

RECORD OF ORDINANCES

Ordinance No. 73-19 (Amended)

Passed _____

ADOPTING CHAPTER 122 UNDER TITLE XI OF THE CITY OF DUBLIN CODIFIED ORDINANCES TO REGULATE SHORT-TERM RENTAL FACILITIES.

WHEREAS, municipalities across the United States have implemented, or are implementing, regulations and standards for short-term rental facilities and the online hosting platform industry; and

WHEREAS, the State of Ohio and the City of Dublin currently have no regulations on short-term rentals and online hosting platforms; and

WHEREAS, Council referred the question of regulating short-term rentals within the City of Dublin to the Community Development Committee to consider whether the City would be best served by implementing restrictions on short-term rentals; and

WHEREAS, the Community Development Committee considered this question at its September 16, 2020, meeting, and determined that short-term rental units should be limited to no more than 2 weeks per year to preserve the health, safety, and welfare of the City; and

WHEREAS, the Community Development Committee recommends that the City impose restrictions on the use of short-term rentals to maintain the distinct character and family atmosphere of the City of Dublin.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, Delaware, Franklin, and Union Counties, State of Ohio, 7 of the elected members concurring:

Section 1. That Chapter 122 of Title XI of the Codified Ordinances of the City of Dublin, Ohio, as set forth in the attached Exhibit A, is hereby adopted.

Section 2. That Council hereby authorizes the City Manager, Law Director, and Finance Director to seek a Memorandum of Understanding with online hosting platforms that City permit numbers shall be prominently posted on the hosting platform and any other agreement necessary to effectively implement this Ordinance.

Section 3. That Council finds that all deliberations and actions of the public body relating to this Ordinance were taken in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect in accordance with Section 4.04(b) of the Dublin Revised Charter.

Passed this 12th day of October, 2020.



Mayor – Presiding Officer

ATTEST:



Clerk of Council



To: Members of Dublin City Council
From: Dana L. McDaniel, City Manager
Date: October 6, 2020
Initiated By: Jennifer D. Readler, Law Director
Thad Boggs, Assistant Law Director

Re: Ordinance 73-19 (Amended) - Adopting Chapter 122 Under Title IX of the City of Dublin Codified Ordinances to Regulate Short-Term Rental Facilities

Background and Summary of Prior Action

Council reviewed a prior draft of this legislation at its December 2, 2019 and January 6, 2020 Council meetings and, after hearing testimony from interested parties, referred the matter back to the Community Development Committee (CDC) for additional consideration. The CDC meeting planned for March was pushed to September 16 due to COVID-19. This memorandum and **the accompanying legislation reflects changes requested by the CDC for Council's consideration.** It also incorporates suggestions made by Council back in December and January including the exclusion of corporate housing facilities and existing **"traditional" bed and breakfasts** from the proposed regulations.

Background

Airbnb, HomeAway, and other sites provide online marketplaces for homeowners to offer homes and spare rooms for rent to travelers. The emergence of the short-term rental market has prompted discussion among local governments across the country about whether and how to regulate short-term rental uses. Results of local regulatory efforts have frequently failed to live up to expectations. They have also prompted litigation, for example, Airbnb litigation against Anaheim, San Francisco, New York City, and Santa Monica in recent years.

The City of Columbus, **the state's largest short-term rental market**, adopted regulations for short-term rentals after hearing from over 50 residents during two council meetings. The ordinance requires **"short-term rental hosts" to obtain a permit prior to renting their dwelling** to guests, be the owner/primary resident of the home, maintain detailed records, and be willing to submit to inspections of the property upon request by the City. Those requirements were implemented in this draft ordinance.

Staff has been monitoring the availability of short-term rentals available through Airbnb, Homeaway, and VRBO daily. For example, on the weekend of October 23-25, there are 3 rentals available (one in Muirfield Village, one in Earlington Village, and one in Brandon Village). The only rentals on Homeaway and VRBO were the Frantz Road/Tuttle Crossing hotels.

Airbnb recently announced several changes it plans to implement in 2020. These include a verification process so that renters know exactly who and what they are renting, a 24/7 rapid response phone line with live operators to assist renters with issues, and a guarantee for guests if

their rental does not meet certain standards. These are all welcome developments for the City as it reflects acknowledgment of issues within the industry.

Implementation Plans and Summary of Proposed Ordinance

This draft ordinance adds a new chapter to the business regulations section of the Dublin Code to prohibit renting short-term rentals for more than 2 weeks in a calendar year, and specifies that rentals must be made for an entire week, not by the night. It requires property owners wishing to rent their home or rooms in their home as a short-term rental to register with the City and submit a form prior to each rental with pertinent information. This regulation applies to short-term rental hosts using online hosting platforms (*e.g.* Airbnb) and traditional advertising methods such as classified advertisement sections. Finally, as an added benefit, this regulation will facilitate the collection of the bed tax from short-term rental hosts by providing contact information for such hosts within the city.

The Planning Department is currently working on electronic submission forms that will be provided online for both the initial and supplemental registration requirements. Planning and Legal plan to work with Communications and Public Information to develop an education/awareness program regarding the new requirements for residents.

The first set of information below walks through the modifications and additions based on CDC recommendations made at their September 16th meeting. The second set of information is what Council considered in January and explains the general outlines of the draft regulation.

CDC Suggested Changes

- The CDC recommended the legislation be changed from capping rentals to 14 individual nights to no more than 2 weeks in a calendar year, to be rented in one-week increments. In other words, a property owner can rent their home for a one-week period in January and a one-week period in December but cannot rent their home for 14 individual nights throughout the year.
- The CDC recommended a progressive scale of penalties to be imposed upon the property owner for nuisance calls to the property. The revised legislation includes a provision that a first offense results in a 6-month suspension; a second, a one-year suspension; and a third, a permanent suspension of the ability to register the home as a short-term rental. These are in addition to the criminal penalties for failing to register as a short-term rental.
- The CDC recommended all short-term rentals, whether hosted or unhosted, be treated the same. Prior Council and CDC discussions centered on whether or not to differentiate between hosted and unhosted rentals (i.e., is the home-owner present while the tenant is present?).
- The CDC recommended additional questions and information be added to the registration form including how many cars and guests will be present at the short-term rental.

- The CDC recommended stiffening the financial penalties for failure to register due to the lucrative nature of certain short-term rental properties. The draft legislation caps a first-time offense at a \$250 fine but increases subsequent offenses to \$1000 fines.
- The CDC discussed permitting short-term rentals in certain zoning districts, such as the Bridge Street District, or creating an overlay district that would permit such rentals in areas more dedicated to mixed-use or commercial settings. The mixed-use neighborhoods in the BSD include the Indian Run Neighborhood, Sawmill Center Neighborhood, and the Scioto River Neighborhood, which would include most of the multiple family uses in the BSD. However, Tuller Flats, Sycamore Ridge and the multiple family uses behind LaScala and Oakland would not be included because they are zoned BSD Residential. **Based on CDC's discussion, we do not believe it is desirable to include the entire residential zoning district. Additionally, the remaining mixed-use neighborhood in BSD is the Historic Transition Neighborhood, which again, based on the CDC's discussion would not be a neighborhood where short-term rentals should be permitted without restriction. Staff does not recommend including these allowances in the draft legislation at this time given the complications they present. However, should Council recommend incorporating this approach, any Zoning Code changes and overlay districts would first go through the Planning & Zoning Commission process.**

General Outline of Regulation

- Requires property owners to complete an application seeking registration with the Planning Director if he or she wishes to rent a room or dwelling as a short-term rental for any period of time, including maximum occupancy and parking.
- Lists permissible reasons that the Planning Director may deny such application and a process for appeals.
- Requires the property owner to submit a supplemental form to the City prior to each rental that identifies the length of rental, number of people, and number of vehicles present during such rental.
- Provides the Planning Director the authority to inspect short-term rental units.
- Does NOT affect long-term rental units or commercial corporate housing in any way.

Recommendation

Staff recommends approval of Ordinance 73-19 (Amended) at the October 12, 2020 Council Meeting.

