

Short-Term Rentals

Presented to City Council

August 16, 2022

Outline

- Current STR regulations and locations
- Goals and policy options
- Summary of public feedback
- **Policy questions for City Council**
 - Registration and operating standards
 - Zoning options
 - Code enforcement

What is a short-term rental (STR)?

Short-term rentals are residential properties available for rent for guest lodging for a period ranging from 1 to 29 days.

Current STR Regulations and Locations

Current STR Regulations

Zoning

- Allowed in all mixed-use and most form-based districts, commercial and industrial districts with a Certificate of Occupancy from Development Services Department
- Not allowed in residential districts: A-#, AR, B, R1, R2, CR, C, D, UR
- See map on next page

Zoning Enforcement

- Code Compliance Department investigates on a complaint basis
- When violations are observed, warnings/citations are issued to property owners
- City cannot currently issue citations based on STR advertisements or online bookings alone
- Cases in FY2021: 71 cases requiring 278 inspections

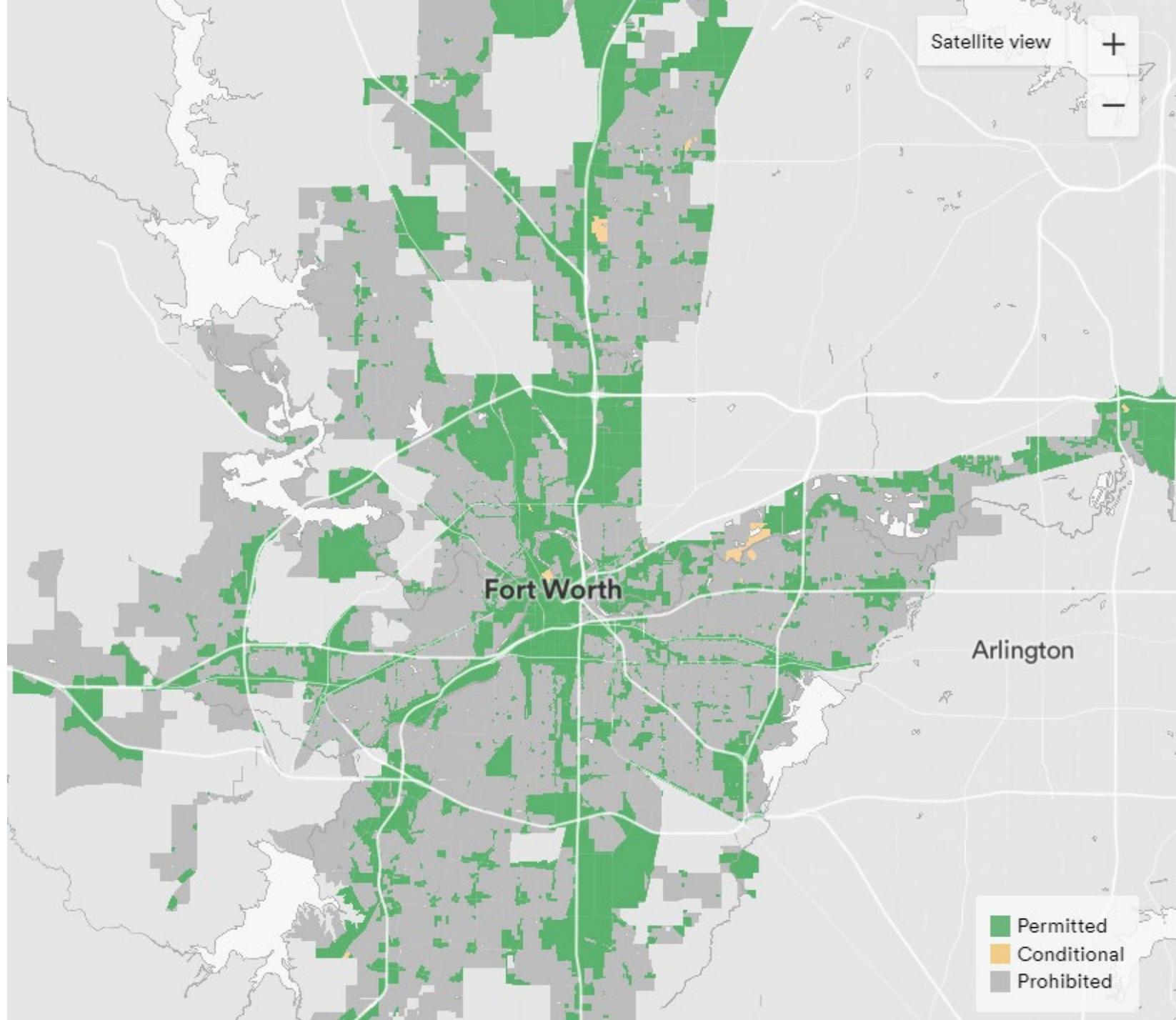
Zoning Districts

STRs are **allowed** in mixed-use, commercial, and industrial zoning districts

STRs are **not allowed** in residential districts

Click [here](#) for interactive Zoning Portal to learn where STRs are allowed

Click [here](#) for interactive zoning map with other map layers



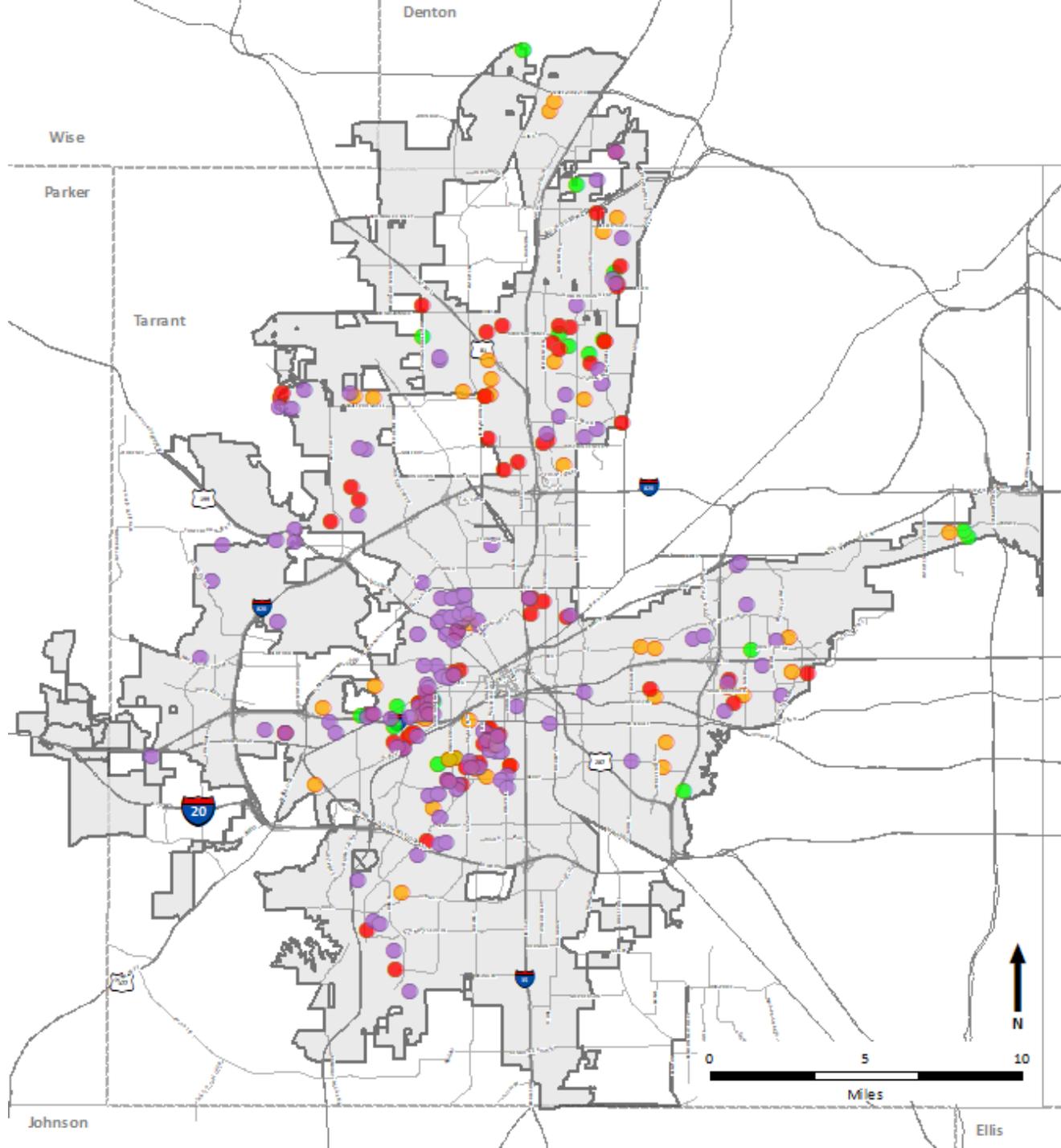
Current STR Regulations (cont.)

