

By: Hancock

S.B. No. 451

A BILL TO BE ENTITLED

AN ACT

relating to regulation of short-term rentals by municipalities and counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.008 to read as follows:

Sec. 250.008. REGULATION OF SHORT-TERM RENTALS. (a) In this section:

(1) "Local law" means an ordinance, order, regulation, or similar measure.

(2) "Short-term rental" means a residential property, including a single-family dwelling or a unit in a condominium, cooperative, or time-share, that is rented wholly or partly for a fee for a period not longer than 30 consecutive days.

(b) A municipality or county may not adopt or enforce a local law that expressly or effectively prohibits the use of a property as a short-term rental. Except as provided by this section, a municipality or county may not adopt or enforce a local law that restricts the use of or otherwise regulates a short-term rental based on the short-term rental's classification, use, or occupancy.

(c) A municipality or county may adopt or enforce a local law that specifically regulates property used as a short-term rental only if the county or municipality demonstrates that the

1 local law's primary purpose is to protect the public's health and  
2 safety. Local laws authorized by this subsection include  
3 regulations:

4 (1) addressing:

5 (A) fire and building codes;

6 (B) health and sanitation;

7 (C) traffic control; and

8 (D) solid or hazardous waste and pollution  
9 control; and

10 (2) requiring the designation of an emergency contact  
11 for the property.

12 (d) A municipality or county may adopt or enforce a local  
13 law that limits or prohibits the use of a short-term rental only if  
14 the law limits or prohibits the use of a rental for the purpose of:

15 (1) housing sex offenders;

16 (2) operating a structured sober living home or  
17 similar enterprise;

18 (3) selling illegal drugs;

19 (4) selling alcohol or another activity that requires  
20 a permit or license under the Alcoholic Beverage Code; or

21 (5) operating as a sexually oriented business.

22 (e) A municipality or county shall apply a local law  
23 regulating land use to a short-term rental in the same manner as  
24 another similar property. A local law described by this subsection  
25 includes regulations on:

26 (1) residential use and other zoning matters;

27 (2) noise;

1           (3) property maintenance; and

2           (4) nuisance.

3           (f) This section may not be construed to affect regulations  
4 of a private entity, including a property owners' association as  
5 defined by Section [204.004](#), Property Code.

6           SECTION 2. This Act takes effect September 1, 2017.