

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS  
AMENDING CITY CODE AT CHAPTER 42, ARTICLE II  
HOTEL OCCUPANCY TAX, REQUIRING  
REGISTRATION AND PAYMENT OF HOTEL  
OCCUPANCY TAX BY SHORT TERM RENTALS  
PROHIBITING DISCRIMINATION  
AND PROVIDING  
FOR A PENALTY FOR VIOLATION OF SAME, AND  
OTHER MATTERS RELATED TO THE FOREGOING

**Whereas** the term "short-term rental" (STR) refers to an activity in which one party, the "host," agrees to rent out all or part of a home to another party, the "guest," on a temporary, time-limited basis, and

**Whereas** the National League of Cities publicly noted in the publication "How cities can regulate short term rentals fairly and effectively" published online at <https://www.nlc.org/article/2022/05/10/how-cities-can-regulate-short-term-rentals-fairly-and-effectively/> that short term rentals, if unregulated, can potentially drive up local rents, limit the availability of long term residential rentals and create excessive noise, and

**Whereas** the City of Harlingen finds that municipal regulation of short-term rentals provides needed safeguards as to the manner of rental, to prohibit unlawful discrimination in short term housing, and to require the payment of a hotel occupancy tax in a manner substantially similar to other hoteliers and innkeepers,

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS**

- 1.) That Chapter 42 of Harlingen City Code at Article II, Hotel Occupancy Tax, Section 42.27 is hereby amended to add the following definitions:

**SECTION 42 – 27**

"Owner shall designate the Owner, or an Agent or a Representative to comply with the requirements of this section on behalf of the Owner. The Owner or designated agent or representative is referred to as "Operator" herein.

"Short Term Rental" (STR), is defined as a residential dwelling, including a single-family residence, apartment, residential condominium unit, or other residential real estate improvement, in which the public may obtain sleeping accommodations in exchange for compensation for a period of less than 30 consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling.

- 2.) That Chapter 42 of Harlingen City Code at Article II, Hotel Occupancy Tax is hereby amended to add Sections 42.28 (d) through (g) as follows :

**SECTION 42- 28**

(d.) **REGISTRATION REQUIRED.** The Owner/Operator who offers for rent or advertises for rent (in any manner) a short term rental of a dwelling unit shall obtain a short term rental registration and any other required documents from the City of Harlingen Building Inspections located at Lon C. Hill Building, 502 East Tyler Avenue, Harlingen, Texas 78550 **may be contacted at phone number 956-216 – 5160 for additional information.** The Owner/Operator must submit and comply with the following information on a short-term rental registration form:

- (1) The name, address, email and telephone number of the Owner/Operator of the subject short-term rental unit;
- (2) The name, address, email and twenty-four-hour telephone number of the local contact person. The local contact person is the person designated by the owner or the operator who shall be available twenty-four (24) hours per day, seven (7) days per week and shall respond in person within one hour (with the signed rental contract in hand) to complaints from a City Official regarding the condition, operation, or conduct of occupants of the short term rental unit; and take remedial action to resolve any such complaints;
- (3.) The name and address of the proposed short-term rental unit;
- (4) The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed short-term rental unit;
- (5) The property ID number as listed on the Cameron County Appraisal District; and
- (6) Such other information as the City Manager, or designee, deems reasonably necessary to administer this section.
- (7) If any information on the registration form changes, the Owner/Operator must modify that information within 30 days.

- (e.) **REGISTRATION FEE.** The short-term rental registration form shall be accompanied by a registration fee as established by the Harlingen City Commission.
- (1) The rental registration fee shall be fifty dollars (\$50.00) (per rental unit).
  - (2) The registration fee may be waived for those properties that have been properly remitting hotel occupancy tax.
  - (3) A registration is valid from the date the completed registration is filed with the City and payment of the registration fee (if applicable) has been made and is transferrable if the ownership of the short term rental changes.
  - (4) Each property shall be issued a registration number.
  - (5) The registration number must appear on any advertisement of the property available for short term rental.

(f.) **DISCRIMINATION PROHIBITED** No host of any short-term rental may decline a potential guest, impose different terms or conditions, or discourage or indicate a preference for or against a guest based on race, gender, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

**(g.) Compliance—Penalty provision.**

(1) The Owner or Operator shall comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short term rental unit, including, but not limited to, Chapter 42, Article II, Hotel Occupancy Tax, Chapter 34, Article V, Sec. 34 – 114 Noise Disturbances, of the Harlingen City Code.

(1) The Owner or Operator shall comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short term rental unit, including, but not limited to, Chapter 42, Article II, Hotel Occupancy Tax, Chapter 34, Article V, Sec. 34 – 114 Noise Disturbances, of the Harlingen City Code.

(2.) The Owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwelling unit as a short-term rental unit, regardless of whether such noncompliance was committed by the Owner's authorized agent or representative or the occupants of the Owner's short term rental unit or their guests.

(3.) This Article is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined in this section.

(4.) Any violation of this section (42 – 28) may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense, for each day such offense shall continue.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission on the 19<sup>th</sup> day of April, 2023.

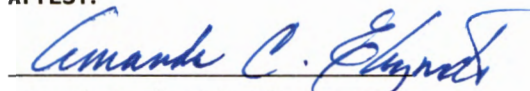
**PASSED AND APPROVED** on second and final reading at a regular meeting of the City Commission on the 18<sup>th</sup> day of October, 2023.

**CITY OF HARLINGEN**



Norma Sepulveda, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary