

FACT SHEET**CITY OF SHREVEPORT, LOUISIANA**

<u>TITLE</u> An ordinance to add Chapter 106 to Code of the Ordinances relative to Short-Term Rental Property, and to otherwise provide with respect thereto.	<u>DATE</u> Jun 22, 2021	<u>ORIGINATING DEPARTMENT</u> Shreveport Caddo Metropolitan Planning Commission ("MPC") <u>COUNCIL DISTRICT</u> City-wide <u>SPONSOR</u>
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PURPOSE

To adopt an ordinance to amend *Chapter 106- Residential Unit Conversion* relative to the Short-Term Rental Property.

BACKGROUND INFORMATION

These proposed amendments, Chapter 106- Residential Unit Conversion of the Code of Ordinances, along with the Shreveport UDC, both contain requirements relative to the licensing and operational requirements of short-term rental property. The MPC has been in the process of updating the Shreveport UDC to streamline the short-term rental permitting process and update the requirements. The Shreveport UDC amendments, approved by the MPC, will be before City Council for introduction on June 22, 2021 and first available for final passage on July 13, 2021.

If the Shreveport UDC amendments relative to short-term rentals are passed by City Council, Chapter 106 of the Code of Ordinances will need to be added to be congruent with the Shreveport UDC. This ordinance updates the Code of Ordinances to be consistent with Shreveport UDC regarding short-term rental properties.

TIMETABLE

Introduction to City Council:	Jun 22, 2021
Final Passage by City Council:	July 13, 2021

ATTACHMENTS

Exhibit "A"	Chapter 106-Residential Unit Conversion
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SPECIAL PROCEDURAL REQUIREMENTS

None

FINANCES

\$0

SOURCE OF FUNDS

NA

ALTERNATIVES

(1) Adopt the ordinance as submitted or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION

It is recommended that the City Council adopt the ordinance.

FACT SHEET PREPARED BY: Maryam Moradian, MPC
Community Planner

ORDINANCE NO. _____ OF 2021

AN ORDINANCE TO ADD CHAPTER 106 TO CODE OF THE ORDINANCES RELATIVE TO SHORT-TERM RENTAL PROPERTY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY COUNCILMEMBER:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in a due, legal and regular session convened, that Chapter 106- Residential Unit Conversion, attached hereto as Exhibit “A” and made part hereof, is hereby adopted as attached.

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Ordinance which can be given effect without the invalid provisions, items or applications and to this end, the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances, resolutions, or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective in accordance with the provisions of [Shreveport City Charter Section 4.23](#).

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney’s Office

CODE OF ORDINANCES CITY OF SHREVEPORT, LOUISIANA

CHAPTER 106 - RESIDENTIAL UNIT CONVERSION

ARTICLE I. SHORT-TERM RENTAL PROPERTY

Sec. 106-1. – Purpose and applicability.

The purpose of this article is to establish regulations, standards, and a permit registration process governing the renting of privately owned residential dwelling units on a short-term basis. Nothing in this article, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than 30 consecutive days or any other applicable provision of the Shreveport Code of Ordinances.

Sec. 106-2. – Definitions.

The words, terms, and phrases, when used in this article, shall have the meanings ascribed to them as set forth and defined in Article 23, Section 23.2, of the Shreveport Unified Development Code, except where the context indicates a different meaning.

Except as otherwise expressly provided in this article, the following terms and their variant forms shall mean the following:

Dwelling means a room, or group of rooms, providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation for one or more persons.

Guest means any person who occupies a dwelling unit pursuant to a short-term rental.

Owner means a person who owns at least a 50 percent interest in a dwelling unit used for short-term rentals.

Short-term rental means the use and enjoyment of a dwelling unit, or any portion thereof, by guests for a period of less than 30 consecutive days, in exchange for money, commodities, fruits, services, or other performances. Hotels, motels, bed and breakfasts, and other land uses separate from short-term rentals are not considered to be short-term rentals.

Sec. 106-3. – Permits and licenses required.

