

Short Term Rental Summary Guide

BL2014-951

Issue Date: 2-26-15

Accepting Permits 3-31-2015

Enforcing Provisions 7-1-2015

#1



Takeaways:

- *Initiated Short Term Rental Permits.
- * STRP Permits were: Owner Occupied & Non-Owner Occupied, in residential use groups, and had a 3% cap for NOO.

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

- *Accepting permits as of 3-31-2015
- *Enforcing provisions as of 7-1-2015
- *STRP permits were Owner Occupied and Non-Owner Occupied and allowed in Residential Use Groups only (zoning districts do not apply).
- *STRP permit cannot be transferred.
- *3% CAP for single family or detached 2 family residential units, Non-Owner Occupied. Revised in BL2016-381 12-7-2016.
- *STRP permits expire after 365 days and may be renewed by paying \$50 to Dept. of Codes Administration. No affidavit needed until BL2016-381 12-7-2016.
- *Simultaneous rental to more than one party under separate contracts shall not be allowed.
- *Maximum stay is 30 days.

Application:

- *Name, address, telephone number, and email address of owner and (if applicable) responsible party (must be within 25 miles).
- *Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability must be \$1,000,000.
- *Neighbor notification: Proof of written notification from property owner if: shared common wall or shared driveway. Adjacent property introduced in BL2016-381 (12-7-16).

Regulation:

- *30 day maximum stay.
- *12 person maximum occupancy (2 per bedroom +4).
- *Maximum bedroom count is 4.
- *Posted in STRP unit: Occupancy Maximum & Responsible Party Contact Information.
- *Permit cannot be transferred.
- *Permit holder is responsible for collecting & remitting room, occupancy, & sales tax.

Enforcement:

- *Upon the filing of 3 or more complaints within a calendar year regarding the STRP permit, the permit holder will receive written notice from codes.
- *If the dept. of codes admin. determines that "violations of this section or any other ordinance or law relating to STRP's have occurred, the permit to operate a STRP may be revoked." You do not need 3 strikes to revoke a permit. (Replaced in BL2016-381, 12-7-2016).
- *Prior to revoking any permit, 15 day written notice of the violation must be delivered to permit holder.
- *A fifty dollar fine as imposed by a court of competent jurisdiction. Each day of operation without a permit shall constitute a separate offense.
- *Upon finding a STRP has operated without a permit, there is a one year wait from such finding before the property is eligible to apply for a new permit.
- *Any denial or revocation of a STRP permit may be appealed to the board of zoning appeals. The board does not have authority to reduce the 1 year wait. The only reason to appeal to the board is if you truly believe the ZE got the law wrong, they erred in fact.
- *Once a STRP permit has been revoked, no new permit shall be issued to the applicant (the Tom Dundon clause. IE original applicant was a management company) for the same property for a period of one year (revised in BL2017-608).

Definitions:

- *STRP means a residential dwelling unit containing not more than 4 sleeping rooms that is used for and/or advertised for rent for transient occupancy by guests.... (updated in BL2016-492)
- *Owner Occupied means "the owner of the property permanently resides in the STRP or in the principal residential unit with which the STRP is associated on the same lot".

Comments:

- *STRP is for Residential Use Groups only, not commercial.
- *NO homeowners association affidavit required. This was added in BL2016-492 (2-24-17).
- *Zoning districts did not apply until BL2014-909 (7-1-2015).
- *The Board of Zoning Appeals did not have authority to reduce the one year wait until BL2016-257 (9-21-2016), then it was nullified by BL2019-6 (12-13-19)
- *While 'Owner Occupied' is defined in this ordinance, 'Non-Owner Occupied' is used in relation to the 3% cap but is not defined until BL2017-608 (2-2-2018).

Short Term Rental Summary Guide

BL2014-909

Issued 3-6-15

Effective Date 7-1-2015

#2



Takeaways:

STRP is added to the Land Use Table in all zoning districts that allow Residential Use.

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

"A STRP is permitted as an accessory use in all zoning districts that allow residential use provided a permit has been issued for operation of the property as a STRP pursuant to section 6.28.030 of the metropolitan code."

Application:

Regulation:

Enforcement:

Definitions:

*"Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations for a period of less than thirty (30) continuous days.

Comments:

*Only 3 Zoning Districts do not allow STRP permits as an accessory use, SP, OL, & SCR

Discuss this: Refer to land use table, in SCR it allows Multi-family use. Doesn't that mean you should be able to STR?

