

Frequently Asked Questions

**ORDINANCE NO. 2023-11
REPLACING ORDINANCE NO. 2021-06
CITY OF JAMAICA BEACH**

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AMENDING THE REGULATIONS AND PERMITTING REQUIREMENTS FOR OPERATION OF A SHORT TERM RENTAL WITHIN THE CITY; PROVIDING A PENALTY FOR VIOLATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

1. *Why is a new ordinance needed to regulate Short-Term Rentals?*

Regulations have been adopted to ensure the safety and satisfaction of Short-Term Rental guests, Short-Term Rental owners and the Jamaica Beach community.

Generally speaking, most major cities in Texas include Short-Term Rental rules and regulations. They are essential to mitigate the adverse effects that transient occupants may have on neighboring properties, permanent residents, and to ensure the well-being, safety, and property of those residing in residential units utilized as Short-Term Rentals.

These regulations aim to protect the life, health, and welfare of the occupants, the surrounding neighborhood and the wider public. The previous ordinance lacked provisions for the timely updating of critical contact information that is needed in order to contact owners, operators and the 24-hour contact.

2. *Why did the application fee change from \$50 to \$250 and why is there now an Annual Operation Fee of \$250?*

Most of the major Texas cities require Short-Term Rental owners to register with a fee and to pay an annual operation fee. Managing STRs involves regulatory requirements and tax collection. The administrative fee helps cover the costs associated with ensuring that the property and its operations comply with local laws and regulations.

3. *What does the City intend to do with the new Short-Term Rental fees?*

The rate and number of occupants at a Short-Term Rental place a higher burden on city services. The load on the city's sewer collection and treatment facilities increases. The usage of the park facilities and traffic on the roads increases. The collected Hotel Motel tax cannot be spent to operate or maintain the city infrastructure. The collected fees will help offset these added costs.

4. *What do I need to do if I need to register my Short-Term Rental property?*

1. Owners must complete the Short-Term Rental Registration Application Form and submit the \$250 non-refundable Application Fee.
2. The City of Jamaica Beach will review the application.
3. If the application is approved, the owner must submit the \$250 Annual Operation Fee.
4. Once received, a Short-Term Rental Registration Number and Short-Term Rental Registration Certificate will be provided to the owner.

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5. *What do I need to do if I already have a City of Jamaica Beach Short-Term Rental Registration Number?*

1. Update the information originally provided and fully complete the Short-Term Rental Application form within 60 days after the ordinance was approved.
2. Due to the holidays, the due date has been extended to January 12, 2024.
3. The \$250 non-refundable registration fee is not required for existing owners with a valid registration number.
4. Beginning in January 2025, previously registered Short-Term Rental owners are required to pay the annual operation fee of \$250.

6. *Why does the City need a sketch of my floor plan?*

A sketch of your floor plan is required to determine the number of qualified bedrooms that are located within the Galveston County Appraisal District Living Area square footage. Each bedroom must have a window. All qualified bedrooms must fit within the Living Area square footage.

7. *Why does the City need a sketch of my property showing how many parking spaces are available?*

A sketch of your property is required to determine the number of parking spaces available for your guests. The Short-Term Rental Registration Certificate contains the number of parking spaces available for your guests.

8. *How did the City determine the maximum occupancy of 2 persons per bedroom plus 2 additional persons?*

Typically, most major cities in Texas place some limitations on how many guests can stay within the Short-Term Rental property. The general rule of thumb is that occupancy is capped at two persons per property bedroom, plus two additional people. Although Jamaica Beach does not have a pre-defined total cap, some cities also apply a cap to the total number of people who can be hosted at a time.

Additionally, the maximum occupancy of 2 persons per bedroom plus 2 additional persons is based on the International Fire Code that was formally adopted by the City of Jamaica Beach and in conjunction with advice and counsel from the City Fire Marshal to protect the life, health, safety, and welfare of transient occupants, property, and first responders.

