

First Reading
August 27, 2019
Item No. 7.14

Second Reading
September 10, 2019
Item No. 7.15

ORDINANCE NO. 2019-00127

AN ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, BY AMENDING ARTICLE 40.06 CREATING A REQUIREMENT FOR A REGISTRATION FOR THE OPERATION OF SHORT TERM RENTALS AND THE REQUIREMENT TO PAY HOTEL OCCUPANCY FEES TO THE CITY OF LUBBOCK WHEN OPERATING A SHORT TERM RENTAL WITHIN THE CORPORATE LIMITS OF THE CITY OF LUBBOCK; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the proliferation of short term rentals being operated within the City of Lubbock has increased, and in order to preserve the health, safety, and welfare of local homeowners, neighborhoods, citizens, and visitors of Lubbock, the institution of a short term rental registration is necessary, and

WHEREAS, at its regularly scheduled meeting on August 6, 2019, the City of Lubbock Planning and Zoning Commission (the "Commission") heard a briefing from city staff regarding the purpose for creating a short term rental registration and certain prohibitions of use, and requiring the collection and remittance of hotel occupancy taxes for operating a short term rental; and

WHEREAS, the Commission recommends approval of the following ordinance amendments; **NOW THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT 40.06 of the Code of Ordinances of the City of Lubbock, Texas, is amended to read as follows:

Chapter 40, Article 40.06

Sec. 40.06.001 Definitions

1. Agent. A person designated in writing by the short term rental operator in lieu of themselves as the 24-hour emergency contact for a lawfully operating short term rental.
2. Operator. Any person who operates a short term rental, as defined in this Article.
3. Owner. The person or entity that holds legal and/or equitable title to real property.

4. Short term rental. A residential dwelling unit(s) that is rented out for compensation on a temporary basis for a period of less than 30 consecutive days.
5. Short term rental permit. A permit issued by the city that identifies the address of the subject property as a lawful short term rental, the short term rental permit number, the names and contact information of the owner, operator, and agent, if applicable, and a 24-hour emergency contact phone number for all of the preceding persons.

Sec. 40.06.002 Short Term Rental Permit Required

- (a) It shall be an offense for an owner, operator, or agent to operate a short term rental without a permit obtained from and authorized by the City of Lubbock.
- (b) Permit fee shall be an annual fee of \$100.00 and is subject to annual review pursuant to Section 1.03.004 of the City Code of Ordinances.
- (c) A permit issued under this section may not be transferred and does not convey with the property upon sale.

Sec. 40.06.003 Permit Denial and Revocation

The Director of Planning, or designee, may determine that a permit required under this section should be denied or revoked for the reasons set forth below. The Planning Department shall provide written notice of the denial or revocation of a permit to the applicant, detailing the reason for the denial or revocation of the permit, and a statement informing the applicant of its right to appeal the denial or revocation of its permit to the Permit and License Appeal Board, in the manner set out in Chapter 2, Article 2.03 of this Code of Ordinances.

- (a) Denial of Permit. The application shall be denied, and no permit shall be issued, if the City finds that:
 1. Any statement made in the application is incomplete, inaccurate, misleading, or false; or
 2. The applicant has not complied with this article or has had a history of noncompliance with the provisions of this article.

- (b) Revocation of Permit. The City may revoke a permit due to applicant's failure to comply with permit requirements, this article, or any applicable federal, state, or local law or regulation.

Sec. 40.06.004 Hotel Occupancy Tax Payment Required

- (a) An owner, operator, or agent operating a short term rental for use shall assess and collect the hotel occupancy tax in accordance with Chapter 351 of the Texas Tax Code, and
- (b) Shall timely remit to the City of Lubbock accounting department, or designee, all city hotel occupancy taxes collected pursuant to state law.

SECTION 2. THAT the effective date of this ordinance shall be January 1, 2020, except the requirement to obtain a permit which shall become effective October 1, 2019.

SECTION 3. THAT a violation of any provision of this Ordinance shall be deemed a misdemeanor punishable in accordance with state law and Section 1.01.004 of the Code of Ordinances of the City of Lubbock.


SECTION 4. THAT should any paragraph, sentence, clause, phrase or work of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

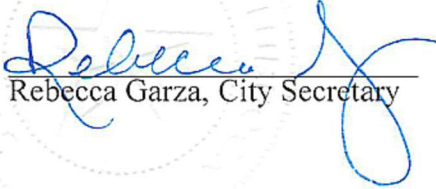
Passed by the City Council on first reading this 27th day of August, 2019.

Passed by the City Council on second reading this 10th day of September, 2019.



DANIEL M. POPE, MAYOR

ATTEST:



Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Latrelle Joy, Councilwoman, District 6



Randy Christian, Councilman, District 5

APPROVED AS TO FORM:



Mitchell Satterwhite, First Assistant City Attorney