Short Term Rental Summary Guide

BL2015-94

Issue Date: 1-25-2016

#3



Takeaways:

One permit for 1 & 2 family lots.

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

*Only one permit shall be issued per lot for single and two family homes (STRP permits still only apply to residential use groups). (Updated in BL2017-608).

Application:

Regulation:

Enforcement:

*Advertising a STRP for more occupants than allowed by this regulation (12 persons) shall be grounds for revocation of the permit.

Definitions:

Comments:

*One permit per lot for 1 & 2 family homes was redefined in BL2016-381 (12-17-16) to include Tri's and Quads.

Short Term Rental Summary Guide

BL2016-257

Issue Date: 9-21-2016

#4



Takeaways:

- *Penalties for operating a STRP without a permit.
- *BZA has the privilege to reduce the 1 year wait for operating without a STRP permit.
- *Taxes due must be paid (made current).

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

Application:

*Only properties that have paid all taxes due shall be eligible to apply for a permit. (Current balances are ok. Delinquent taxes are not).

Regulation:

Enforcement:

*Upon a finding by the Board of Zoning Appeals that a short term rental property has operated without a permit, there shall be a waiting period of up to one year from the date of such finding for the property to become eligible for a STRP permit, as determined by the BZA. Properties that have been denied a permit by the Board of Zoning Appeals and made subject to the one (1) year waiting period prior to October 4, 2016 may re-appeal to the Board of Zoning Appeals with no payment of an appeal fee..... Underlined portion removed in BL2019-1633.

*Upon a finding of a court of competent jurisdiction that a short term rental property has operated without a permit, in addition to any other relief granted, there shall be a waiting period of three years from the date of such finding for the property to become eligible for a STRP permit.

Definitions:

Comments:

*The Zoning Board of Appeals had the privilege to reduce the 1 year wait from 9-21-2016 thru 12-12-2019.

Short Term Rental Summary Guide

BL2016-381

Issue Date: 12-7-2016

#5



Takeaways:

- *Creates 3 types of permits OO, NOO, NOO Multifamily.
- *90 day permit application exp.
- *30 day grace period for renewals.
- *Affidavit required for renewals.
- *Adjacent property def. updated.
- *OO 2 forms of ID required.

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

- *STRP permit is an Accessory Use Of Primary Residential Use
- *TYPE 1: Owner Occupied.
- *Type 2: Not Owner Occupied: In residential zoning districts, single-family, duplex, nonconfirming three-family homes and nonconforming four family homes, and NOT owner occupied (this is the first reference to Zoning Districts) (revised in BL2016-492).
- *TYPE 3: Not Owner Occupied Multifamily: In residential zoning districts, multifamily apartments or condos and are NOT owner occupied.
- *Only 1 permit per lot for 1 & 2 family, nonconforming 3 & nonconforming 4 family homes (updated from BL2014-951).
- *Renewal application (affidavit) now required (refer to ordinance for requirements).

Application:

- *Neighbor notification: For each adjacent property, proof of written notification shall be: (a) a signature of an owner; (b) a signed receipt of U.S. registered or certified mail addressed to an owner; or (c) notice that notification was delayed or not received.
- *OO permits: Two documents giving proof of owner occupation shall be provided. Acceptable documentation includes Tennessee Driver’s license, other valid State of Tennessee identification card, Davidson County voter registration card, utility bills (Removed in BL2016-492 2-24-2017), paycheck/check stub, work ID or badge, Internal Revenue Service tax reporting W-2 form, or a bank statement, each current and showing the owner’s name and address matching that of the property to be utilized for short term rental (updated in BL2016-492).

Regulation:

- *30 day grace period from date of expiration for renewals if allowed by Zoning Administrator.
- *STRP permit applications shall be valid for ninety (90) calendar days from the date filed and shall expire if the application process has not been completed within that time.

Enforcement:

*Zoning Administrator is allowed to apply 30 day grace period instead of BZA (updated from BL2014-951).

*No grace period shall be allowed if there are documented complaints.

*Zoning Administrator's determination of 3 violations within a 12 month period is reason for revocation of permit (updated from BL2014-94).

Definitions:

*Adjacent Property: Any property that touches my property regardless of streets, alley's, or any other encumbrance. This is my definition, not official.

Comments:

*Utility bills were an acceptable form of Owner Occupied ID (from 12-7-2016 to 2-24-2017). Removed in BL2016-492.

