

ARTICLE XII. RENTAL HOUSING¹

DIVISION 3. SHORT-TERM RENTALS

Sec. 18-975. Purpose.

The purpose of this division is to establish regulations for the efficient establishment, operation, maintenance, and regulation of short-term rentals in the city by requiring a permit, providing for inspection, providing regulations, and providing for enforcement of same. This division will further serve the interests of the city by preserving the character, integrity, and stability of residential neighborhoods, ensuring the regular collection of hotel occupancy taxes, and protecting the public health and safety through the adoption of fire safety and public health and sanitation requirements, while balancing governmental interests appropriately with private property rights.

Sec. 18-976. Annual short-term rental permit; requirements.

- (a) No person may operate a short-term rental, and shall not offer for rent, lease, or occupancy, a short-term rental, without a current, valid annual permit from the city.
- (b) All annual permits shall expire on January 31 each year. A permit renewal application must be submitted between December 15 and January 31. If an original application is approved after December 15 and before January 31, that permit shall continue until January 31 of the following year..
- (c) An application for a permit shall be submitted by the owner of the property on the form provided by the city. Each permit application shall be accompanied by a non-refundable fee in accordance with the city's master fee schedule, as amended.
- (d) A property owner shall provide a floor plan and parking plan in conjunction with the permit application.
- (e) A permit will not be approved unless the applicant can provide proof that hotel occupancy tax has been paid to the city for all rentals of the property.
- (f) A permit will not be approved unless the applicant can demonstrate compliance with all of the requirements of this division.
- (g) A permit application is considered complete when a completed application form and all documentation required by this division has been submitted, all registration fees have been paid, and an initial inspection has successfully passed.
- (h) A permit to operate a short-term rental is not transferable to another owner, operator, or location.

Sec. 18-977. Inspections.

- (a) To ensure compliance with the requirements of this division, a short-term rental will be inspected as follows:
 - (1) An initial inspection shall be conducted after submission of an application for permit and before the permit is approved;
-

-
- (2) Additional inspections may also be performed up to once per quarter to ensure compliance with this division; and
 - (3) An inspection may be performed any time the city receives a complaint alleging a violation of this division or of any city health and safety code.
- (b) The city shall provide the owner of the property notice of the inspection by personal delivery, by email communication, or by certified mail at least ten (10) days prior to the inspection. If the owner of the property does not cooperate to allow an inspection within ten (10) days, the city shall be entitled to obtain an administrative search warrant to enter the property and perform the inspection upon a showing of grounds for an inspection pursuant to subsection (a).
 - (c) After each inspection, an inspection report shall be prepared detailing the findings of the inspection and shall note any violations of the city health and safety codes or this division. A copy of the report shall be delivered to the property owner by personal delivery, by email communication, or by certified mail. When an inspection reveals any violation of the city health and safety codes or a violation of this division, the property may not be occupied or rented until all noted violations are corrected and the correction is verified through a reinspection.
 - (d) If an inspection identifies a violation, the first reinspection shall not require the payment of a reinspection fee. Any additional reinspection may be charged a non-refundable reinspection fee in accordance with the city's master fee schedule, as amended.

Sec. 18-978. Local Point of Contact

- (a) A local point of contact must be provided and maintained for every short-term rental, including the name, mailing address, physical address, phone number, and email address. Any updates to the contact information for the local point of contact must be timely provided to the city.
- (b) The local point of contact must be available to receive and respond to complaints by phone 24-hours a day.
- (c) The local point of contact shall respond to a contact from the city about a complaint concerning the short-term rental or its occupants by contacting the city within sixty (60) minutes of the contact. The local point of contact shall contact the occupants to address the complaint within 60 minutes of responding to the city.

Sec. 18-979. Parking.

- (a) General Requirements. All parking must be on improved surfaces and shall not overhang or impede a sidewalk.
- (b) Single-family property. Parking for a short-term rental on a single-family property shall be limited to four (4) vehicles and all vehicles must be accommodated by off-street parking, either in a garage or a driveway. On-street parking is prohibited by occupants or operators of a short-term rental on a single-family property.
- (c) Multifamily property. Parking for a short-term rental on a multifamily property must comply with the parking requirements for the multifamily complex, and all parking must be accommodated on the multifamily complex site. On-street parking is prohibited by occupants or operators of a short-term rental on a multifamily property.

Sec. 18-980. Maximum Occupancy

- (a) The maximum occupancy rate for a short-term rental is that rate determined by the definition of maximum occupancy rate under this chapter.
- (b) It shall unlawful for an owner or occupant of a short-term rental to allow or cause the maximum occupancy rate for a short-term rental to be exceeded.
- (c) It shall be unlawful for any person to advertise a short-term rental for an occupancy in excess of the maximum occupancy rate established by this section.

Sec. 18-981. Noise.

