

ORDINANCE NO. 26005-02-2023

AN ORDINANCE AMENDING CHAPTER 7, “BUILDINGS” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY ADDING ARTICLE XIII, ENTITLED “REGISTRATION OF SHORT TERM RENTALS”; ESTABLISHING GENERAL STANDARDS AND A REGISTRATION PROCESS FOR SHORT-TERM RENTALS; ESTABLISHING FEES; PROVIDING DEFINITIONS, PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Worth (“City”) has conducted research on the nature and extent of short-term rentals (STRs) in the City and has obtained public input at public meetings regarding the impact of STRs on neighborhoods in the City; and

WHEREAS, the City’s Zoning Ordinance does not allow the use of property zoned residential to be used for transient, short-term stays for less than 30 days, termed short-term home rental; and

WHEREAS, the City has received numerous complaints about STRs from citizens who have contacted code enforcement, police and city councilmembers about STRs; and

WHEREAS, when investigating complaints, the City does not have adequate contact information for owners of STRs, which would be beneficial in timely responding to complaints and in the event of life, health or safety emergencies; and

WHEREAS, the City Council desires to ensure the health and safety of guests and residents, but also support tourism in a balanced way; and

WHEREAS, the City Council reviewed a variety of possible regulations for short-term rentals and determined that enacting a registration program for STRs will serve to balance the rights of all stakeholders through a fair and balanced regulatory framework and ensure that the STRs do not become a nuisance; and

WHEREAS, the City wishes to adopt regulations requiring the registration of STRs in Fort Worth, which will allow the City to properly identify the location of STRs, to ensure that the STRs are paying all required taxes to the City, including hotel occupancy taxes, and to provide contact information for owners and agents of STRs to aid in responding to complaints and emergencies; and

WHEREAS, City Council finds that regulating the short-term rental property is necessary for the health, safety and welfare of the general public, the promotion of consistent land uses and development, and the protection of landowners and residents of the City of Fort Worth;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

The Code of Ordinances of Fort Worth, Texas is hereby amended by adding a new article, entitled Article XIII “Short-Term Rental Registration” to Chapter 7 “Buildings”, comprised of Sections 450 through 473 which read as follows:

ARTICLE XIII: SHORT-TERM RENTAL REGISTRATION

DIVISION I: GENERAL PROVISIONS

Sec. 7-450 Title

This Article of the Code of the City of Fort Worth is hereby designated and shall be known and referred to as the “Short-Term Rental Registration” Article of the City Code of Ordinances.

Sec. 7-451 Purpose

The purpose of this Article is to safeguard the life, health, safety, welfare, and property of the occupants of short-term rentals, the neighbors of said occupants, and the general public, through the regulation of short-term rental property.

Sec. 7-452 Applicability

The provisions of this Article shall apply to all existing and future properties, both primary and accessory structures, and any portions thereof where allowed in accordance with the City’s Zoning Ordinance.

Sec. 7-453 Definitions

Administrator means the Director of the department designated by the City Manager to enforce and administer this Article, including the Director’s designees.

Advertise means the act of drawing the public’s attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

Bedroom means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

Booking Service means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an Owner and a prospective Occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

Hosting Platform means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, Booking Services through which an Owner may offer premises for an occupant on a short-term basis. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform that allows an Owner to advertise the premises through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be occupant pays rent directly to the Owner or to the Hosting Platform.

Occupant means any individual person living, sleeping or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract or other legal document to be considered an occupant.

Owner means any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property; or who is recorded in the official records of the county as holding title to the property; or who otherwise has control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.

Premises means for the purposes of this article property, a lot, plot or parcel of land, including any structures or portions of structures thereon.

Short-term rental (STR) means the rental for compensation of dwellings or accessory dwelling units or portions thereof for the purpose of overnight lodging for a period of not less than one night and not more than 29 consecutive days other than ongoing month-to-month tenancy granted to the same renter for the same unit as their primary residence. This is not applicable to hotels, motels, and bed and breakfasts homes or bed and breakfast inns or rentals made for less than thirty days upon the sale of a dwelling when the tenancy is by the former owner.

DIVISION II: GENERAL REGULATIONS

Sec. 7-454 Unregistered short-term rentals prohibited

It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise permit or allow any premises to be operated or used as an unregistered short-term rental in accordance with this Article.

Sec. 7-455 Short-term rental registration required

An owner who desires to use its premises as a short-term rental must have a valid, active short-term rental registration from the City prior to using, allowing the use of, or advertising the use of said premises as a short-term rental. Upon application to the City, a short-term rental permit may only be approved by Administrator, or designee, if the application satisfies all the conditions of this Article, the “Taxation” Chapter, and the “Zoning Ordinance” of the City Code.

Sec. 7-456 Expiration of registration; renewals

A short-term rental registration shall expire on the last day of the month one year after the date of issuance. No short-term rental registration may be renewed without a completed renewal application submitted by the owner and payment of the renewal fee. An application for the renewal of a short-term rental registration may only be approved by the Administrator, or designee, if the renewal application satisfies all the conditions of this Article and all other applicable City Code provisions, including the Zoning Ordinance.

Sec. 7-457 Requirements of registration application.

(a) Except as provided in this Section, every complete application for a short-term rental registration shall include the following information with such detail and in a form approved by the Administrator:

1. The physical/street address of the short-term rental;
2. The name, address, email address(es), phone number(s) and authenticated signature for the owner(s) of the premises and the corporation owner’s representative as applicable;
3. The name, address, email address and phone number(s) of the operator(s), agent(s) if any, and designated local responsible party as required in Sec. 7-458;
4. Such certifications deemed necessary and proper to ensure compliance with this Article.

(b) An application for a short-term renewal registration may be filed beginning thirty (30) days prior to expiration of a current registration. Every complete application for a short-term rental renewal registration shall include updates, if any, to the information contained in the original registration application or any subsequent renewals. The registration holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete. The Administrator may require such certifications deemed necessary and proper to ensure continuing compliance with this Section.

(c) An application for a short-term rental renewal registration submitted after the expiration of the most immediate registration for the premises shall be treated as an application for a new registration as described in subsection A of this Section.

(d) Applications shall not be considered complete until all documentation required under this Article is submitted, and until the full application and registration fees have been paid. Incomplete applications will not be accepted.

Sec. 7-458 Designation of local responsible party required

An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. The person designated may be the owner or another individual. The owner or individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local responsible party must be able to and shall be present at the premises within one (1) hour of call from Administrator, or his designee. A local responsible party must be authorized to make decisions regarding the premises and its occupants.

Sec. 7-459 Registration and Renewal Fees

(a) A registration fee of \$150.00 will be charged to reimburse the City for costs associated with the administration of this Article.

(b) An annual renewal fee of \$100.00 will be charged upon filing of the renewal application.

(c) The applicable fee shall be paid at the time the initial application is filed and at the time each renewal application is filed with the Department.

Sec. 7-460 Hotel occupancy taxes; Request for occupancy history

Every person owning, operating, managing or controlling short-term rental shall collect the tax imposed in section 32-17 of this City Code for the city and remit the same to the tax assessor-collector on or before the due date, and at the same time file the report required by sections 32-18 and 32-19. If any person shall fail to collect the tax imposed in Chapter 32, or shall fail to file a report as required by section 32-19, or shall fail to remit to the tax assessor-collector the tax as imposed in Chapter 32 when such report or remittance is due, or shall file a false report, then such person shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-6 of this Code.

Sec. 7-461 Short-term rental registration nontransferable

A short-term rental registration is non-transferable and shall not be assigned nor transferred to another person or entity. Any attempt to transfer a registration or attempt to use another person's registration may be grounds for revocation of said registration.

Sec. 7-462 Restrictions on number of occupants and reservations

(a) It shall be unlawful for an owner or person to rent, allow, provide, or advertise for more than two (2) persons per bedroom, plus two (2) additional persons, when using the premises as a short-term rental.

- (b) Regardless of the number of bedrooms at the premises, it shall be unlawful:
1. For more than twelve (12) persons (including children), to occupy a short-term rental at any one time; or
 2. For the owner or operator to allow, suffer, or permit the number of occupants living, sleeping or possessing a short-term rental to exceed the maximum occupancy shown on the short-term rental permit or renewal permit.

(c) It shall be unlawful for an owner or person to rent or allow more than one group at a time.

(d) A visual inspection of more than twelve (12) persons by a city employee at the premises is prima facie evidence of and shall be probable cause to issue a citation for a violation of this section.

Sec 7-463. Parking restrictions

The maximum amount of motor vehicles allowed at a short-term rental shall be limited to the number of available off-street parking spaces. It shall be unlawful for an owner or person to permit, allow or advise occupants to park more vehicles on the premises than the available off-street parking spaces, to suffer or permit parking of vehicles on an unapproved surface, or to allow parking of vehicles on public streets not in accordance with City ordinances.

Sec. 7-464 Minimum stay required.

It shall be unlawful for an owner to rent or lease a short-term rental for a period of less than one night.

Sec. 7-465 Advertising, promoting or allowing of special events prohibited

(a) It shall be unlawful for an owner or occupant to advertise or promote a special event, or allow the advertising and promotion of a special event (e.g. event center, banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises (i.e. utilize the premises as an event center as defined in the Zoning Ordinance).