Short Term Rental Summary Guide

BL2016-492

Issue Date: 2-24-2017

#6



Takeaways:

- *This Ordinance begins to associate STRP availability to Zoning Districts.
- *Proof that taxes are current.
- *True & Accurate Affidavit required.
- *HoA affidavit required.
- *Permit # displayed in advertising.

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

*Section 6.28.030 is deleted in its entirety. Section 17.16.250 E is the new location for STR.

*A STRP is permitted as an accessory use in all zoning districts that allow residential use.....

*Only 1 permit shall be issued per lot in Single-Family and One and Two-Family zoning districts (updated from BL2014-951 & BL2016-381).

Application:

*The STRP permit application shall verify by affidavit that all of the information being provided is true and accurate....

*Owner occupied ID is modified to remove utility bills.

*A statement that that the applicant has confirmed that operating the proposed STRP would not violate any Home Owners Association agreement or bylaws, Condominium Agreement, Covenants, Codes and Restrictions or any other agreement governing and limiting the use of the proposed STRP property.

Regulation:

Enforcement:

Definitions:

*STRP means a residential dwelling unit containing not more than 4 sleeping rooms that is used and/or advertised only through an online marketplace for rent for transient occupancy by guests (updated from BL2014-951), (revised in BL2017-608).

*Type 2 (Not Owner-Occupied): A Type 2 permit is available for units that are in: (i) single-family, two-family, and nonconforming multi-family units in Single-Family and One and Two-Family zoning districts; and not owner-occupied (updated from BL2016-381).

*Other definitions, refer to Ordinance.

Comments:

Short Term Rental Summary Guide

BL2017-608

Issue Date: 2-2-2018

#7



Takeaways:

- *Establishes land uses for STRP.
- *Owner occupied must be a natural person & property in the name of a person.
- *Two-family units cannot be divided.
- *Type 2 permits removed (Non Owner Occ. in res. zoned districts).

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

- *Only one (1) permit shall be issued per lot in single-family and two-family zoning districts (AG,AR,RS, & R) (updated from BL2015-94).
- *The property ownership of the two-family units cannot be divided.
- *The two-family units shall be owned by the same person and one of the two units shall be the primary residence of the owner.
- *In IWD, IR, and IG, STRP – Owner-Occupied is permitted as an accessory use to a multi-family use associated with Mfg., Artisan.
- *To qualify for an STRP - Owner-occupied permit, the owner of the property shall permanently reside in the STRP or, for conforming uses in Single-Family and One and Two-Family zoning districts, the owner shall permanently reside in a residential unit on the same lot.
The owner of the property: (1) must be a natural person or persons; (2) may not be a limited liability entity, including without limitation a corporation or limited liability company; and (3) may not be an unincorporated entity, including without limitation a partnership, joint venture, or trust.

Application:

Regulation:

- *Once a STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year from the date of the revocation (updated from BL2014-951).

Enforcement:

Definitions:

***(STRP) Owner-Occupied”** means an owner-occupied residential dwelling unit containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.

***(STRP) "Not Owner-Occupied”** means a residential dwelling unit that is not owner-occupied containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests. (1st time defined).

Comments:

Establishing a phase out date on 6-28-2020. (Dave: where was this recinded?)

Section 17.16.250.E changes name from 'Short term rental property (STRP) to Short term rental property (STRP) - Owner-Occupied.

Section 17.16.070.U 'Short term rental property(STRP) - Not Owner-Occupied is created.

Short Term Rental Summary Guide

STR Rental Act

#8

Issue Date: 5-17-2018



Takeaways:

*The law in effect when the permit was issued governs.

*3 Strikes applies to generally applicable laws, NOT STRP offenses.

*STR is excluded from definition of 'hotel'

2015	2016	2017	2018	2019	2020	2021	2022
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13-7-601

This part is to be known as the "Short Term Rental Act"

13-7-602

Definitions of:

'Effectively prohibit', 'Generally applicable local law', 'Used as a short-term rental unit', 'Local governing body', 'Prohibit', 'Property', 'Provider', 'Residential dwelling', and 'Short-term rental unit' or 'unit'. Refer to Ordinance for detail.

13-7-603

The effect of ordinance that prohibits or regulates the use of property as a short-term rental unit.

(a) The ordinance in effect at the time the property began as a STRP is the law that governs the STRP use until the property is:

1. Sold or transferred.
2. Stopped operating as a STRP after 30 months.
3. Has 3 strikes.

(b) Laws pre-2014 restricting duration of stay, now defunct. But old laws prohibiting commercial activity or renting to transients is still ok to enforce.