No person or entity shall operate a short-term rental property, or advertise any residential dwelling for use as a short-term rental unless the owner of the property has:

- (a) Obtained an occupational license from the city’s chief financial officer, as described in XXX of this Code, and
- (b) Obtained a short-term rental permit, either ‘Type A’ or ‘Type B,’ as described in Article 23, Section 23.5 of the Shreveport Unified Development Code, and issued by the Zoning Administrator, or their designee.

Sec. 106-4. – Zoning and residential type restrictions.

- (a) Any short-term rental property shall only operate in the allowable zoning districts as indicated within the Use Matrix, as described in Article 5 of the Shreveport Unified Development Code.
- (b) A short-term rental property is only allowed in the residential structure types as indicated within Article 23, Section 23.3 of the Shreveport Unified Development Code.

Sec. 106-5. – Operational regulations.

- (a) All short-term rental permit holders are responsible for the activity of guests and shall ensure occupants do not violate any federal, state, or local law, statute, rule, or ordinances.
- (b) A short-term rental property shall comply with all health and safety standards as described in Article 23, Section 23.7 of the Shreveport Unified Development Code.
- (c) Any signs on the short-term rental property shall comply with all sign requirements as described in Article 9 of the Shreveport Unified Development Code.

- (d) All short-term rental permit holders shall ensure occupants do not disrupt or interfere with the rights of adjacent property owners and interfere with the quiet enjoyment of their property.
- (e) All short-term rental permit holders shall abide by all applicable noise restrictions contained and all applicable waste management provisions found in Chapter 58 of the Shreveport Code of Ordinances.
- (f) All short-term rental permit holders shall not allow overnight occupancy to exceed the maximum capacity specified in the short-term rental permit.
- (g) All short-term rental permit holders shall obtain, and continue to maintain, liability insurance in the form and amount required by the city's risk manager.
- (h) The short-term rental property shall maintain smoke alarms in all locations as required by Chapter 30 of the Shreveport Code of Ordinances.
- (i) In dwellings of two rooms or more, every sleeping room and every living area shall have not less than one primary means of escape and one secondary means of escape. The primary means of escape shall be a door, stairway, or ramp providing a means of unobstructed travel to the outside of the dwelling unit at the street or the finished ground level. The secondary means of escape, other than a primary means of escape.
- (j) Approved hard-wired smoke alarms, shall be installed in every sleeping room. Existing battery-powered smoke alarms, rather than house electric-powered smoke alarms, shall be permitted where the facility has demonstrated to the authority having jurisdiction that the testing, maintenance, and battery replacement programs will ensure the reliability of power to the smoke alarms.
- (k) Carbon monoxide alarms or carbon monoxide detectors shall be provided where either of the following conditions exists:
 - (1) Rooms with communicating attached garages.
 - (2) Houses containing fuel-burning appliances or fuel-burning fireplaces.
- (l) One 2-A10BC portable fire extinguishers shall be installed, inspected, and maintained in accordance with NFPA 10. Extinguishers shall be mounted within 10 feet of the cooking area.
- (m) The short-term property owner shall not receive any compensation or remuneration to allow occupancy of any short-term property for a period of fewer than 24 hours.

Sec. 106-6. – Application generally.

- (a) Application for a short-term rental permit required by this division shall be made to the office of the metropolitan planning commission thirty (30) days prior to beginning any short-term rental operations in the city.
- (b) The office of the metropolitan planning commission, along with the city's revenue division, shall develop a short-term rental application packet containing application forms that combine land use and zoning requirements (pursuant to the Shreveport Unified Development Code) with all operational requirements as required within this division.
- (c) All applications for a short-term rental permit are required to be accompanied by a copy of the applicant's occupational license, per section 106-3.
- (d) All short-term property operators shall obtain and maintain liability insurance in the form and amount approved by the city's risk manager.
- (e) Any permit issued pursuant to this article is non-transferable.

- (f) Any change in ownership requires a new short-term rental permit.