Exhibit A

Chapter 122 – Short-Term Rental Operations

122.01 DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, and words shall have the meanings given to them herein.

“Short-Term Rental” means any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform. “Short-Term Rental” does not include a room in any Hotel or Motel, as defined elsewhere in the Codified Ordinances. “Short Term Rental” also does not include corporate housing, meaning temporary housing provided through an entity for which an affidavit in a form satisfactory to the Planning Director has been completed attesting that such entity is engaged primarily in the business of providing temporary housing services for corporate clients, regardless of duration.

“Short-Term Rental Operation” or “operation of a short-term rental” means the occupancy for a fee of any room or dwelling in a short-term rental by a transient guest.

“Hosting Platform” means a person or entity that participates in the transient rental business by providing, and collecting or receiving a fee for, booking service through an online platform that allows an operator to advertise the transient rental unit through a website hosted by the hosting platform. Examples include, but are not limited to, Airbnb, VRBO, and HomeAway.

“Transient Guests” means persons occupying a room or rooms for sleeping accommodations for less than thirty (30) consecutive days.

“Short-Term Rental Guests” means persons renting temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than thirty (30) consecutive days.

“Guestroom” means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.

“Permanent Occupant” means persons who reside in a dwelling more than 51% of the time during a calendar year; the dwelling in which the persons reside shall be referred to as their primary residence.

“Primary Residence” means a residence that is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver’s license, tax documents, lease copy or a utility bill. An owner or permanent occupant can only have one primary residence.

“Dwelling” means any building or structure which is occupied or intended for occupancy in whole or in part as a home, residence, or sleeping place for one or more persons.

122.02 CAP ON RENTAL NIGHTS

(A) Short-term rental operators are prohibited from renting any room or dwelling to transient guests for more than two (2) weeks total in a calendar year. The short-term rental may be rented up to two (2) times per year, in increments up to seven (7) days each.

(B) If a property owner wishes to rent a room or dwelling for more than two (2) weeks in a calendar year, such rental must be to the same tenant and for a lease term of at least thirty (30) consecutive days.

122.03 REGISTRATION REQUIRED

(A) No person, including but not limited to an owner, operator, manager, or employee shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the city of Dublin, the operation of a short-term rental in a calendar year without registering in accordance with this chapter.

(B) A registration application may be submitted at any time to the Planning Director, or his/her designee. If the registration application is approved, such registration shall take effect on the day of approval and shall expire on December 31st of the year approved; provided, however, that if an initial registration application is approved on or after September 1, the registration shall be effective until December 31 of the next calendar year.

(C) Registration to operate a short-term rental shall be renewed by the applicant before the end of each calendar year.

The deadline for submitting an application for renewal shall be the first Monday of November of the year in which the registration is set to expire. Failure to renew shall result in expiration on December 31st. If a permit is successfully renewed, it shall be in effect for the next calendar year, beginning on January 1st and expiring on December 31st of the same year.

(D) The short-term rental operator must maintain a copy of the permit on premises.

(E) Bed and breakfast establishments lawfully operating within the City, as defined by Section 153.002(B)(2)(a) and Section 153.059 of the Codified Ordinances, shall not be subject to the requirements of Chapter 122 provided that such establishments were in operation prior to the effective date of Ordinance #-20, and have not ceased operation for more than ninety (90) consecutive days.

122.04 SHORT-TERM RENTAL REGISTRATION, NEW AND RENEWAL

(A) An application for a short-term rental permit, and/or renewal of a permit, shall be made to the Planning Director, or his/her designee, upon approved forms, for an application fee of \$225. City Council shall have authority to amend the fee amount from time to time to reflect the costs of administering this Chapter.

(B) The application for a permit to operate a short-term rental shall contain the following information:

(1) Name of the applicant, including mailing address, telephone number, and email address;

(2) Sufficient information to demonstrate compliance with either the permanent occupancy or ownership requirements outlined in Section 122.01;

(3) The names of all hosting platforms that are used by the short-term rental host and proof of rental insurance for the unit rental;

(4) The names of all advertising outlets in which the short-term rental host intends to advertise such rental if the short-term rental host is not using a hosting platform;

(5) The maximum number of occupants that will be accommodated at the short-term rental, not to exceed two (2) per bedroom;

(6) The maximum number of motor vehicles that will be permitted to park at the short-term rental; this number shall not exceed the number that can be garaged on-premises, plus two that may park in a driveway, plus two that may park on-street;

(7) An affidavit attesting that the short-term rental operation is in compliance with all applicable local, state, and federal laws and regulations concerning the provision of sleeping accommodations to transient guests.

(C) The applicant must notify the Planning Director, or his/her designee, of any change in information contained in the permit application within 10 days of the change.

(D) Any change in ownership of the dwelling shall void the current registration and shall require submission and approval of a new registration application.

(E) A short-term rental shall be assigned an individual registration account number that must be prominently posted with the unit on a hosting platform or in any other advertisement regarding the unit. Said valid registration shall be displayed but removed upon expiration.

(F) Prior to each rental, the registered owner of the short-term rental must also submit to the Planning Director, upon approved forms, the following information:

(1) The maximum number of people that will be present in the room or dwelling during the rental;

(2) The maximum number of motor vehicles that will be present during the rental (up to two of which may be parked on a driveway and up to two may be parked on-street);

(3) The date and approximate time frame for occupancy of the transient guests.

(4) A contact name and number for the rental host that may be used 24/7 for any issues related to the short-term rental unit or transient guests.

122.05 SHORT-TERM RENTAL OPERATOR – REQUIREMENTS

(A) Short-term rental host requirements

(1) One short-term rental registration per short-term rental operation may be issued.

- (2) If a short-term rental host is not the property owner, but a permanent occupant of the dwelling, the host shall obtain permission from the property owner of the dwelling to register the dwelling on any hosting platform or to advertise the dwelling in any other manner for use as a short-term rental.
- (3) Rentals for 30 or more consecutive days by the same guest(s) will not be subject to short-term rental regulations.

(B) Records required

Short-term rental hosts that offer short-term rentals shall retain and, upon request, make available to the Planning Director, or his/her designee, official records to demonstrate compliance with this section, including, but not limited to, primary residency, the dates and duration of each stay in the short-term rental, the rate charged for each short-term rental on each night, the maximum occupancy permitted at the short-term rental, and the maximum number of motor vehicles permitted at the short-term rental.

122.06 GROUNDS FOR DENIAL

(A) The Planning Director, or his/her designee, shall approve a registration, or grant the renewal of an existing registration, except as provided in divisions (B) and (C) of this section.

(B) The Planning Director, or his/her designee, shall deny any application for a new registration, or renewal of registration, if any of the following are shown to have occurred at the short-term rental property:

- (1) The applicant makes a material misrepresentation of fact on the application;
- (2) The applicant or owner of the short-term rental has been convicted of violating section 122.02(A) of this chapter;
- (3) The short-term rental host is not in good standing with the City of Dublin Income Tax Division;
- (4) The short-term rental has a documented history of repeated conduct that endangers neighborhood safety or of conditions interfering with the use and enjoyment of property within its vicinity; or of conduct in violation of Section 122.10.

(C) Evidence of conduct under divisions (A) and (B) of this section need only be that of de facto violation of law; evidence of conviction is not a prerequisite for denial unless specifically indicated.

122.07 REVOCATION OF REGISTRATION

(A) The Planning Director, or his/her designee, may revoke and/or suspend a short-term rental registration if a unit is listed on a hosting platform or advertised elsewhere without the registration number as required under section 122.03(E); or is perpetuating conditions interfering with use and enjoyment of properties within its vicinity; or is delinquent in filing or payment with the City of Dublin Income Tax Division; or has exceeded the limitation set forth in Section

122.02(A); or is engaging in conduct in violation of Section 122.10. Conditions interfering with use and enjoyment of properties within the vicinity of a short-term rental include, but are not limited to:

(1) Noise audible beyond the boundary of the property on which the short-term rental is located;

(2) Occupancy by a number of short-term rental users exceeding the maximum number included in the registration for the short-term rental;

(3) Parking of a number of motor vehicles exceeding the maximum number included in the registration for the short-term rental; or

(4) Uninvited entry of short-term rental occupants upon private property within five hundred (500) feet of the short-term rental.

