



DEVELOPMENT SERVICES

RULE INTERPRETATION DETERMINATION

Determination #: 2023-002

Title: *Proof of Type 1 Status for Short Term Rentals (STR)*

Drafted by: *Land Development Division, Short Term Rental Section*

Rule in Question: *35-374.01(a)(1) Short Term Rental (Type 1)*

Department Action: *(Identify RID is for clarification purposes and include any suggested UDC amendments; coordinate with DSD Policy Administrator to determine effective date and obtain Director's signature)*

A handwritten signature in blue ink, appearing to read "M. Shannon".

Michael Shannon, PE, CBO
Development Services Director

5/11/23

Date

Effective Date of Determination: *This Rule Interpretation Determination is effective immediately.*

Please note RIDs often result in direct or related UDC amendments to codify the clarification addressed within the RID. RIDs can also be superseded by subsequent RIDs or UDC amendments. The Development Services Department will remove RIDs from the website when they are no longer valid.

Staff Analysis: UDC Section 35-374.01(a)(1) reads as follows:

Short Term Rental (Type 1). A short term rental (type 1) is a residential dwelling unit, or a portion thereof, which is either occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner. The owner or operator shall make his or her legal residence on the same property, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means.

The section is written to clarify that one may not simply self-certify that they reside on the property for which a Short-Term Rental, hereinafter "STR," permit is located, but that they

must also show clear and convincing proof of that residency. The distinction and regulations for Type 1 (owner occupied STRs) and Type 2 (non-owner-occupied STRs) play a foundational role in San Antonio's STR ordinance.

In recent weeks, staff have received multiple applications for STR permits where the validity and accuracy of voter registration documentation was called into question. Specifically, in some instances, voter registration cards were submitted for properties for which the same property owner had homestead exemption registered elsewhere in Bexar County.

Upon further review, staff found that it takes only minutes to change an address for a voter registration card, which could then be submitted to show "proof" of Type 1 residency.

The other forms of proof; a registered homestead exemption and vehicle registration require, at a minimum, additional review from other agencies or departments, as well as fees. These additional steps discourage falsification and are more reliable.

As the ordinance allows for "similar means" of proving residency, staff have routinely accepted permanent drivers' licenses showing the property address as the main address of the owner or operator.

Staff Position and Interpretation:

Staff's position is that, effective immediately, voter registration cards will no longer be solely accepted to show proof of Type 1 residency status. Should a voter registration card be submitted, it must be coupled with another accepted form of verification. Also, effective immediately, this RID clarifies the language stated in 35-374.01(a)(1), related to "or similar means," is interpreted by staff as accepting a valid, permanent driver's license as proof of residency for Type 1 permit status.

Future UDC Amendments: This RID proposes no Unified Development Code (UDC) amendment.