It shall be unlawful for the owner or occupant of a short-term rental to cause or allow unreasonably loud, disturbing, or unnecessary noise to leave the premises in violation of Section 34-33(23) of this code.

Sec. 18-982. Record-keeping.

- (a) Records of all bookings and fees collected for a short-term rental shall be maintained for a period of at least three years.
- (b) Such records shall be made available to the city upon request in order to determine compliance with this division.

Sec. 18-983. Health and safety

- (a) A short-term rental must comply with all applicable city health and safety codes, including but not limited to all building and fire codes.
- (b) In addition to all other health and safety code requirements, the following items must be provided in a short-term rental in accordance with the requirements of the city's adopted building and fire codes:
 - (1) working smoke detectors;
 - (2) working type A fire extinguishers; and
 - (3) carbon monoxide detectors.
- (c) The owner of a short-term rental must obtain annual independent inspections of all fire extinguishers.

Sec. 18-984. Advertisements and signage.

- (a) All advertisements and listing for a short-term rental must include the assigned permit number for the permit issued under this division.
- (b) It shall be unlawful to advertise a short-term rental without a current, active annual permit in accordance with this division.
- (c) It shall be unlawful to post external signage on the property of a short-term rental advertising the short-term rental.

Sec. 18-985. Guest safety notification and minimum requirements.

Each owner of a short-term rental unit shall provide written guest safety information which shall be displayed at all times inside the unit near the main entrance used by guests, and shall include the following minimum information:

- (1) The property address.
- (2) The owner's, operators, or local point of contact's name and 24-hour local contact telephone number.
- (3) Pertinent neighborhood information including, but not limited to, maximum occupancy, parking locations, and trash collection location and schedule.
- (4) Quiet hours are between 10:00 p.m. and 7:00 a.m., Monday through Saturday and 10:00 p.m. and 9:00 a.m. on Sunday, as per city noise restrictions.
- (5) Information to assist guests in the case of an emergency posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, emergency medical services, and code compliance, and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

-
- (6) Depiction of floor plan identifying evacuation routes, including the dwelling's exits, primary evacuation routes and secondary evacuation routes.
 - (7) If the property allows pets, the notice must also include notice that the City requires pets to be restrained by leash or other apparatus when not contained by fence or building.
 - (8) A statement notifying the guest(s) that failure to comply with these regulations is a violation of city ordinance and may result in criminal prosecution and/or civil action.

Sec. 18-986. Hotel occupancy tax.

- (a) The owner of a short-term rental shall submit quarterly hotel occupancy tax reports to the city and pay the hotel occupancy tax to the city for all rental fees.
- (b) It shall be unlawful for a person to operate or allow the operation of a short-term rental without submitting the required hotel occupancy tax reports and paying the required hotel occupancy tax.

Sec. 18-987. General Requirements.

- (a) No person shall operate a short-term rental in a manner that does not comply with all applicable city and state codes and laws.
- (b) No person shall operate or allow the operation of a short-term rental with an active alarm system that has not been registered with the North Richland Hills Police Department.
- (c) No person shall use or permit the use of a short-term rental unit to promote or carry out activities that are illegal or for any commercial use other than an authorized home occupation under Sec. 118-727.
- (d) No person shall use or permit the use of tents, temporary structures, accessory buildings not intended for use or occupancy by guests, recreational/camper vehicles or other vehicles and outdoor areas that are not residential dwellings as short-term rentals.

Sec. 18-988. Denial of annual permit application; appeal.

- (a) An application for annual permit may be denied by the chief building official if:
 - (1) The application contains false information, is incomplete, or is not timely supplemented at the request of the city;
 - (2) The applicant has prevented, refused, or impaired an inspection under this division
 - (3) The applicant has actively concealed any condition that presents a threat to life, health, or safety or that is a violation of any provision of this division or any city health and safety code;
 - (4) The short-term rental is not in compliance with minimum standards imposed by this division or by the city health and safety codes; or
 - (5) A permit under this division for the short-term rental has been revoked within the last twelve (12) months.
 - (b) The chief building official shall give written notice to the applicant if an annual permit is denied. A notice of denial shall identify the permit application, state with specificity the reason for the denial, and advise of the right to appeal the denial by quoting subsection (d). The notice shall be delivered to the applicant by personal delivery or by sending the notice by certified mail, return receipt requested, to the address on the permit application. The notice shall be deemed delivered upon personal delivery or three (3) days after being deposited with the U.S. Postal Service sent certified mail, return receipt requested, at the address for the applicant on the permit application.
 - (c) A denial of a permit application is effective immediately upon delivery of the notice pursuant to subsection (b).
-

-
- (d) The applicant may appeal the denial of a permit to the Board . Notice of appeal must be submitted within twenty (20) calendar days from receipt of the notice denial. The notice of appeal must be submitted in writing to the Chief Building Official, addressed at North Richland Hills City Hall and the notice of appeal must identify the application, identify the property that is the subject of the application, state that the denial is being appealed to the Board of Adjustment, and state the grounds for the appeal.

Sec. 18-989. Suspension or revocation of annual permit; appeal.

- (a) A permit issued under this division may be revoked or suspended by the chief building official if:
- (1) After approval, an application is found to have contained false information; fail to update.
 - (2) Upon an inspection under this division, the short-term rental is found to have conditions that present a danger to life, health, or safety and the dangerous conditions are not timely corrected;
 - (3) Upon an inspection under this division, the short-term rental is found to not be in compliance with minimum standards imposed by this division or by city health or safety codes and the violations are not timely corrected;
 - (4) An owner or operator has prevented, refused, or impaired any inspection of the short-term rental;
 - (5) An owner or operator has actively concealed any condition that presents a threat to life, health, or safety or any condition that is a violation of any provision of this division or any city health and safety code;
 - (6) A notice of violation or order to correct, issued by the chief building official or designee, has not been complied with, and at least seven days have elapsed since the order to correct was issued;
 - (7) The short-term rental is deemed a dangerous building by the city pursuant to Chapter 98 of this code; or
 - (8) If it is determined that three (3) or more violations of this division have occurred related to the short-term rental within a twelve (12) month period; or
 - (9) If it is determined that five (5) or more violations of federal law, state law, or this division have occurred related to the short-term rental within a twenty-four (24) month period.
- (b) The chief building official shall give written notice to permit holder that the permit is suspended or revoked. A notice of suspension or revocation shall identify the permit, state with specificity the reason for the suspension or revocation, and advise of the right to appeal the suspension or revocation by quoting subsection (d). The notice shall be delivered to the permit holder by personal delivery or by sending the notice by certified mail, return receipt requested, to the address provided for the owner as part of the permit application. The notice shall be deemed delivered upon personal delivery or three (3) days after being deposited with the U.S. Postal Service sent certified mail, return receipt requested, at the address for the permit holder on the permit application.
- (c) A suspension or revocation of a permit is effective immediately upon delivery of the notice pursuant to subsection (b).
- (d) A permit holder may appeal the suspension or revocation of a permit to the Board . Notice of appeal must be submitted within twenty (20) calendar days from receipt of the notice of the suspension or revocation. The notice of appeal must be submitted in writing to the Chief Building Official and the notice of appeal must identify the permit, identify the property that is subject to the permit, state that the suspension or revocation of the permit is being appealed to the Board, and state the grounds for the appeal.
- (e) The chief building official's suspension or revocation of a permit shall be stayed during the pendency of an appeal to the Board.

Sec. 18-990. Discontinuance of Operations

- (a) The owner of a property used as a short-term rental who is unable, fails, or refuses to obtain a permit for operation as a short-term rental following the effective date of this division, shall discontinue the short-term

rental use within ninety (90) days of the effective date of this division or thirty (30) days from the notice of permit denial, whichever is later.

- (b) All short-term rental uses located in zoning districts where short-term rentals uses are not permitted by right and issued a permit under this division shall discontinue the short-term rental use within thirty (30) days after the revocation or denial of the renewal of the short-term rental permit. A short-term rental use that is discontinued under this subsection shall not be resumed.
- (c) All short-term rental uses located in zoning districts where short-term rental uses are not permitted by right shall be subject to the abandonment provisions contained in section 118-153(i) of the city zoning ordinance. A short-term rental use abandoned under this subsection shall immediately discontinue the short-term rental use upon the effective date of the abandonment. A short-term rental use that is abandoned under this subsection shall not be resumed.
- (d) It shall be a defense to any permit denial based on the abandonment of a nonconforming use that the short-term rental use was suspended, for a period of one hundred eighty (180) or more days, for repair or renovation, and the property owner:
 - (1) notified the city of such suspension of use before the expiration of the abandonment period described by subsection (c);
 - (2) files a zero-dollar hotel occupancy tax report on a quarterly basis as required by chapter 74, article IV of the code; and
 - (3) renews the short-term rental permit in accordance with section 18-976 of the code.

Sec. 18-991. Continuance of Operations

- (a) For properties located in zoning districts where short-term rental uses are not permitted by right, the owner of a property used as a short-term rental prior to the effective date of this division that is able to come into compliance with the requirements of this division, including obtaining a permit and paying all hotel occupancy taxes owed for the property, within ninety (90) days of the effective date of this division, may continue to operate so long as the owner maintains compliance with all the requirements of this division.
- (b) For properties located in zoning districts where short-term rental uses are not permitted by right, a short-term rental permit for a property operating pursuant to authority in subsection (a) may be transferred subject to the following regulations:
 - 1. A permit transfer shall be required upon transfer of more than fifty percent (50%) of the ownership interest in any short-term rental, including any such transfer of interest in a legal entity owning a short-term rental.
 - 2. The new owner must submit a new permit application in accordance with section 18-976 within the time period for obtaining a permit under subsection (a), beginning on the date of closing on the property or, in the absence of a closing date, other effective date of the transfer of interest.
 - 3. In the event the new owner fails to submit a short-term rental permit application within the time period identified in subsection (a), the short-term rental use must be discontinued immediately, and the short-term rental permit shall not be transferred or issued.