13-7-604

Prohibition of continued use of property based on violations - Authorization through permitting or application process.

(a) 3 strikes are applicable to generally applicable law, NOT STRP offenses. The provider has no appeal rights remaining. The burden that a violation of law was a direct result of operating a short term rental.

(b) Local governing body may authorize the permitting and suspension of STRP permits.

(c) All complainants must be notified that false complaints are punishable as perjury.

(d) The provider has the right to appeal.

13-7-605

Effect of part on condominiums, co-ops, HoA, or other similar entities, lessors, and property owners.

(a) These entities have the ability to prohibit STRP permitting.

13-7-606

Supersession of conflictin requirements.

Nothing to comment.

SECTION 2

Section 68-14-302(6) is ammended.

"Hotel" does not include a short-term rental unit, as defined in 13-7-602.

Short Term Rental Summary Guide

BL2018-1455

Issue Date: 2-22-2019

#9



Takeaways:

*Defines 'Permanently Reside'

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

Application:

Regulation:

Enforcement:

Definitions:

*“Permanently reside” means to occupy a home or unit as one’s legal domicile, where the habitation is fixed and to which, whenever the person is absent, the person has a definite intention to return. Factors relevant to whether an individual permanently resides at a particular home or unit include, but are not limited to, receipt of mail, registration to vote, licensing for activities such as driving, and the licensing or registration of that individual’s personal property.

Comments:

Short Term Rental Summary Guide

BL2019-1627

Issue Date: 6-19-2019

#10



Takeaways:

*Changes permit & renewal fee from \$50 to \$313.

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

That a fee of three hundred thirteen dollars shall accompany each permit application and renewal application of a short-term rental property permit pursuant to section 17.16.250 E and 17.16.070 U of the Metropolitan Code.

Application:

Regulation:

Enforcement:

Definitions:

Comments:

Short Term Rental Summary Guide

BL2019-1633

Second Substitute

Issue Date: 8-23-2019

#11



Takeaways:

- *Removes NOO from RM zoned districts as of 01-01-2022.
- *True & Accurate Statement revised.
- *Address's the permits issued in error for single ownership HPR's.

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

Removes NOO STRP permit eligibility from RM zoned districts.

Application:

Modified 'True & Accurate Statement: A statement that the applicant has confirmed that operating the proposed STRP would not violate any home owners association agreement or bylaws,condominium agreement, co-op agreement, lease agreement, covenants, easements, codes and restrictions or any other agreement governing and limiting the use of the proposed STRP property. (Last revised BL2016-492).

Regulation:

For an STRP with documented complaints to Metro Codes, police, or public works during the most recent permit period, no grace period shall be allowed and all permit renewal applications shall be submitted timely. The renewal application shall be submitted with a statement verified by affidavit that includes all of the information required in an application under..... Removes the renewal fee amount of \$50 (BL2017-608).

Enforcement:

- *Upon the filing of a complaint regarding a STRP permit..... All complainants shall be notified that any false complaint made against a short-term rental unit provider are punishable as perjury under Tenn. Code Ann. §39-16-702. (Last revised BL2014-951).
- *If the zoning administrator determines, based on reasonably reliable information....., that three (3) violations of generally applicable provisions of the Metropolitan Code of Laws have occurred as a direct result of the operation of the short-term rental unit, the permit to operate a STRP may be revoked if no appeal rights remain. (Last revised BL2016-492).

*Upon a finding by the board of zoning appeals that a short term rental property has operated without a permit....as determined by the BZA.

Refer to BL2016-257 to view the original statement removed by BL2019-1633. The length of the waiting period....

*Added to 17316.250.E.1.g: Notwithstanding any provision herein to the contrary, any residential dwelling created by or contained within a horizontal property regime pursuant to Tenn. Code Ann. § 66-27-101, et seq. shall not be limited or otherwise restricted by subsections (e) or (f) of this section if a permit was issued on or before July 1, 2019. (Basically allows the 140 +/- HPR's that were issued permits in error and then revoked, the ability to obtain a permit).

*Notwithstanding the foregoing, the Accessory Use restrictions and Commercial Use restrictions under Section 17.08.030 of the Metropolitan Code (District land use tables), as amended herein, shall not apply to property used as a short-term rental property by the owner of the property prior to the enactment of Ordinance no. BL2017-608 or BL2019-1633, depending upon the zoning district. Such exemption shall apply until such property is sold, transferred, ceases being used as a short-term rental unit for a period of thirty (30) continuous months, or has been in violation of generally applicable provisions of the Metropolitan Code of Laws three (3) or more separate times with no remaining right of appeal. In short, refer back to BL2016-493 for applicable law regarding RM zoning districts.