(b) It shall be unlawful for an owner or occupant to allow, suffer or permit an event center or special event as described to be held on the premises.

Sec. 7-466 Notice to occupants of short-term rentals

An owner or person operating a short-term rental shall provide a notice of instructions (also known as “host rules”) to occupants staying at the premises. The notice shall instruct the occupants as to all applicable City regulations pertaining to short-term rentals. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on noise, and curfew times.

Sec. 7-467 Registration to be displayed.

A copy of the approved short-term rental registration shall be posted at a conspicuous location inside the front entrance(s) to the short-term rental.

Sec. 7-468 Use of assigned registration number required

It shall be unlawful for an owner or person to advertise a short-term rental in any medium, including but not limited to Hosting Platforms, newspaper, magazine, brochure, website, or mobile application without including the current registration number assigned by the Administrator.

Sec. 7-469 Use of unauthorized registration number prohibited

It shall be unlawful for an owner or person to use, advertise or promote or allow the use, advertisement or promotion of a short-term rental using a registration number not assigned to the owner or person, or to a different address, or to a different dwelling unit.

Sec. 7-470 Miscellaneous Restrictions

(a) It shall be unlawful for an owner or occupant of a short-term rental to allow, permit, or make any noise that would be in violation of the City’s noise ordinance under Chapter 23-8 of the City’s Code of Ordinances.

(b) Owner or person shall place all garbage, rubbish, and recyclables in accordance with Chapter 12.5 “Environmental Protection and Compliance”, Article VIII “Solid Waste and Recycling”.

DIVISION III. ADMINISTRATIVE PROCEDURES

Sec. 7-471 Revocation of registration

(a) Grounds. Any registration issued hereunder may be revoked by the

Administrator if the permit holder has

1. received one or more citations for violations of this article or any other provision of City Code within the preceding 12-month time period; or
2. knowingly made a false statement in the application; or
3. fails to notify the Administrator in writing of any material change in the information; or
4. fails to comply with requirements provided in Chapter 32, Article II, titled "Hotel Occupancy Tax"

(b) Notice. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. If the registration holder is not an individual, then service can be made to either the agent of the owner or the local responsible party. Such service on either individual shall constitute as proper notice as required under this Article. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.

(c) Appeal; hearing. The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal in accordance with the provisions of this Article.

(d) One-Year Waiting Period. In the event an owner's short-term rental registration is revoked by the Administrator and the applicant fails to successfully appeal the Administrator's decision, no second or additional registration shall be issued for a short-term rental on the premises for one year of the date such registration was revoked.

Sec. 7-472 Appeal of Revocation of Registration

If the Administrator revokes a registration under Section 7-471, the Administrator's decision is final unless the owner, within ten (10) days after the receipt of written notice of the action, files a written appeal with the City Manager or his designee, who shall, within ten (10) days after the appeal is filed, consider all the evidence in support of or against the action appealed, and render a decision, either sustaining or reversing the action. The decision of the City Manager or his designee is final.

DIVISION IV. ENFORCEMENT

Sec. 7-473 Penalties

(a) A person who violates any provision of this Article by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist shall be a separate offense.

(b) If the definition of an offense under this Article does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

(c) If the definition of an offense under this Article prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

(d) The provisions of this section are in addition to and not in lieu of any criminal prosecution or penalties as provided by other city ordinances, county, or state law.

SECTION 2.

The Code of Ordinances of Fort Worth, Texas is hereby amended by amending Chapter 7, "Buildings", Article X "Registration and Inspection of One-Family and Two-Family Dwellings," Division 2 TCU Residential Overlay District Registration of One-Family and Two-Family Dwelling," Section 7-429.1, "Definitions" to revise the definition of "rental property" to revise to remove references to vacation and game day rentals, to read as follows:

Sec. 7-429.1 DEFINITIONS.

RENTAL PROPERTY. Any one-family or any portion of a two-family dwelling unit that is not owner occupied, whether or not rent is charged. **RENTAL PROPERTY** includes, but is not limited to: properties rented to students, families, or any other persons; properties in which a family member of the owner resides in the home but the owner does not (regardless of whether additional persons also reside in the home); and properties where a property caretaker lives in the home but the owner does not.

SECTION 3.

That this ordinance shall be cumulative of all other ordinances of the City of Fort Worth, Texas, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 4.

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be

prosecuted until final disposition by the courts.

SECTION 5.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 7.

That the City Secretary of the City of Fort Worth, Texas, is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by the V.T.C.A. Local Government Code Subsection 52.013.

SECTION 8.

This ordinance shall take effect after adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

By: Melinda Ramos
Deputy City Attorney

Jannice A. Reeves
City Secretary

Adopted: February 14, 2023

Effective: February 28, 2023