Secs. 18-992—18-995. Reserved.

DIVISION 6. ENFORCEMENT; REMEDIES

Sec. 18-996. Order to correct.

Upon inspection of rental property or any rental unit, the Chief Building Official or designee may issue a notice of violation or order to correct any violations found during an inspection, requiring the owner, landlord, or operator to correct any violation of any provision of this article or of any city health and safety code. The chief building official or designee may establish a time within which a specified violation must be corrected, and repairs be made. An order to correct may be revised, amended, or extended by the chief building official as may be appropriate under the circumstances.

Sec. 18-997. Appeal of administrative action.

- (a) An owner or operator may appeal to the Board alleging error in any order, requirement, decision, or determination made by the chief building official or an administrative official in the enforcement of this article. Notice of appeal must be submitted to the Board within twenty (20) calendar days from service of the order, requirement, decision, or determination. The notice of appeal must be submitted in writing to the Chief Building Official and the notice of appeal must identify the application or permit at issue, identify the property that is subject of the application or permit at issue, state that the action is being appealed to the Board of Adjustment, describe the action being appealed, and state the alleged error in the action.
- (b) An order, requirement, decision, or determination of the chief building official or an administrative official in the enforcement of this article is deemed to be received on the date that it is personally delivered to the owner or operator or three (3) days after it is deposited with the U.S. Postal Service, sent certified mail, return receipt requested and addressed to the address on the application or permit.

Sec. 18-998. Appeal hearing.

- (a) The Board may hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by the chief building official or an administrative official in the enforcement of this article or an appeal from the denial of a permit application or suspension or revocation of a permit under this article.
- (b) The Board shall schedule a hearing as soon as practicable upon the timely filing of an appeal, but the hearing shall be scheduled no sooner than ten (10) days and no more than twenty (20) days after the appeal is filed. Notice of the date, time, and location of the hearing shall be delivered to the appellant, the owner or operator, and the chief building official by personal delivery or by depositing the notice with the U.S. Postal Service, sent certified mail, return receipt requested, addressed to the address on the notice of appeal, the permit application, or the permit, as applicable. The notice of the hearing shall be deemed to be delivered upon

personal delivery or three (3) days after being deposited with the U.S. Postal Service in accordance with this subsection.

- (c) The owner, property manager, operator, chief building official, and any other interested persons may attend and present evidence at the hearing. Any party may be represented by an agent or attorney in the hearing.
- (d) An appeal before the Board must be heard by at least 75 percent of the members. A simple majority vote of members present shall be enough to take action, but a concurring vote of 75 percent of the members of the Board is necessary to reverse an order, requirement, decision, or determination of an administrative official. The Board shall promptly render a decision based on the merits of the appeal and the evidence presented at the hearing, and the decision of the Board shall be filed in the office of the Board. The Board's decision shall be final and binding.
- (e) An appellant who seeks judicial review of the Board's determination on appeal must do so in accordance with the Section 118-97 of this code. All of the provisions of Chapter 118 of this code shall apply to an appeal of a Board determination made under this article.

Sec. 18-999. Enforcement; remedies; penalties.

- (a) This article may be enforced, and the requirements of this article must be met, by owners of rental properties, short-term rentals, and hotels and motels, as well as any person occupying, in control of, or responsible for management of the property, including but not limited to landlords, operators, managing agents, property managers, and occupants. Enforcement against one shall not preclude enforcement of the same violation against another.
- (b) The remedies provided for in this article are nonexclusive. The city may, at its option, pursue the remedies provided for in this article as well as any and all other remedies available to the city at law or in equity.
- (c) Any person, firm, or association violating any provision of this article relating to the registration and permitting of rental properties, short-term rentals, and hotels and motels shall be punished by a fine not exceeding \$500.00. All other violations of any provision of this article, including the continued operation of a rental property, short-term rental, or a hotel or motel following revocation of a permit, shall be punished by a fine not exceeding \$2,000.00.
- (d) It is the intent of the city in adopting this article that the provisions of this article govern fire safety and public health and sanitation.
- (e) Violations of the provisions of this article are deemed strict liability offenses. No intent need be pleaded or proven in the prosecution of any offense or violation of any provision of this article.
- (f) Each day in which a violation of any provision of this article occurs or continues to exist shall be deemed to be a separate offense.