Hotel Occupancy Tax (HOT)

- State and City ordinances require STRs to pay HOT
- State levies 6% and **City levies 9% for Culture and Tourism Fund**
- HOT revenues may only be used to promote tourism, convention, and hotel industries

HOT Collection Enforcement

- HOT is self-reported on City's HOT Online Reporting Tool ("Hotel App")
- STRs report on a **voluntary** basis and are not monitored by Finance Department



Code Compliance: Reported Zoning Violations

Short-Term Rental Cases

(STR tracking started June 14, 2019)

- 2022 YTD (147 cases/710 inspections)
- 2021 (71 cases/278 inspections)
- 2020 (52 cases/258 inspections)
- 2019 (23 cases/59 inspections)

- Major Roadways
- Fort Worth City Limits
- County Boundaries

Data Source: Code Ops, CFW GIS

Short-Term Rental Reports

OVERVIEW



We have completed initial identification of Short-Term Rental properties in Fort Worth. Difficult listings not identifiable initially will receive further attention and new listings will come into the market regularly.



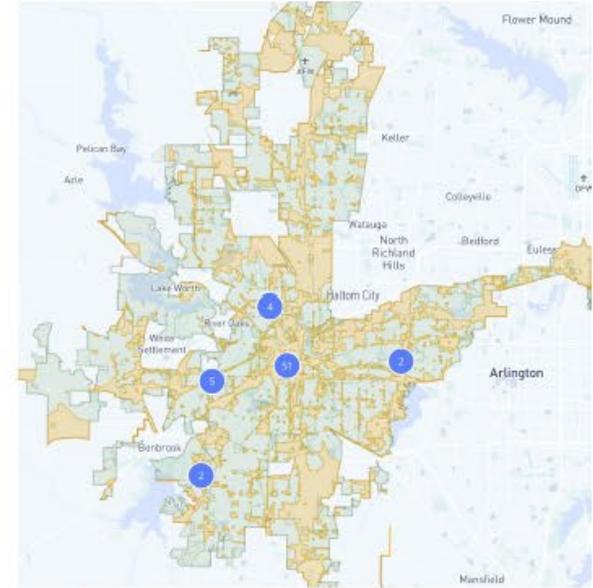
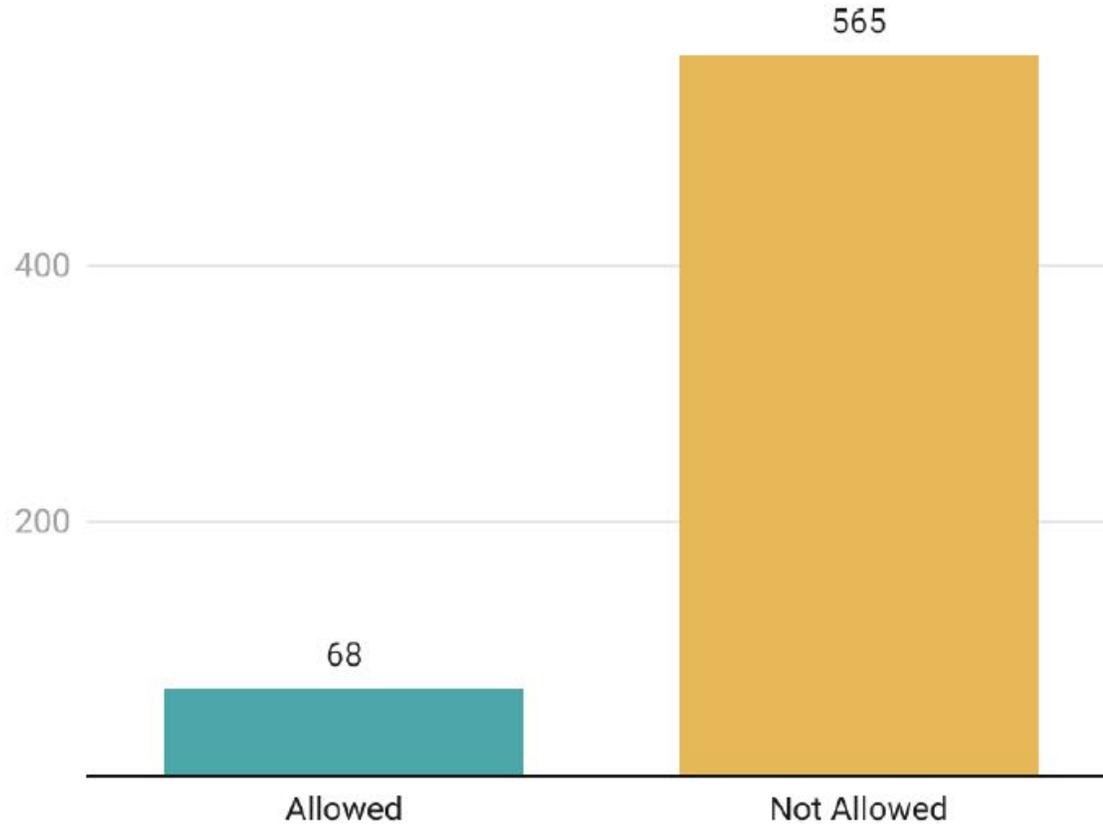
Focus for these reports will be on the 633 currently operating identified STRs, out of the 814 that operated as a STR some time within the past 12 months.



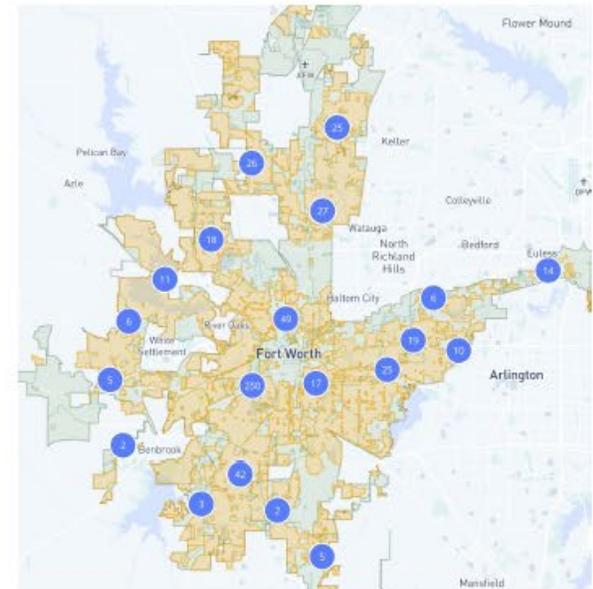
To date we have address identified 2453 of the 2738 current STR listings in Fort Worth representing 89% of these listings.

