

SHORT TERM RENTALS IN FAMILY-ORIENTED NEIGHBORHOODS

Short term house rentals (STRs) have proliferated in many family-oriented Austin neighborhoods, including the Allandale neighborhood. Since the rentals are often for just a few days and the owners do not live on site, STRs seriously threaten family-oriented neighborhoods. Neighbors have to deal with excessive noise, litter, heavy traffic, and a steady flow of strangers. STRs are full-fledged hotel-motel businesses masquerading as vacation home rentals. They are incompatible with family oriented neighborhoods. Under a Plain English reading, these rentals violate existing Austin land-use policies and zoning ordinances. The City of Austin must immediately enforce existing laws and close the offending businesses.

What are short term rentals (STRs)?

We define Short Term Rentals as houses that

- Are rented for less than 30 days.
- Are not the legal and primary residence of the owners or occupants.

A more colloquial description:

- The short rental periods are at the center of our concerns. STRs are generally rented for a few days or a week. As a result, short-term rentals function like a motel. The renters often come to Austin for UT football games, ACL, SXSW, or just to have a party. This is very different from long-term renters using rental houses as their homes.
- STRs are full-fledged businesses, not mom & pop enterprises. They are leased through internet web sites listing accommodations worldwide.
- Owners often have a large string of houses used for STRs:
 - One Allandale couple owns at least four STRs in Austin.
 - Another Allandale couple owns at least seven STRs.
 - And yet another couple owns at least twelve STR
 - There are currently at least eight of these

A major cause of the problems with STRs is that they are not the customary residence of the owner. Owners of short term rentals are absentee landlords. They do not monitor the behavior of the renters or take care of the property on a daily basis. STRs are less well monitored than a B&B, whose owner must live on site. In some ways they are even worse than a motel, which is monitored 24/7 by the owner or employees, and required by law to have a desk agent on duty.

What are our specific complaints?

- Without effective monitoring there is much potential for abuse of both the rented house and the neighborhood.
- Neighbors of STRs in Allandale have had to repeatedly deal with
 - Late and excessive noise,
 - Unkempt lawns, litter and overflowing trash,
 - Massive parking and blocking of right of way,
 - Home invasions by lost renters
 - Late night, heavy and speeding vehicular traffic,
 - Verbal abuse and bullying of neighbors by STR owners,
 - A steady flow of strangers in the neighborhood,
 - Lack of building code compliance, State health and CoA Fire Department inspections.
 - Our older residents and parents with young children are particularly distressed by these abuses.

What does the ANA want in regard to STRs?

STRs should be forbidden from family-oriented neighborhoods, especially those with many children and those with older, retired couples. Currently such neighborhoods are often zoned SF and MF.

- We do not wish to restrict B&B'S, retirement housing or normal residential uses.
- We do not wish to restrict long-term leasing or rentals of homes.

- We do not wish to restrict people who rent their primary residence for short periods of time, for example during SWSX or while they are on sabbaticals or short vacations.
- We do not wish to restrict low-impact businesses run from peoples' primary residences.

Is our goal consistent with City of Austin land use policy?

CoA land use policy is described in "City of Austin Guide to Land Use Standards" (May 2008).

One principle of CoA land use policy is

"Minimize negative effects between incompatible land uses."

Land use policy for single family and two family uses includes:

"Preserve the land use pattern and future viability of existing neighborhoods"

"Protect residential neighborhoods from incompatible business or industry and the loss of existing housing."

STRs are incompatible with CoA land use standards because they change existing land use patterns from family oriented to a mix of family-oriented and commercial use. STRs change the land use patterns of existing family-oriented neighborhoods.

Do we wish a major change to City of Austin Code?

It is our position that existing CoA code already forbids STRs in family oriented neighborhoods.

STRs satisfy the definition of hotel/motel/boarding house several places in existing city code, in state code, and IRS tax code. Note that City code explicitly recognizes that rentals over 30 days are not HOTEL-MOTEL uses.

25-2-4 COMMERCIAL USES DESCRIBED

(A) (35) "HOTEL-MOTEL use is the use of a site for the provision of rooms for temporary

lodging. This use includes hotels, motels, and transient boarding houses.

11-2-1 DEFINITIONS

(3) HOTEL means a building in which members of the public may obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or other building where a room is furnished for a consideration, but does not include a hospital, sanitarium, or nursing home.

11-2-2 (B) this chapter does not impose a tax on:

(1) a person who has the right to use or possess a hotel room for at least 30 consecutive days, so long as there is no interruption of payment for the period.

Existing CoA code explicitly forbids any and all commercial uses in family oriented neighborhoods, including all SF and MF zones. STRs are a commercial use and are, therefore, forbidden. Bed and Breakfast establishments are allowed and require the owner to live on site.

25-2-3 RESIDENTIAL USES DESCRIBED.

(A) Residential uses include the occupancy of living accommodations on a non-transient basis. Residential uses exclude institutional living arrangements providing 24-hour skilled nursing or medical care and those providing forced residence, including mental hospitals and prisons.

(B) Residential use classifications are described as follows:

(1) BED AND BREAKFAST RESIDENTIAL use is the use of a residential structure to provide rooms for temporary lodging for overnight guests on a paying basis (25-2-782 Owner must reside on site).

Existing CoA code explicitly forbids HOTEL-MOTEL use in family oriented neighborhoods, including all SF and MF zones. STRs are a HOTEL-MOTEL use and are, therefore, forbidden.

25-2-491 PERMITTED, CONDITIONAL, AND PROHIBITED
USES: See ZONING USE SUMMARY TABLE (LAND DEVELOPMENT
CODE) FOR PERMITTED USES IN ALL SF AND MF ZONED AREAS.

What exactly do we want?

- We want the City of Austin land use policy to be followed so that our family oriented neighborhood is not damaged by incompatible commercial uses.
- We want the City of Austin to recognize the plain English meaning of the existing code that explicitly states that STRs satisfy the definition for HOTEL/MOTEL use and are covered by existing CoA codes forbidding HOTEL/MOTEL use in SF and MF zones.
- We want the City of Austin to require STRs to comply with code and cease rentals of less than 30 days.
- We do not want existing STR operations to be 'grandfathered'

**Position Paper prepared by the Short Term Rental
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