(B) A violation of any of the conditions in Section 122.07(A) shall result in progressive discipline:

(1) Upon the first violation, the registration for the Short-Term Rental shall be terminated and the short-term rental host prohibited from re-registering for 6 months from the date of termination.

(2) Upon the second violation, the registration for the Short-Term Rental shall be terminated and the short-term rental host prohibited from re-registering for 1 year from the date of termination.

(3) Upon the third violation, the registration for the Short-Term Rental shall be terminated and the short-term rental host prohibited from re-registering at any time in the future.

122.08 APPEAL OF DENIAL OR REVOCATION OF REGISTRATION

In the event an applicant has been denied a registration, or if a registration has been revoked or suspended, the party affected shall have the right to appeal to the City Manager from such denial, revocation, or suspension within 10 business days. Notice of appeal shall be filed with the City Manager's office on a form created by the City Manager for such purpose, and the City Manager shall set the date and time of the appeal hearing. The burden of proof in such an appeal shall be upon the appellant to show that the denial or revocation was arbitrary or unreasonable.

122.09 AUTHORITY TO CONDUCT INSPECTIONS

The Planning Director, or his/her designee, may inspect the short-term rental unit to ensure compliance with this chapter with the consent of the owner or occupant or, if consent is denied, may pursue other legal authority for inspection.

122.10 TRANSFER OF SHORT-TERM RENTAL REGISTRATION PROHIBITED

No registration under this chapter shall be transferable to another short-term rental operation.

122.11 DISCRIMINATION PROHIBITED

(A) A short-term rental host shall not:

(1) Decline a short-term rental guest based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status;

(2) Impose any different terms or conditions based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status;

(3) Post any listing or make any statement that discourages or indicates a preference for or against any short-term rental guest on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status.

122.12 SEVERABILITY

(A) In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

122.13 SHORT-TERM RENTAL PENALTY

(A) Whoever violates any provision of this Chapter shall be guilty of an unclassified misdemeanor and shall be fined not more than \$250.00. Upon subsequent convictions, the penalty shall be an unclassified misdemeanor but the guilty party shall be fined not more than \$1,000.00, in addition to any other penalties as imposed by this chapter.

DRAFT

DUBLIN CITY COUNCIL
COMMUNITY DEVELOPMENT COMMITTEE
Wednesday, September 16, 2020
Minutes of Meeting

Chair Reiner called the September 16, 2020 Community Development Committee meeting to order at 5:01 p.m.

Committee members present: Mr. Reiner, Mr. Keeler and Mayor Amorose Grooms.

Staff members present: Ms. Rauch, Ms. Readler, Mr. Boggs, Ms. Husak and Mr. Ridge.

Approval of Minutes

Mayor Amorose Grooms moved to approve the Community Development Committee minutes of June 15, 2020.

Mr. Keeler seconded the motion.

Vote on the motion: Mr. Reiner, yes; Mayor Amorose Grooms, yes; Mr. Keeler, yes.

Beautify Your Neighborhood Grant Applications

Mr. Ridge thanked the applicants for their patience during the delays due to the pandemic. He reported that five applications were received totaling \$24,172. The total budget allocated to the Beautify Your Neighborhood Grants is \$32,000.

- Balgriffin proposal includes:
 - Removal of existing shrubs behind the stone entry feature and replace with new lower-growing plant variety for increased visibility;
 - New or replacement plants and trees installed in front of the stone entry feature;
 - Resetting the stone wall;
 - Power washing of the stone entry; and
 - New post lighting on the entry feature and up lighting for the existing European Hornbeam trees.

Mr. Ridge stated that staff was supportive of the \$5,000 grant amount requested; however, staff recommended that the applicant choose one of the following three alternatives to the Weeping Red Japanese Maple: Satomi Dogwood, Great Wall Lilac or a Seven Son Flower. The total project cost is estimated to be \$13,457.

Mayor Amorose Grooms stated that it will be a lovely upgrade. She noted that the grants do not usually apply to maintenance items, such as the power washing. It is used only for improvements and enhancements.

Mayor Amorose Grooms asked if there was any existing lighting at the entrance. Mr. Ridge stated there is lighting only at the top.

Mayor Amorose Grooms stated that she liked the choice of plants.

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Mr. Keeler stated that there were alternatives recommended in this project. He asked if the representative was okay with the alternatives that were given. Mr. Tom Hutcheson was present on behalf of the Balgriffin neighborhood. He stated the recommended alternatives were fine.

Mr. Keeler moved to recommend approval of the grant application for \$5,000.

Mayor Amorose Groomes seconded.

Vote on the motion: Mr. Keeler, yes; Mayor Amorose Groomes, yes; Mr. Reiner, yes.

- Cortona proposal includes:

- the removal of several diseased shrubs and trees which have died since the original installation;
- New plant material, which includes Lime Hydrangeas, Gold Mop Cypress and Red Sprite Winterberry among others, focuses on disease resistant replacements that provide a four-season appeal;
- The trees are proposed to be replaced with six pink flowering Crabapple deciduous trees.

Mr. Ridge stated that staff is generally supportive of this \$5,000 grant request; however, staff recommended that the applicant choose one of these deer-resistant alternatives to the Hydrangeas, such as Baptisia, Bottlebrush Buckeye, Elderberry, Red Twig Dogwood or Judd Viburnum.

Mr. Keeler agreed with the need for deer resistant plants and asked if the applicant was accepting of the recommended alternatives. Ms. Lori Davis was present on behalf of the Cortona neighborhood and stated they agreed with the recommendation. She added that the neighborhood has a design team that will work on the recommended alternatives.

Mayor Amorose Groomes clarified whether or not staff was supportive of the Bottlebrush Buckeye. Mr. Ridge stated that staff was supportive of the Bottlebrush Buckeye and that it is a recommended alternative.

Mayor Amorose Groomes stated that the Bottlebrush Buckeye is a great selection but takes patience because it does take a few years to establish. She stated that color has been incorporated in their plant selections.

Mr. Reiner stated that there are types of Hydrangeas that deer do not eat. He asked Mayor Amorose Groomes for her opinion on Hydrangeas. She stated that they seem to eat the Macrophylla Hydrangeas but leave other types alone.

Mr. Reiner added that, for this area and for color, Hydrangeas are hard to beat.

Mr. Keeler moved to recommend approval of the grant application for \$5,000.

Mayor Amorose Groomes seconded.

Vote on the motion: Mr. Keeler, yes; Mayor Amorose Groomes, yes; Mr. Reiner, yes.

- Savona proposal includes:

- a phased approach to enhancing the lighting and landscaping in the area;
- Phase 1, which is the only phase in review for this round of funds, calls for the installation of three fountain lights in the pond located at the intersection of Winemack Lane and Vineyard Haven Drive;

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- Phase 1 also includes the installation of new plants including Amsonia Hubrichtii, Little Lime Hydrangeas and Shasta daisies.

Mr. Ridge stated that staff is generally supportive of this request for a \$4,992 grant; however, staff recommended that the applicant choose one of these deer-resistant alternatives to the Hydrangeas, such as Baptisia, Bottlebrush Buckeye, Elderberry, Red Twig Dogwood or Judd Viburnum.

Ms. Varrera was present on behalf of the Savona neighborhood. She stated that the residents agree with the recommendations from staff. She also included that this area is very dark at night, so the lighting is not only aesthetically pleasing but also necessary for safety.

Mayor Amorose Groomes noted that a Judd Viburnum would likely do well in this area, but that she would refrain from using the Red Twig Dogwood in an exposed area like this.

Mr. Reiner added that he particularly likes any of the dwarf catmint plants as well. He wanted to mention those as an alternative to the Shasta Daisy. Mayor Amorose Groomes noted that the Shasta Daisy is invasive also. They will not stay where you plant them.