OVERVIEW REPORT – CURRENT STRs

Allowed vs Not Allowed STRs



68 Short-Term Rentals in Allowed Zones

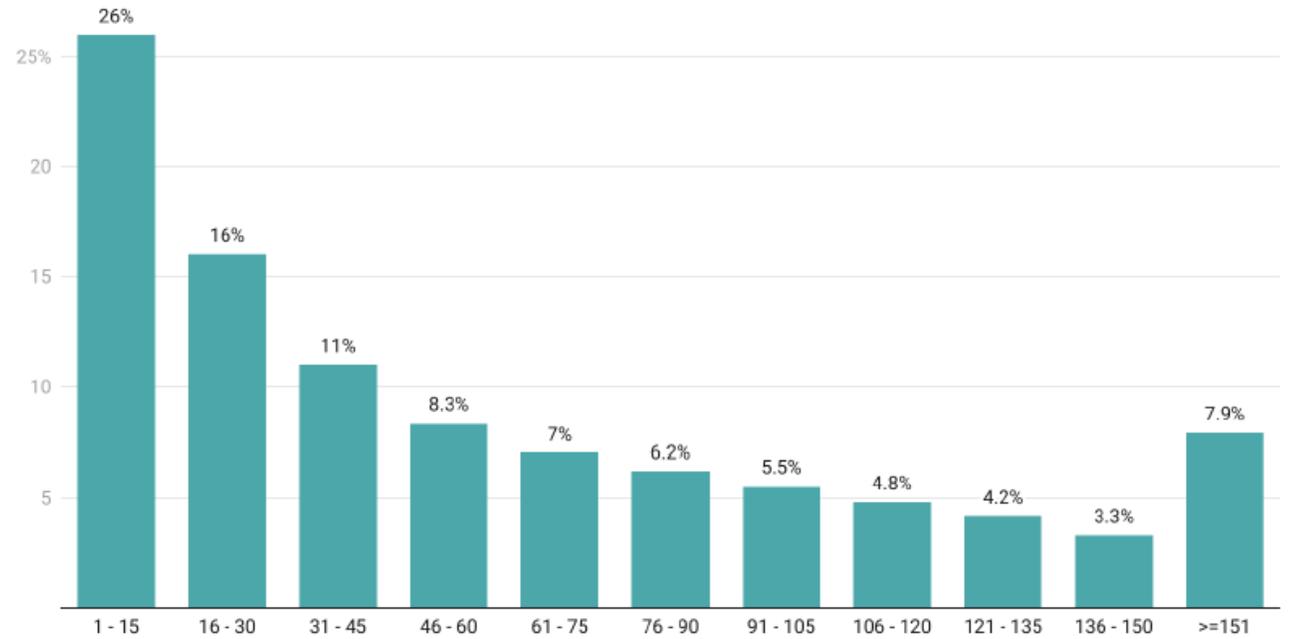


565 Short-Term Rentals in Not Allowed Zones

OVERVIEW REPORT - AUGUST 2021 TO JULY 2022

Past 12 Months Nights Booked

- 42% of properties were booked 30 nights or fewer over the course of the year.
- Almost 8% were booked for over 150 nights.



Goals, Policy Options and Public Feedback

Goals for Addressing STRs

1. Preserve residential quality of neighborhoods and protect from commercial lodging encroachment
2. Ensure health and safety of guests and residents
3. Support tourism in a balanced way
4. Preserve residential housing supply
5. Collect Hotel Occupancy Tax (HOT) from legal STRs
6. Minimize impact on staff and recover costs for code enforcement

Policies from National League of Cities to Achieve Common Goals for STRs

- Require annual **permit/registration** and have process to **revoke** permits
- Require **host residency** in residential areas
(most complaints come from non-owner-occupied units)
- Restrict **density** of STRs (number or percentage) in a particular neighborhood or geographic area
- Dedicate resources to **enforcement**

DRAFT Registration/Operating Standards for Legal STRs

- Require **registration** for all legal STR use through third-party platform:
 - **Annual fee** to cover City costs (platform and enforcement)
 - **HOT** collection (cannot be used for administration or enforcement)
 - Property **owner registers/consents**; registration non-transferrable
 - 24/7 local **contact** and liability **insurance**
 - Affidavit for **safety protocols** (smoke/CO2 detectors, fire sprinkler, etc)
 - **One guest/group** at a time
 - Limited to **3 people/bedroom**, max of 9 people
 - On-site parking only with **parking plan** required
 - **No events/parties**; no outdoor gatherings or music after 10pm
 - Require **Good Neighbor Guide** (comply with noise, trash, parking ordinances)
 - Registration **placed on probation or revoked** based on violations

Additional Regulations for STRs

- Require **registration** for properties that **advertise** for STR, enabling Code to more easily address illegal STR activity
- Require **advertising platforms** (Airbnb, VRBO, etc.) to only allow advertising for STRs registered with the City (“platform accountability”)
- Require **Certificate of Occupancy** when STR is not a primary residence (commercial lodging)
 - Apply Bed & Breakfast building and fire code requirements

Zoning Regulations in Other Cities

- Most cities **differentiate** primary residence STRs from investor-owned STRs and
- Require **zoning changes** or conditional use permits for investor-owned STRs to operate in single-family districts
- This is consistent with **National League of Cities guidance:**
 - ✓ *Require host residency in residential areas (most complaints come from non-owner-occupied units)*

Zoning Regulations in Other Cities (cont.)

City	Differentiate Primary Residence vs. Investor-Owned	Require Zoning Change or CUP for Investor-Owned in Single Family	Limit Density	Limit Geographic Scope
Arlington, TX				Yes
Austin, TX	Yes	Yes	Yes	
Dallas, TX*	Yes	Yes		
El Paso, TX	Neither allowed in residential districts	Yes		
Fredericksburg, TX	Yes	Yes		
San Antonio, TX	Yes		Yes	
Atlanta, GA	Yes	Yes		
Charlotte, NC**			Yes	
Columbus, OH	Yes			
Denver, CO	Yes	Yes		

* Proposed ordinance change to differentiate

** Ordinance on hold due to North Carolina Supreme Court case

AZ, FL, IN: Municipal authority preempted

Zoning Options for Addressing Illegal STRs in Residential Zoning

- City staff has identified **four** zoning options for City Council consideration, including retaining the current Zoning Ordinance regulations for STRs.
- **None** of the options would allow STR as the main use of residential property by right within residential zoning districts.
- Zoning changes and conditional use permits require **public hearings** and votes by Zoning Commission and City Council.

Option 1: Current Ordinance

- Continue to require **zoning change** for STRs in residential zoning to PD Planned Development, mixed-use, or commercial zoning

Zoning Options for Addressing Illegal STRs in Residential Zoning (cont.)

Option 2

- Treat **owner-occupied** STRs as **Bed and Breakfast Homes**
 - Require **conditional use permit** (CUP) with five-year time limit
 - Not allowed in single-family zoning; only allowed with CUP in two-family and multifamily zoning with 400-foot separation
- Treat **investor-owned** STRs similar to **Bed and Breakfast Inns**
 - Require **conditional use permit** (CUP) with five-year time limit
 - Not allowed in single-family zoning; only allowed with CUP in high-density multifamily
- Continue to require **zoning change** for all STRs in single-family zoning

Zoning Options for Addressing Illegal STRs in Residential Zoning (cont.)

Option 3

- Allow **owner-occupied** STRs by **conditional use permit** in **all** residential districts, up to **5-10%** of block or multifamily building
- Allow **investor-owned** STRs by **conditional use permit** in **multifamily** districts, up to **5-10%** of block or multifamily building
- Continue to require zoning change for all others

Option 4

- Allow **owner-occupied** STRs **by right** in certain neighborhoods or citywide
 - Up to **5-10%** of block or multifamily building
 - Fewer than 30 booking nights per year
- Require conditional use permit or zoning change for all others

Policy Questions

Policy Questions for City Council

- Should we require legal STRs to **register** and pay HOT?
- Should we require the proposed **operating standards** as a condition of registration for STRs, with advertising platform accountability?
- Should we consider any of the **zoning options** or other options for addressing illegal STRs?
- Should Code continue to **enforce** only **nuisance** violations in response to STR complaints? **Or....**

Should they address **all** illegal STRs for zoning violations in response to complaints?

**Questions?
Comments?**