9. *What does “qualified bedroom” mean and how is it “qualified”?*

A “qualified bedroom” is a bedroom that is included within the Galveston County Appraisal District Living Area square footage as shown on the floor plan sketch. A bedroom not included in the Galveston County Appraisal District Living Area square footage, such as an unpermitted bedroom downstairs, will not be considered a “qualified bedroom”.

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10. How is maximum occupancy determined?

Each “qualified bedroom” is allowed two persons. Plus, an additional two persons are allowed.

Example: A property has 3 “qualified bedrooms” TIMES 2 = 6 persons PLUS 2 additional persons = 8 maximum occupancy.

11. How will the city enforce maximum occupancy? Will the police get involved?

The City of Jamaica Beach will issue citations for violations of the following requirements.

Short-term Rental owners must:

1. List the City of Jamaica Beach approved maximum occupancy in any advertisement or Short-Term Rental Platform that promotes the availability of a Short-Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website or mobile application.
2. The short-term rental agreement between the Owner/Operator of the Short-Term Rental and the renter must contain terms specifying the maximum occupancy as approved by the City of Jamaica Beach.

The Jamaica Beach Police Department will not be “counting heads” to enforce maximum occupancy.

12. I am not a Short-Term Rental. Can I still have people over to my house for Thanksgiving or a birthday party? Am I limited to the number of people that can visit me because of the maximum occupancy limit?

Since you are not a Short-Term Rental owner and not advertising your property for rent and you are not creating rental agreements, the requirement to include maximum occupancy in advertisements and rental agreements does not apply to you.

All residents and visitors of Jamaica Beach will be held to the same laws and regulations regarding Noise, Parking, Trash, etc. As usual, it is vitally important that we respect our neighbors.

13. I am concerned that the City included a provision to go inside my Short-Term Rental to validate the information I provided on the Short-Term Rental Registration Application Form. Why is this needed?

An amendment to Ordinance 2023-11 will be proposed at the next City Council meeting on November 9, 2023, to remove the regulation to go inside the Short-Term Rental property to validate the information provided on the Short-Term Rental Registration Application Form. If this amendment is passed, this regulation will be removed from the ordinance.

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14. When will I receive the Short-Term Rental Registration Certificate?

Once the City of Jamaica Beach approves your Short-Term Rental Registration application and you pay the \$250 Annual Operation Fee, you will receive the Short-Term Rental Registration Certificate that contains the registration number, contact information, approved maximum occupancy, address of property, etc. If you are a currently registered Short-Term Rental property, you will not be required to pay the \$250 Annual Operation Fee until January 2025.

15. I have a glass front door and do not want to place the Short-Term Rental Registration Certificate on the back of the front door, blocking my view. Can I place it in another location?

An amendment to Ordinance 2023-11 will be proposed at the next City Council meeting on November 9, 2023, to change the wording from “on the back of the front door” to “in an obvious location”. If this amendment is passed, you will be able to select any obvious location within your property to post the Short-Term Rental Registration Certificate.

16. Why does the ordinance allow the City to go inside my Short-Term Rental to check to see if I posted the Short-Term Rental Registration Certificate?

An amendment to Ordinance 2023-11 will be proposed at the next City Council meeting on November 9, 2023, to eliminate this wording. If this amendment is passed, this regulation will be removed from the ordinance.

17. I have a concern about the requirement to post a sign outside my Short-Term Rental property listing the registration number and 24-hour contact information. Why is this necessary?

An amendment to Ordinance 2023-11 will be proposed at the next City Council meeting on November 9, 2023, to eliminate the sign outside your Short-Term Rental property. If this amendment is passed, the requirement for a sign outside your property will be removed from the ordinance.

18. When will the City begin issuing citations for Short-Term Rental violations?

1. Any Short-Term rental operating without an approved registration number will be issued a citation immediately.
2. Upon issuance of a new Short-Term Rental Registration Number, all requirements of the ordinance will be enforced.
3. For existing, registered Short-Term Rental properties, enforcement of all requirements of the ordinance will begin on January 12, 2024.