Mr. Keeler moved to recommend approval of the grant application for \$4,992.

Mayor Amorose Groomes seconded.

Vote on the motion: Mr. Keeler, yes; Mayor Amorose Groomes, yes; Mr. Reiner, yes.

- Tartan Ridge proposal includes the hedgerows along the north and south sides of Glacier Ridge Boulevard, between Tartan Ridge Boulevard and Glacier Ridge Elementary School. Over the years, the neighborhood has observed the steady decline of the existing Bailey Compact Cranberry shrubs, which form the hedgerows. The applicant is proposing to replace these plants with new Regal Privet shrubs. Regal Privet has proven to be a hardier variety, whereas the Bailey Compact Cranberry variety typically has only lived for approximately four years in moderate to poor health before needing replaced.

Mr. Ridge stated that staff is supportive of this \$5,000 grant request and has no alternative recommendations.

Mr. Richard Wolfe was present on behalf of the Tartan Ridge neighborhood. He stated that 83% of their budget is spent on landscaping. The total for this project is about \$30,000. He stated that they have been getting bids. He stated that this is a significant expense for the HOA.

Mr. Reiner stated that the plant selection is wise.

Mayor Amorose Groomes asked if anyone investigated why the Bailey Compact Cranberry shrubs failed. Mr. Wolfe stated that staff members from the City have come out and **determined it just isn't a hardy enough shrub for this area.**

Mayor Amorose Groomes stated that the Privet and the Boxwood are both good choices and added that the Privet is going to get large. She commented on the failed plant material issues and stated that a mass failure of a hedge like this is indicative of a systemic problem. Mr. Reiner agreed that the Privet is hardy.

Mayor Amorose Groomes moved to recommend approval of the \$5,000 grant request.

Mr. Keeler seconded.

Vote on the motion: Mayor Amorose Groomes, yes; Mr. Keeler, yes; Mr. Reiner, yes.

- Woods of Indian Run proposal encompasses the entry to the neighborhood, which is located at Coffman Road and Forest Run Road. Since installation, many of the Balsam Fir and White Pine Trees have become diseased and have died, leaving bare spots in the landscaping south of the entry feature sign. The proposal is for the installation of 20 Arborvitae trees and two Burning Bush to replace the dead/removed trees.

Mr. Ridge stated that staff is supportive of this \$4,180 request; however staff recommended that the applicant work with staff to mark the location of the proposed Arborvitae prior to planting.

Mr. Troy Ehrsam was present to represent the Woods of Indian Run neighborhood.

Mayor Amorose Groomes moved to recommend approval of the \$4180 grant request.

Mr. Keeler seconded.

Vote on the motion: Mr. Keeler, yes; Mayor Amorose Groomes, yes; Mr. Reiner, yes.

Short-Term Rental Regulation

Ms. Readler gave a brief overview of the January 6, 2020 Council meeting considered proposed legislation regarding short-term rental regulation and restriction. The proposed legislation before Council required all property owners to register their home as a short-term rental and limited the number of nights that a home could be rented to no more than 14 per year.

Mr. Boggs provided a presentation looking at the discussion of this topic over the last 3 years. He then asked the Committee to consider and provide feedback regarding seven options. The options were:

1. Adopt a policy outlining City expectations;
2. Require registration of all short-term rentals;
3. Differentiate between hosted and unhosted short-term rentals;
4. Place a cap on the number of nights that a short-term rental can operate;
5. Prohibit or permit short-term rentals in designated zoning districts;
6. Prohibit all short-term rentals; and
7. Maintain the status quo.

The Committee opted to have resident testimony before their discussion.

Mr. Bob Fathman was present representing Muirfield Homeowners Board. He stated that their board does not have a formal position, but there have been resident complaints. The board **was going to talk about restrictions, but then decided to wait for Council's action on the matter.** He is hopeful of some sort of regulation and added that he would like rentals to be allowed for PGA tour events. He stated that there are a few absentee homeowners that have generated complaints.

Mr. Reiner asked how long of a timeframe is needed for PGA events. Mr. Fathman responded that it is typically a one week event, but from time to time an additional event will be added for an additional week.

Mr. Peter O'Neill was recognized to speak. He stated that the Committee is not likely to get

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heavy representation from the residents; however, if a survey was conducted of the community, you would find that the majority **don't want** one of these type of rentals next to them. He stated he was surprised when he checked with the City that this type of rental is considered separate. He currently lives next to a short-term rental home. He urged strong regulation.

Mr. Warren Fishman stated that he has volunteered for over 40 years working with City Council and Boards to have good enforceable ordinances to keep the quality of life in Dublin good. He stated that it was suggested once that he should call the police. He stated that people are reluctant to call the police on their neighbors. He stated that it should be tracked in weeks and not days for accurate tracking. He stated that everyone he has talked to does not want an AirBNB anywhere near their home. He stated he was appreciative of the citizen input. He suggested Bridge Park may be a good place for an AirBNB. He would like it to be out of the residential areas.

Mr. Raymond Lee stated he thought the regulation was broad. He was concerned about the conduct that happens in these rentals such as numerous cars, numerous people, noise, etc.

Ms. Richelle Kreber stated that she lives in an area with a hosted rental. The issues are the same as an unhosted rental. She stated that at times people have mistaken her home for the AirBNB. She agrees with limiting the time and feels day-by-day would be hard to track. An AirBNB is a business. If she knew there was an AirBNB next to her **she wouldn't have** purchased the home. She asked each Committee Member if they would knowingly purchase a home next to an AirBNB.

Ms. Amanda Rine stated that she represents the corporate housing industry. She appreciated hearing that exceptions would be made so to exclude their business from these regulations. Mr. Reiner agreed that corporate housing is a necessary business.

Mr. Brent Swander **stated that he doesn't have any financial interest in any short-term rentals** but wanted to speak in favor of them, specifically in options 1, 2 or 7 that were presented. He is a user of AirBNBs. He understands the concerns such as trespassing and noise. He helped draft the Columbus model. Option 2 is a better option because if problems persist the registration can be revoked. Some of the concerns he has heard expressed are not strictly short-term rental problems. He stated the issues can be addressed through the registration process and regulations.

Mr. Phil Nolette stated that he understands the different viewpoints.

Ms. Nikki Leib was recognized to speak, but had no comment other than she would like to see the Committee and City Council do the right thing.

The Deputy Clerk of Council read an online comment from Ms. Victoria Bork, who wrote,

"I am requesting Dublin City Council to expressively clarify Air BNB's from Party/Event venues in residential areas . . . Clarification from how many people are allowed on the property. What are the consequences to the home owner of the AirBNB."

Mr. Bob Fathman stated that the people who used to live near him did a home swap. He is not sure if money changed hands or not, but he wanted to mention that possibility.

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Mayor Amorose Grooms stated that she had a home on her street that was an AirBNB and it was extremely disruptive. There were no tools available to remedy the issues. She is not in favor of making the law abiding people do the work to deal with those not obeying the laws. She stated that in a mixed-use district it may be appropriate. In a residential district, it is the expectation that it is strictly residential.

Mr. Reiner suggested going through the options and try to develop a recommendation to take to City Council.

Mr. Keeler thanked the residents for joining the meeting to express their concerns. The status quo is not going to work. He suggested having tools to deal with concerns such as revoking their registration and fines could deter some of the bad behavior. There is very little that residents can do to stop someone from renting their home, so having tools to be able to regulate that is needed. He agreed with the idea of having districts such as Bridge Park that can rent their homes with unlimited days.

Mayor Amorose Grooms stated that there are other events in the City such as the Dublin Irish Festival that may bring this issue also. She suggested doing something city-wide versus just in Muirfield.

Mr. Keeler agreed that having this opportunity open to everyone does make sense.

Mr. Boggs stated that if the intent of this Committee is to do some sort of district-based approach, then it would have to go through the zoning process and be subject to review at the staff level, PZC and then Council.