Comments:

BL2017-608 Ammendment No. 9 invoked the ownership of the two-family units cannot be divided (effective 2-2-2018). This was not applied to the issuance of short term rental permit in the affected HPR scenerio's until approximently October of 2018. In the meantime, approx. 140 STRP permits were issued in error. In February of 2019, these permits were revoked creating a lawsuit against Metro that ended up allowing the permits to be reinstated.

Check this, reinstated or able to apply for new.

Short Term Rental Summary Guide

BL2019-6

Substitute

Issue Date: 12-13-2019

#12



Takeaways:

*Removes BZA as an option for STRP mitigation of denial or revocation.

*Permits issued after 12-13-19 and become expired = 6 mo. wait.

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

Application:

Regulation:

Upon a determination by the zoning administrator or the zoning administrator's designee that a short term rental property has operated without having obtained a permit, there shall be a waiting period of one (1) year from the date of such determination by the zoning administrator or the zoning administrator's designee that a short term rental property has operated without having renewed a previously issued permit, there shall be a waiting period of six (6) months from the date of such determination by the zoning administrator or designee for the property to become eligible for a STRP permit.

Enforcement:

Comments:

Previously issued permits will follow the law in place at the time of issuance.

After 12-13-2019: Operating w/o permit = 1yr wait from the date of determination by zoning administrator or designee. No BZA.

After 12-13-2019: Expired permit = 6 mo. wait from the date of determination by zoning administrator or designee. No BZA.

Short Term Rental Summary Guide

BL2019-111

Issue Date: 2-28-20

#13



Takeaways:

*Creates new zoning districts which prohibit STRP uses.

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, is hereby amended as shown in Exhibit A.

Application:

Regulation:

Enforcement:

Comments:

Adds 'NS' (No Short Term Rental) zoning district to all existing Zoning Districts.

[Click here to view Exhibit A](#)

Short Term Rental Summary Guide

BL2019-78

Substitute

Issue Date: 7-10-20

#14



Takeaways:

*Prohibits NOO STRP's located within 100' of religious institution, school, park, daycare center.

*AMENDMENT NO. 1 establishes conditions where there is exemption from minimum distance requirements.

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

No new Non Owner Occupied STRP permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. Distances shall be measured in a straight line from the parcel line of the property for which a STRP is sought to the closest point of the parcel line of the property on which the religious institution, school or its playground, park, or licensed daycare center or its playground is located.

A Non Owner Occupied STRP permit applicant may be exempt from the minimum distance requirements set forth herein upon the adoption of a resolution, after a public hearing, by the metropolitan council..... refer to bill for complete description.

AMENDMENT NO. 1

Otherwise qualifying properties with a valid master permit on file with the department of codes administration on or before September 1, 2020, or who has completed at least fifty percent construction on a new unit as of September 1, 2020, will not be subject to the provisions of this subsection d., provided that any qualifying unit for which a prior non-owner occupied STRP permit lapsed will be subject to the provisions of this subsection d.

Application:

Regulation:

Enforcement:

Comments:

This applies to the parcel that the dwelling or playground is sitting on, not any (vacant) property that is owned by the subject owner. For Condominiums, measurement is taken from the extent of ownership which is inside face of studs of the unit, NOT property line of the complex. Applicable locations (schools, religious institutions, etc.) may include tenant spaces within buildings.

Amendment No. 1: The purpose of this amendment is to provide relief to those projects already under financial obligation to be completed. Substitute BL2019-78 does NOT apply to those locations where construction is already completed. **In other words, if the property had a U&O, construction was 50% completed, or there was a master permit issued prior to September 1st, 2020, the 100' rule does not apply.**

Short Term Rental Summary Guide

BL2019-79

Substitute

Issue Date: 11-17-20

#15



Takeaways:

*With exception to DADU's and legal 2 family units, Owner Occupied STRP's cannot advertise entire/ whole home for STRP use.

2015	2016	2017	2018	2019	2020	2021	2022
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Provisions:

Owner Occupied STRP properties cannot advertise entire / whole home for STRP use. Exceptions: Legal DADU's, accessory apartments, or second family unit (duplex).

Application:

Regulation:

Enforcement:

Comments: