case of code issues or police calls.

The enforcement provisions of the ordinance have been expanded and tightened, with new enforcement tools.

Any three citations accepted by Municipal Court with a rolling 3 year period will cause revocation of a permit. This is up from 3 confirmed citations in a 6 month period. Note, there have been no cases where STRs have been shut down for citations.

Code citations are issued for excessive noise, illegal parking, unkept or unsafe properties, etc., and are essential to keeping neighbors and guests safe.

There is now administrative adjudication, in addition to civil and criminal enforcement. In addition, the Director of Development Services may require a meeting with an STR owner/operator of a problem property to discuss the problems and ways to bring the property into compliance. Evidence of a problem includes police reports, code calls, gatherings that cause a public disturbance, noise complaints, and the like.

5. New: Penalty for Providing False Documentation

The city has had numerous cases of doctored and fraudulent IDs and other official documents. In the case of fraudulent applications, the application will be denied and the owner and property may not reapply for a permit for one year.

6. Permit Price Updates

In order to accurately reflect administrative and enforcement costs, STR permits will now cost \$300 for 3 years, increased from \$100 for 3 years. **Amended 4/25/24 to \$325 per year or \$975 for 3 years for Type 2 permits.**

Further, the city will not charge you to update the operator, agent, or 24-hour hour emergency contact name as in the past.

7. New: Limitation on Using Two or More Block Faces To Calculate Density

There have been permits issued to single homes/lots where several addresses are used, on different block faces, which circumvents the intention of density limitations. The proposed clarification allows only one block face to count toward a permit.