Sec. 106-7. – Fees; duration.

- (a) Every permit application shall be accompanied by a nonrefundable short-term rental permit application fee as established by the resolution of the city council, as may be amended from time to time. This application fee shall be in addition to the city's occupational license, occupancy tax, and any other license, permit fee, or penalty fee imposed by local, state, or federal laws, statutes, rules, or regulations.
- (b) Permit fees for a short-term rental permit shall be as follows, and shall expire two (2) years from the date on which it was issued:
 - (1) Type A—\$150.00.
 - (2) Type B—\$250.00.

Sec. 106-8. – Issuance.

The zoning administrator shall issue a short-term rental permit only after an applicant has fully complied with all of the provisions of Article 23 of the Shreveport Unified Development Code, and this article, including the payment of the fee, provided for in section 106-7.

Sec. 106-9. – Permit Renewal.

- (a) A short-term rental permit may be renewed every two (2) years for \$100 if the operator completes the following:
 - (1) Provides information concerning any changes to the previous application for, or renewal of, the short-term rental property registration
 - (2) Submits records for the last two (2) years to demonstrate compliance with this article; and
 - (3) Provides the two (2) years of property tax reporting and revenue tax reporting.
- (b) Failure to submit a renewal application to the office of the metropolitan planning commission at least thirty (30) days prior to the expiration of the short-term rental permit shall render the permission to operate a short-term rental property null and void.

Sec. 106-9. – Tax.

- (a) Occupancy and sales taxes shall be collected on all short-term rentals in accordance with the Shreveport Code of Ordinances. If a hosting platform does not collect payment for the rental, short-term rental operators are solely responsible for the collection of all applicable taxes and remittance of the collected tax to the city and other designees, as required.
- (b) If payment in connection with a booking transaction is facilitated by or through a platform, the platform shall collect and timely remit to the department of finance all applicable local taxes and city fees owed in connection with the booking transaction, including without limitation the tax imposed by this article. The failure of a platform to properly collect and remit taxes as required by this section shall not relieve an owner of the obligation to pay taxes and fees owed in connection with the booking transaction, including without limitation the tax imposed by this article.

Sec. 106-10. – Violations, suspension/revocation, and enforcement.

- (a) Short-term rental owners and operators shall comply with all state and local laws.
- (b) Failure to register a property within 30 days of being offered for short-term residential rental shall result in a civil penalty in the amount of \$100.
- (c) Each additional day the property is listed or operated as a short-term rental without registering constitutes a separate violation and shall result in a civil penalty of \$50 per day.
- (d) The city may waive such a penalty if the failure to register was due to no fault of the owner/operator. Until such time as the operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term residential rental.
- (e) Enforcement of this article may be initiated in any of the following ways:

- (1) The Zoning Administrator is authorized to revoke any short-term rental permit, as well as an issue any zoning violations to the property owner to which the short-term rental is operating.
 - a. If a permit is revoked, the permittee may not reapply for a permit for a period of three (3) years from the date of revocation.
- (2) Authorized personnel from the City's Revenue Division may revoke any short-term rental permit if they determine that the short-term rental permit is violating any applicable ordinances, statutes, rules, and regulations of the city, parish, and the State of Louisiana.
- (3) Authorized personnel from the Shreveport Police Department, as well as the Shreveport Fire Department, may issue citations if he or she determines that the vendor's operations are violating any applicable ordinances, statutes, rules, and regulations of the City of Shreveport and/or the State of Louisiana. Any person violating the provisions of this section shall be issued a citation, which shall be paid in the same manner as provided for offenders of local traffic violations.

Sec. 106-11. – Existing short-term rental property.

- (a) Any existing short-term rental currently operating within the City of Shreveport shall apply for registration, pursuant to Article 23, Section 23.11 of the Shreveport Unified Development Code, within one hundred eighty (180) days after the effective date of this article.
- (b) All existing short-term rental properties, as described above, that have been operating prior to the effective date of this article, shall have their application reviewed administratively by the office of the metropolitan planning commission.