

Dawson Neighborhood News

Newsletter of the Dawson Neighborhood Association
and Dawson Neighborhood Plan Contact Team
www.dawsonneighborhoodassociation.org

May/June 2022

Party Houses In The Neighborhood: What to Do

Short term rentals (STRs) in Austin have been a problem for a more than a decade and Dawson, as a central neighborhood, has its share.

Austin city code defines two three types of single-family STR: type 1, type 2 non-commercial, and type 2 commercial. Type 1 rentals are for renting out part of your house and require that the owner be present when renters are present. Type 2 are whole-house rentals. Commercial type 2 require a commercial zoning. Rental periods must be for no more than 30 days.

Whether licensed or unlicensed, most short term rental properties do their best to be good neighbors. But lately there is a trend of companies buying properties and explicitly offering them as party houses.

One such company is UrbanStay (<https://urbanstay.us>), which has bought a number of properties on the East Side and Rainey Street neighborhoods. They list their properties on their web site as well as on Airbnb and other sites. These properties are explicitly advertised for parties. This is from an Airbnb listing for a Rainey Street property (italics mine):

Stumble on home to this aesthetic modern build with plenty of room to relax or rally, both indoors and out. Need even more space? Have too many friends? Are you just that popular? We also *manage the house next door*, so consider booking them together. And consider inviting me to your *bachelorette party*, birthday, or weekend with the boys because it sounds like it's gonna be a great time!

Austin STR regulations prevent having a type 2 rental within 1000 feet of another type 2 property, so having two such properties next to each other is a clear violation of that regulation. Airbnb's rules prohibit parties on their properties. So this listing is suspect at best.

Doing a search on Airbnb for properties in Austin for August returns three UrbanStay properties as the top results.

Searching the City of Austin short-term rental database for type 2 properties in Dawson (based on the street and block of the property—the database doesn't list exact addresses for privacy reasons), I find three properties. A search on Airbnb for whole-house listings in August shows 12 listings.

Austin stopped issuing type 2 licenses for non-commercial properties a number of years ago. So except for the three I found in the database, any whole-house rental that is not an owner-occupied home must be in violation of city ordinance (25-2-788, Type 1, and 25-2-789, Type 2). (It's not immediately clear from the ordinance if living in the house but vacating it occasionally to rent it entirely requires a type 2 license.)

Note that Austin is no longer allowed to enforce occupancy limits due

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Next Meeting

Monday, June 13, 6:30
In-Person
Plaza Colombian Coffee
3842 S Congress

Agenda

Neighborhood Association

1. Approval of Previous meeting minutes
2. Columbia Coffee Music Permit
3. 3600 South Congress Hustler Hollywood
4. Gillis Park and Pool update
5. Ongoing Development and neighbors moving out
6. New business

Plan Contact Team

1. New and ongoing building projects in the neighborhood
2. Review permit notices
3. Development project status

Short Term Rental Resources

Short term rental types:

<https://www.austintexas.gov/page/types-short-term-rentals>

Short term rental code:

Go to <https://library.municode.com/tx/austin> and search for "short term rental".

The STR code is Chapter 25-2, Subchapter C, Article 4, Subpart C.

Airbnb and VRBO community support sites:

- <https://www.airbnb.com/neighbors>
- <https://www.stayneighborly.com/>

TCAD to look up property ownership details:

<https://stage.travis.prodigycad.com/property-search>

You can search by address.

Thanks to Our Sponsor



Dawson Elementary serves children ages 3 to 12 years.

Please contact Dawson's office at 512-698-9151, to set up a time for a tour.

New Dawson Neighborhood List Serve: Groups.io

<https://groups.io/g/dawsonneighborhoodassociation>

Find Us On Facebook

<https://www.facebook.com/DawsonNeighborhoodAssociation>

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We meet on the 2nd Monday of February, April, June, August, October, and December.

Combined Minutes of Dawson Neighborhood Association and Plan Contact Team April 11, 2021, held at Cosmic Coffee.

The DNA and DNA Plan Contact Team meetings were combined into a single meeting.

1. Approved February minutes.
2. Discussion of Gillis Park issues with neighbors on Durwood and two police representatives.
3. Marty took over to talk about the two new Music Licenses that had been passed on to the DNA and DNPCT recently for Plaza Columbia coffee and Cosmic Coffee.

Condensed version of group conversation:

- ◇ Marty mentioned the two Music Venue Permits, listed above, before the group and a brief intro to what this meant. and briefly about times and allowed and noise limits. Most of the discussion was then concentrated on the Columbia Plaza Cafe.
 - ◇ Chad Vanderlinden, a neighbor living in a house directly to the west of Columbia Plaza Coffee asked to speak about his concerns with this permit for Plaza Columbia being allowed to move forward. He mentioned past problems with the music going on til past 2am at times, that he thought it was louder than needed to be and that he had called 311 numerous times to complain, and had talked to the owners several times. He also said other neighbors had complaints about the noise. He was initially wanted us to vote not in favor of it at the time.
 - ◇ Marty also mentioned his past dealings several years earlier with another business and their music permit. DNA also met with the owners of that business and mentioned our concerns. The cops that Marty talked with told him to document and get a smart phone Db app to document with. But it would be hard in their opinion to accomplish. (It was only resolved when the restaurant moved).
 - ◇ Marty asked if there were documents as to the 311 calls, and recording of noise levels and that it would be helpful to be able to listen to the other noticed neighbors about this matter and that we as a group would want this info before Marty thought DNPCT could as a group support the request. And to hear from the business.
 - ◇ Andrew went on 311 and pulled up several past complaints.
 - ◇ Don said he would help with the documenting and recording for the DNPCT on his walks.
 - ◇ Several members agreed it would be better to move forward with letting the permit stand for now, so that we could all meet later at the next meeting in June with the records and documents. Also as a group, we felt it better to allow the owner to be present to present his side and allow the others notified by the permit to be able to be present. A motion to this was presented by both Chad and Marty, modified by the group.
 - ◇ Motion was seconded and passed.
4. Motion to adjourn was made and seconded
 5. Meeting adjourned at 8:40pm.

Party Rentals (continued)

to a court decision (<https://www.austintexas.gov/article/things-know-about-texas-third-court-appeals-ruling-and-short-term-rentals>). The ordinance limits occupancy to ten people who are not related but without the ability to enforce that there's nothing preventing even licensed type 2 rentals from packing in as many people as are willing to sleep on the floor.

If you have a party house near you, what can you do?

- Complain to 311 and keep complaining. Enforcement is complaint based and it may take many complaints to get action. Include pictures. If there's noise, take video.
- If the property is listed on Airbnb or VRBO, complain to their community support teams: <https://www.airbnb.com/neighbors>, <https://www.stayneighborly.com/> (VRBO).
- Find the property on TCAD and see if it has a homestead exemption. If it does and it is clearly not owner occupied that is a tax violation that can be reported to the Texas Comptroller (<https://comptroller.texas.gov/programs/support/investigation/reporting.php>). It's one thing to flaunt the city STR rules, quite another to not pay your fair share of taxes.

While Airbnb listings do not include an exact address, most listings are fairly easy to identify to a specific house, especially if they include pictures of the exterior. Using google maps and street view or just walking the neighborhood you should be able to determine the exact address. With that information you can use TCAD to find the owner and determine if:

- They are claiming a homestead exemption
- Are an individual or a company—many investment properties are owned by LLCs

As neighbors we have to decide how much to tolerate whole-house short-term rentals, especially those that are good neighbors and respond quickly to issues on their properties. No recently-created whole-house STR can comply with Austin code because Austin stopped issuing type 2 licenses some years ago.

But party houses are not good neighbors. As a neighborhood, Dawson doesn't have that many properties that would make good party houses but you never know what might get built next month....