Mr. Reiner sought consensus on the exclusion of the corporate housing folks. All three members concurred.

Mr. Reiner sought consensus of Committee members regarding PGA Events with a 2-week limit.

Mr. Keeler stated that people should be able to rent their homes, but it seems very specific for it to be allowed only during a PGA event for 14 days. What about the Irish Festival or the people who just want to rent their home for other events?

Mayor Amorose Grooms stated that this feels like spot zoning. Ms. Readler stated that legal staff would not recommend tying this to an event.

Mr. Reiner stated that a broad brush approach would be that we allow anyone in the City to rent their home for two weeks per year.

Mr. Keeler is okay with it. Based on what other communities are doing, what percentage of communities limit the number of days?

Mayor Amorose Grooms stated that there are federal regulations regarding reporting the income after a period of time. She stated that this is where the 14 days came from.

Mayor Amorose Grooms stated that she would agree to the 14 days, depending on the other regulations and enforcement.

Mr. Reiner requested input from Committee members regarding regulation and registration.

Mr. Keeler stated he is supportive of registration requirements and regulation.

Mayor Amorose Grooms stated she would like to hear more about the Columbus model. She stated the propensity for bad behavior increases significantly in an AirBNB situation.

Mr. Reiner asked if they should consider the area of the Historic District and Bridge Street for allowing the AirBNB more time.

Mayor Amorose Grooms stated that she would agree to maybe Bridge Street but not the Historic District because it is residential. Mr. Keeler stated that he would support additional

rental time in the Bridge Street District. Mr. Reiner stated that a residential district expects to have certain protections. Mr. Keeler stated that Bridge Park seems to be the most conducive to AirBNB rentals. He added that he would like to hear from the residents in Bridge Park to see how they would feel about AirBNBs in the area for longer periods. Mr. Reiner asked what the right amount of days would be appropriate in the Bridge Street area.

Ms. Richelle Kreber asked to be recognized to speak and Mr. Reiner accommodated. She asked about the differentiation between hosted and unhosted rentals and whether or not they would be monitored. She also mentioned the parking issues that AirBNB creates.

Mr. Reiner stated that there would be a two-week limit for residential zoned areas. He also stated that the Committee is in agreement that registration and regulation is necessary.

Mr. Reiner summarized the suggestions that the Bridge Street District would have no limit of rental nights, everywhere else in the City has a two-week limit and all are subject to the same fines and enforcement. Ms. Readler sought clarification regarding which part of Bridge Street District specifically is being discussed? Ms. Rauch stated that they could look at larger mixed-use areas. Mayor Amorose Grooms stated that it should include multifamily and Bridge Park area to take to Council initially.

Mr. Boggs asked for clarification regarding the two-week cap. Is the intention of the Committee 14 days total or a minimum of one week increments? Mr. Reiner stated that the preference would be to list them in weeks. Mr. Keeler asked if they need to be consecutive. If the renter only wants to rent three days, how does that work? Ms. Readler stated that the proposed legislation stated a 14-night limit. She added that it would be monitored electronically through the registration process. Once the 14-night limit is reached, the owner would not be able to register for any additional nights.

Mr. Reiner expressed his appreciation for the discussion and requested that the legal staff draft a recommendation from this Committee to take to Council.

Ms. Richelle Kreber asked to be recognized to speak, Mr. Reiner accommodated. She stated that it sounds like what is being contemplated would be on the honor system.

Mayor Amorose Grooms stated the importance is protecting the neighborhoods so the discussion regarding enforcement is most important.

In response to Mr. Reiner's question, Mayor Amorose Grooms stated renters need to pay bed tax just like any other paid stay. Ms. Readler stated that the current code does allow this to be taxable. We can and will collect bed tax on those.

Ms. Readler summarized the Committee's view on each of the options that started the discussion:

1. Adopt a policy outlining City expectations;
2. Require registration of all short-term rentals – the Committee does wish to require registration. Ms. Readler added that the draft that was before Council was in large part based on the registration requirements from Columbus.
3. Differentiate between hosted and unhosted short-term rentals – the Committee does not wish to differentiate between hosted and unhosted rentals.
4. Place a cap on the number of nights that a short-term rental can operate – the Committee

would like to cap the numbers of days at two weeks.

5. Prohibit or permit short-term rentals in designated zoning districts – staff will look at the Bridge Street District and bring suggestions to Council about where there could be unlimited nights. The intention is not to prohibit short-term rentals in designated zoning districts.
6. Prohibit all short-term rentals – the Committee does not want to prohibit all short-term rentals; and
7. Maintain the status quo – the Committee does not wish to maintain the status quo.

The Committee reached consensus that Ms. Readler’s summary was a correct explanation of their intent.

Ms. Readler stated that in the existing draft, the penalty for a first offense is an unclassified misdemeanor and fine of not more than \$250; the next offense would be a misdemeanor of the third degree and a \$500 fine or jail. Mayor Amorose Groomes stated that the revocation of registration is important.

Mayor Amorose Groomes moved to direct staff to draft a recommendation to City Council based upon the discussion at this meeting.

Mr. Reiner seconded.

Vote on the motion: Mr. Keeler, yes; Mayor Amorose Groomes, yes; Mr. Reiner, yes.

Adjournment

There being no further business to come before the Committee, the meeting was adjourned at 7:05 p.m.

Deputy Clerk of Council



City of Dublin

Office of the City Manager
5555 Perimeter Drive • Dublin, OH 43017-1090
Phone: 614.410.4400 • Fax: 614.410.4490

Memo

To: Members of the Dublin Community Development Committee
From: Dana L. McDaniel, City Manager
Date: September 1, 2020
Initiated By: Jennifer Readler, Law Director
Thad Boggs, Assistant Law Director
Jennifer Rauch, AICP, Planning Director
Greg Jones, Code Enforcement Supervisor
Re: Potential Short-Term Rental Regulation and Restrictions

Overview and Recommendation

At the January 6, 2020 City Council meeting, Council heard public comments from homeowners opposing and supporting proposed short-term rental legislation. The proposed legislation before Council required all property owners to register their home as a short-term rental and limited the number of nights that a unit could be rented to no more than 14 per year. Council tabled the legislation and referred the matter back to this Committee for more discussion in light of the comments received at the meeting and via Contact City Council. This was initially on the agenda for discussion at the March 2020 meeting which was cancelled due to the COVID-19 outbreak.

This memorandum outlines different possibilities available to the City that address some of the comments and concerns received by the City and includes examples of legislation from around the country applicable to each option.

Options for Committee Consideration

As a legal matter, the City has the authority to enact any number of restrictions on short-term rentals. It can limit the number of nights a short-term rental may operate, impose registration requirements and fees, differentiate between hosted and unhosted rentals, limit rentals to certain zoning districts, and any other number of restrictions. The following options are some of the most routinely used. Staff seeks guidance from this Committee in order to effectively draft legislation for Council review.

Option 1: Adopt a Policy Outlining City Expectations

The City could forego legislation in favor of outlining a policy that dictates how the City expects short-term rental operators to operate and this policy could be distributed to the largest online marketplaces (Airbnb and VRBO). This could discuss behavior expectations, visitor limits, parking issues, and anything else the City believes necessary. Upon receiving a complaint, City Code Enforcement could reach out to the violator and explain the concerns of neighbors and

the City. The City would be able to track these complaints and report back to this Committee and the City Manager. If this approach fails, the City could adopt more formal legislation.

Option 2: Require Registration of All Short-Term Rentals

The City could adopt legislation that requires all short-term rental hosts to register with the City, provide certain required information, and pay a registration fee. The City could require anyone who hosts even one night per year to register, or it could adopt a set number of allowable nights per year after which registration would be required. Again, this registration would apply to any person who rents either an entire house or a room in house whether or not that person stays in the home during the rental.

Option 3: Differentiate Between Hosted and Unhosted Short-Term Rentals

Several cities have enacted different restrictions on short-term rentals based on whether the homeowner is present for the duration of the rental. Dublin could create different requirements for hosted-rentals and unhosted-rentals. As the name implies, an owner-hosted rental requires the owner of the property to be present while a room or rooms in the home are rented. Unhosted rentals occur when the homeowner is not present in the home for the duration of the rental.

In theory, owner-hosted rentals should have fewer issues than unhosted rentals as the owner is present and desires an amicable relationship with any neighbors. An owner hosting a rental is incentivized to limit disturbing conduct, overcrowding, and any related parking or maintenance issues.

Dublin could permit unlimited owner-hosted rentals and completely prohibit unhosted rentals. It could also permit unlimited owner-hosted rentals while permitting unhosted rentals but placing a cap on nights rented per year. The previous proposed legislation limited rentals to 14 nights per calendar year, but the City could expand that number. The City could require all rental units to register whether hosted or unhosted; it could also require only unhosted rentals to register.

The City of Santa Monica, California adopted an ordinance making this distinction in September 2019. The city has had a longstanding prohibition on what it calls **"vacation rentals"** which are rentals for 30 days or less when the property owner is not present. The 2019 **Ordinance permitted what it called "home-sharing" rentals which are rentals for 30 days or less** when the property owner is present at the dwelling.

Santa Monica requires all home-sharing rentals to register with the city and to comply with various other safety measures, but it does not limit the number of days a person may rent their home. The Santa Monica Ordinance is attached as Exhibit A. Similarly, Cambridge, Massachusetts permits unlimited rentals but only of owner-occupied or owner-adjacent rentals. That legislation is attached as Exhibit B.

Option 4: Place a Cap on the Number of Nights that a Short-Term Rental Can Operate

Council has the legal authority to impose any limitation on the number of nights a home or room can be rented as a short-term rental. A 14-day cap was part of the legislation considered by Council on January 6, 2020 along with a registration requirement for all rental units.

Option 5: Prohibit or Permit Short-Term Rentals in Designated Zoning Districts

Dublin has the authority to restrict short-term rentals to certain zoning districts. This would eliminate concerns from homeowners in purely residential districts that the **"neighborhood" feel is disrupted by short-term renters**. It would also eliminate concerns about **the effect of any legislation on "traditional" bed and breakfasts** based in Downtown Dublin. It would also require an amendment to the City Zoning Code and would create potential issues with pre-existing uses.

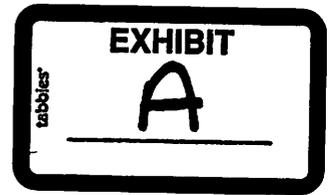
For example, Savannah, Georgia designates "short-term vacation rentals" as the rental of an entire dwelling for 30 days or less. It separately regulates the short-term rental of a room within a dwelling unit as a "bed and breakfast homestay." Savannah's short-term rental unit is attached as Exhibit C. Savannah permits short-term vacation rentals within the "short-term vacation rental overlay district" which includes certain local historic districts and certain Business and Agricultural zoning classifications.

Option 6: Prohibit All Short-Term Rentals

In 2019, Upper Arlington prohibited short-term rentals in all residential areas, which constitutes 95% of the UA land area. While prohibiting these types of rentals, the City could **carve out an exception for existing and future traditional bed and breakfasts**. Upper Arlington's Code Section is attached as Exhibit D.

Option 7: Maintain the Status Quo

The City has a relatively small number of advertised rentals at this time. Many of the concerns associated with short-term rentals are not unique to the use (including noise complaints and parking issues) and can be addressed with existing resources.



City Council Meeting: September 24, 2019

Santa Monica, California

ORDINANCE NUMBER 2616 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA MONICA AMENDING AND REVISING CHAPTER 6.20 OF THE
SANTA MONICA MUNICIPAL CODE TO STRENGTHEN REGULATION OF
HOME-SHARING AND VACATION RENTALS

WHEREAS, a central and significant goal for the City is preservation of its housing stock and preserving the quality and character of residential neighborhoods; and

WHEREAS, Santa Monica places a high value on cohesive and active residential neighborhoods and the diverse population that resides therein; and

WHEREAS, the City must preserve its available housing stock and the character and charm that result, in part, from cultural, ethnic, and economic diversity of its resident population, as a key factor in economic growth; and

WHEREAS, Santa Monica's natural beauty, its charming residential communities, its vibrant commercial quarters and its world-class amenities have drawn visitors from around the United States and around the world; and

WHEREAS, there is within the City a diverse array of short-term rentals for visitors, including, hotels, motels, bed and breakfasts, vacation rentals and home sharing, not all of which are lawful; and

WHEREAS, operations of vacation rentals, where residents rent entire units to visitors and are not present during the visitors' stays, frequently disrupt the quietude and residential character of the neighborhoods and adversely impact the community; and

WHEREAS, home-sharing does not create the same adverse impacts as unsupervised vacation rentals when the home-shares are hosted by the owner or a long-term resident who lives on site and is present to introduce guests to the City's neighborhoods and regulate guests' behavior; and

WHEREAS, while the City recognizes that home-sharing activities can be conducted in harmony with surrounding uses, those activities must be regulated to ensure that the home-sharing activities do not threaten or harm the public health, safety, or general welfare; and

WHEREAS, on May 12, 2015, the City Council adopted Ordinance Number 2484, which added Chapter 6.20 to the Santa Monica Municipal Code and thereby preserved the City's prohibition on vacation rentals, but authorized "home-sharing," whereby residents host visitors in their homes for short periods of stay, for compensation, while the resident host remains present throughout the visitors' stay; and

WHEREAS, on January 24, 2017, the City Council adopted Ordinance Number 2535CCS, which amended Chapter 6.20 to clarify its application to hosting platforms; and

WHEREAS, on June 27, 2017, the City Council adopted Ordinance Number 2547CCS, which further amended Chapter 6.20 to address the use of accessory dwelling units that received their building permits after March 31, 2017 as home-shares; and

WHEREAS, in the time since Chapter 6.20 was first added, the City has issued over 450 business licenses authorizing home-sharing; and

WHEREAS, the City is investigating approximately 30% of the licensed home-share hosts as operating vacation rental businesses under the guise of home-sharing; and

WHEREAS, the City strives to strike a balance between preserving the City's available housing stock, protecting the residential character of neighborhoods, and preventing home-shares from turning into de facto hostels and hotels, while at the same time permitting owners and long-term residents to host guests as part of a home-share; and;

WHEREAS, the costs of regulating and enforcing the requirements of the home-sharing program are significant and should be borne, at least in part, by those benefitting from their participation in the home-sharing program; and

WHEREAS, the City Council now wishes to amend Chapter 6.20 to clarify existing regulations and to implement various public health, safety, and general welfare regulations governing home-sharing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Chapter 6.20 is hereby amended to read as follows:

6.20.010 Definitions.

For purposes of this Chapter, the following words or phrases shall have the following meanings:

(a) **Bedroom.** Any habitable space in a dwelling unit other than a kitchen or living room that is intended for or capable of being used for sleeping, is at least 70 square feet in area, is separated from other rooms by a door, and is accessible to a bathroom without crossing another bedroom.

(b) **Booking Transaction.** Any reservation or payment service provided by a person who facilitates a home-sharing or vacation rental transaction between a prospective visitor and a host.

(c) **Dwelling Unit.** One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household. A dwelling unit includes a single-family residence, and each unit of an apartment, duplex, or multiple dwelling structure designed as a separate habitation for one or more persons, but does not include units located within City-approved hotels, motels, and bed and breakfasts, as defined in section 9.51.030(B)(15). An accessory dwelling unit, as defined by section 9.31.300, that received its building permit on or after March 31, 2017, constitutes a separate dwelling unit for the purpose of this Chapter.

(d) **Eligible Resident.** Any natural person who (1) is either (i) a long-term resident of a dwelling unit or (ii) an owner of a dwelling unit and (2) uses that dwelling unit as his or her primary residence.

(e) **Home-Sharing.** Renting for a period of 30 consecutive days or less, one or more bedrooms in a dwelling unit that is the primary residence of the host, while the host lives on-site, in the dwelling unit, throughout the visitors' stay. A dwelling unit rented out for home-sharing is referred to as a "home-share."

(f) **Host.** Any natural person who is an eligible resident of a dwelling unit offered for use as a home-share.

(g) **Hosting Platform.** A person who participates in the home-sharing or vacation rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

(h) **Lives On Site.** Maintains a physical presence in the dwelling unit, including, but not limited to, sleeping overnight, preparing and eating meals, and engaging in other activities in the dwelling unit, of the type typically maintained by a natural person in the dwelling unit in which he or she is an eligible resident.

(i) **Long-Term Resident.** Any natural person who, as of the date a home-share application is submitted pursuant to Section 6.20.021: (1) has occupied the dwelling unit that is the subject of the home-share application as his or her primary residence for at least the prior 12 months; and (2) has either (i) if the natural person is a tenant, subtenant, lessee, or sublessee, a written rental housing agreement for the dwelling unit for a period of 12 months or more after the date the home-share application is submitted

or (ii) if the natural person is not a tenant, subtenant, lessee, or sublessee, written documentation establishing that the natural person will reside at the dwelling unit for a period of 12 months or more after the date the home-share application is submitted.

(j) **Owner.** Any person who, alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

(k) **Person.** Any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, or organization of any kind.

(l) **Primary Residence.** The usual place of return for housing of an owner or long-term resident as documented by at least two of the following: motor vehicle registration, driver's license, California state identification card, voter registration, income tax return, property tax bill, or a utility bill. A person can only have one primary residence.

(m) **Vacation Rental.** Renting for a period of 30 consecutive days or less any dwelling unit, in whole or in part, for exclusive transient use. Exclusive transient use shall mean that no eligible resident of the dwelling unit lives on-site, in the dwelling unit, throughout any visitor's stay. Rentals of units located within City-approved hotels, motels, and bed and breakfasts shall not be considered vacation rentals.

(n) **Visitor.** A natural person who rents a home-share or vacation rental.

6.20.020 Home-sharing authorization.

(a) Notwithstanding any provision of this Code to the contrary, home-sharing shall be authorized in the City, provided that the host complies with each of the following requirements:

(1) Obtains and maintains at all times a City home-sharing permit issued pursuant to this Chapter and a business license issued pursuant to Chapter 6.04.

(2) Operates the home-sharing activity in compliance with all permit conditions for home-sharing as set forth in Section 6.20.021 and any regulations promulgated pursuant to this Chapter.

(3) Collects and remits Transient Occupancy Tax ("TOT"), in coordination with any hosting platform if utilized, to the City and complies with all City TOT requirements as set forth in Chapter 6.68 of this Code.

(4) Takes responsibility for and actively prevents any nuisance activities that may take place as a result of home-sharing activities.

(5) Ensures that basic health and safety features are provided, including fire extinguishers, smoke detectors, and carbon monoxide detectors.

(6) Does not book or rent to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not.

(7) Limits the occupancy of the home-share (including the host, all other eligible residents, and all visitors) to the lesser of (i) 10 persons; (ii) one person per 200 square feet of the dwelling unit; or (iii) two persons (excluding minor children) per bedroom.

(8) Limits visitors to (i) no more than one vehicle per bedroom rented as part of the home-share or (ii) if the home-share is located in a preferential parking zone, no more than two vehicles that shall be required to use the visitor permits available under Chapter 3.08 of this Code. A visitor's vehicle may be parked on site, to the extent available, or in legal street parking.

(9) Maintains liability insurance to cover home-sharing with minimum limits of not less than \$500,000 or conducts each home-sharing transaction through a hosting platform that provides equal or greater coverage.

(10) Complies with Section 6.20.022 governing advertisements of home-shares.

(11) Complies with all applicable laws, including the noise limitations set forth in Chapter 4.12 of this Code, and all health, safety, building, fire protection, and rent control laws.

(12) Complies with all regulations promulgated pursuant to this Chapter.

(b) All hosts and their respective properties, authorized by the City for home-sharing purposes pursuant to this Section, shall be listed on a registry created by the City and updated periodically by the City. The City shall publish the registry, and a copy shall be sent electronically to any person upon request.

(c) If any provision of this Chapter conflicts with any provision of the Zoning Ordinance codified in Article IX of this Code, the terms of this Chapter shall prevail with respect to interpretation and enforcement of this Chapter.

6.20.021 Home-sharing permit conditions.

(a) **Application required.** To obtain a home-sharing permit for a dwelling unit, a host shall submit an application on a form to be provided by the City and signed by the host under penalty of perjury. The application for the home-sharing permit shall include the following information:

- (1) Address of the proposed home-share;
- (2) Type of dwelling unit;
- (3) Whether the applicant is an owner or long-term resident;
- (4) If applicable, proof that the applicant is a long-term resident;
- (5) Proof that the proposed home-share is the primary residence of the applicant;
- (6) The name and contact information for any other eligible residents of the proposed home-share who will be serving as hosts, together with proof that each identified host is an eligible resident of the proposed home-share;
- (7) The square footage of the proposed home-share;
- (8) The number of bedrooms in the proposed home-share;
- (9) The maximum number of visitors per night, which shall not exceed the maximum permitted in accordance with Section 6.20.020(a)(6);
- (10) Proof of insurance;
- (11) Certification that the host will comply with all provisions of this Chapter and all regulations promulgated pursuant to this Chapter or be subject to the revocation of his or her home-sharing permit and business license; and

(12) Any other information required by regulations promulgated pursuant to this Chapter.

(b) **Application Fee.** The initial application and each renewal application for a home-sharing permit shall be accompanied by an application fee to be established by resolution by the City Council.

(c) **Duty to Amend Application.** If there are any material changes to the information submitted on a home-sharing permit application, the host shall submit an amended application on a form to be provided by the City and signed by the host under penalty of perjury within 30 days of any such changes. For the purposes of this Section, any change to the information required to be included in a home-sharing permit application by subsection (a) of this Section shall constitute a material change. Failure to submit an amended home-sharing permit application may result in revocation of the home-sharing permit and business license.

(e) **Term of Permit.** Notwithstanding any provision of this Code to the contrary, any home-sharing permit shall be effective for same period as the term of the host's business license.

(f) **Renewal of Permit.** A host may renew his or her home-sharing permit by submitting a completed permit renewal application on a form to be provided by the City and signed by the host under penalty of perjury. The permit renewal application shall include all of the information required by subsection (a) of this Section.

(g) **No Transfer or Assignment.** A home-sharing permit may not be assigned or transferred to any other person.

6.20.022 Advertisements for home-sharing.

(a) The host shall include the following information in any advertisement for home-sharing:

- (1) The business license number issued by the City;
- (2) That the host lives on site and will be present in the home-share throughout the visitor's stay;
- (3) The permitted occupancy of the home-share as specified in the home-sharing permit application;
- (4) The permitted number of visitor vehicles, in accordance with Section 6.20.020(a)(8);
- (5) That the home-share cannot be booked or rented to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not; and
- (6) Any other information required by regulations promulgated pursuant to this Chapter.

(b) A host is limited to posting no more than two listings for the home-share on each hosting platform or other media outlet. If a host posts a listing for the home-share on multiple hosting platforms or other media outlets, only two listings may be booked for any given date.

(c) No advertisements regarding the availability of a dwelling unit for home-sharing shall be posted in or on any exterior area of the dwelling unit, any exterior area of any other dwelling unit on the same lot, or the lot on which the dwelling unit is located.

6.20.030 Prohibitions.

(a) No person shall undertake, maintain, authorize, aid, facilitate or advertise any vacation rental or any home-sharing that does not comply with this Chapter. For the purposes of this section only, person does not include a hosting platform.

(b) No host may be the host for more than one home-share.

6.20.050 Hosting platform responsibilities.

(a) Hosting platforms shall be responsible for collecting all applicable TOTs and remitting the same to the City. The hosting platform shall be considered an agent of the host for purposes of TOT collections and remittance responsibilities as set forth in Chapter 6.68 of this Code.

(b) Subject to applicable laws, hosting platforms shall disclose to the City on a regular basis each home-sharing and vacation rental listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.

(c) Hosting platforms shall not complete any booking transaction for any residential property or unit unless it is listed on the City's registry created under Section 6.20.020 subsection (b), at the time the hosting platform receives a fee for the booking transaction.

(d) Hosting platforms shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to a vacation rental or unregistered home-share, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.

(e) **Safe Harbor.** A hosting platform operating exclusively on the Internet, which operates in compliance with subsections (a), (b), (c), and (d) above, shall be presumed to be in compliance with this Chapter, except that the hosting platform remains responsible for compliance with the administrative subpoena provisions of this Chapter.

(f) The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, any such law(s).

6.20.080 Regulations.

The City Manager or designee may promulgate regulations, which may include, but are not limited to, permit conditions, reporting requirements, inspection frequencies, enforcement procedures, additional advertising restrictions, disclosure requirements, administrative subpoena procedures or additional insurance requirements, to implement the provisions of this Chapter. No person shall fail to comply with any such regulation.

6.20.090 Fees.

The City Council may establish and amend by resolution all fees and charges as may be necessary to effectuate the purpose of this Chapter, including, but not limited to, the application fee required by Section 6.20.021.

6.20.100 Enforcement.

(a) Any host violating any provision of this Chapter, any person other than a hosting platform who facilitates or attempts to facilitate a violation of this Chapter, or a hosting platform that violates its obligations under Section 6.20.050, shall be guilty of an infraction, which shall be punishable by a fine not exceeding \$750, or a misdemeanor,

which shall be punishable by a fine not exceeding \$1,000, or by imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment.

(b) Any person convicted of violating any provision of this Chapter in a criminal case or found to be in violation of this Chapter in a civil or administrative case brought by a law enforcement agency shall be ordered to reimburse the City and other participating law enforcement agencies their full investigative costs, pay all back TOTs, and remit all illegally obtained rental revenue to the City so that it may be returned to the home-sharing visitors or used to compensate victims of illegal short-term rental activities.

(c) Any host who violates any provision of this Chapter, any person other than a hosting platform who facilitates or attempts to facilitate a violation of this Chapter, or a hosting platform that violates its obligations under Section 6.20.050, shall be subject to administrative fines and administrative penalties pursuant to Chapters 1.09 and 1.10 of this Code.

(d) Any interested person may seek an injunction or other relief to prevent or remedy violations of this Chapter. The prevailing party in such an action shall be entitled to recover reasonable costs and attorney's fees.

(e) The City may issue and serve administrative subpoenas as necessary to obtain specific information regarding home-sharing and vacation rental listings located in the City, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay, to determine whether the home-sharing and vacation rental listings comply with this Chapter. Any subpoena issued pursuant to this section shall not require the production of information sooner than 30 days from the date of service. A

person that has been served with an administrative subpoena may seek judicial review during that 30 day period.

(f) The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties or procedures established by law.

SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance

shall become effective 30 days from its adoption, and shall apply to all home-shares, including those operating under business licenses obtained prior to the effective date of this Ordinance.

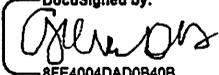
APPROVED AS TO FORM:

DocuSigned by:

FEC6DBA8A0D3460

LANE DILG
City Attorney

Approved and adopted this 24th day of September, 2019.

DocuSigned by:

8FF4004DAD0B40B

Glean Davis, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)

I, Denise Anderson-Warren, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2616 (CCS) had its introduction on September 10, 2019, and was adopted at the Santa Monica City Council meeting held on September 24, 2019, by the following vote:

AYES: Councilmembers Morena, McKeown, Himmelrich, Winterer, Jara, Mayor Pro Tem O'Day, Mayor Davis

NOES: None

ABSENT: None

ATTEST:

DocuSigned by:

F2E85B056A714C3

Denise Anderson-Warren, City Clerk

10/23/2019

Date

A summary of Ordinance No. 2616 (CCS) was duly published pursuant to California Government Code Section 40806.

1. A completed Special Permit Application form.
2. A completed Property Ownership Certificate.
3. An accurately scaled map showing existing conditions on the lot(s) on which the institutional development is proposed. Said map shall indicate property lines, existing structures and major landscaped features including trees in excess of three inch caliper, parking areas and driveways.
4. A description of the current use of said lot(s) or of the use within the previous twenty-four (24) months if the lot or structures are vacant.
5. A written description of the proposed use of the lot including the intensity of use, expected activity patterns, and probable users.
6. A statement of how the anticipated physical attributes of the use will be similar to or different from those predicted for that category of use generally in the *Cambridge Institutional Growth Management Plan*.
7. If germane to the proposal, a plan for replacing dwelling units to be displaced by the institutional use as required by footnote 4 of Subsection 4.56.
8. A list of any zoning violations which would customarily necessitate variances from the requirements of this Ordinance.

4.58.2 No application shall be accepted by the Board of Zoning Appeal until all of the information required in this Subsection 4.57 is submitted. Any changes in the application following submittal, other than those requested by the Board of Zoning Appeal, or its agent, shall require resubmittal of an application for a special permit. During the course of the special permit application, the Board of Zoning Appeal may require the applicant to provide any additional information which it deems is necessary and reasonable to determine that criteria of Subsection 4.57 will be satisfied.

4.60 SHORT-TERM RENTALS

4.61 *Purpose.* This Section 4.60 "Short-Term Rentals" is intended to make the operation of short-term rentals legal for Cambridge residents, protect the safety of renters and residents, ensure that the primary use remains residential, and ensure that short-term rentals will not be a detriment to the character and livability of the surrounding residential neighborhood.

4.62 *Definitions*

- a. Short-term rental. Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days.
- b. Short-term renter. Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a short-term rental for a duration of less than thirty (30) consecutive days.
- c. Short-term rental operator. The person or persons offering a dwelling unit or bedroom for short-term rental, who may be either the owner or the primary leaseholder of the dwelling unit with the written permission of the property owner and the condominium association if applicable

- d. Operator-occupied short-term rental. The short-term rental of a dwelling unit, or of no more than three (3) individual bedrooms within such dwelling unit, that is the primary residence of its operator.
- e. Owner-adjacent short-term rental. The short-term rental of a dwelling unit that is not the primary residence of the operator, but is located within a residential building with a total of four or fewer dwelling units where all dwelling units in the building are owned by the operator, and one of the dwelling units in the building is the primary residence of the operator.

4.63 *Applicability.* The requirements of this Section 4.60 shall apply to all districts where residential uses are allowed, but shall not apply to principal transient accommodations.

4.64 *Requirements.* Short-term rentals are permitted as an accessory residential use in existing dwellings in all districts where residential use is permitted, subject to the following requirements:

- 1. Only operator-occupied short-term rentals and owner-adjacent short-term rentals are permitted.
 - 2. All short-term rental operators shall register with the Inspectional Services Department prior to short-term rental use and occupancy in conformance with Section 4.67 below.
 - 3. A dwelling unit or bedroom offered for short-term rentals shall comply with building code requirements for occupancy.
 - 4. A dwelling unit or bedroom offered for short-term rentals shall comply with all standards and regulations promulgated by the Commissioner of Inspectional Services.
 - 5. A short-term rental operator may make available no more than one (1) dwelling unit for operator-occupied short-term rentals, which may include the separate short-term rental of no more than three (3) individual bedrooms, and one (1) dwelling unit for owner-adjacent short-term rentals.
 - 6. Operators of short-term rentals shall remit to the appropriate body all fees and taxes as required by the City and/or State authorities.
 - 7. Short-term rental operators shall maintain liability insurance appropriate to cover the short-term rental use.
 - 8. An owner-adjacent short-term rental may be rented only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.
 - 9. An operator-occupied short-term rental during which the operator is away from the dwelling unit for more than seven (7) consecutive days may be rented only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.
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10. The number of individual bedrooms made available for operator-occupied short-term rentals within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit.
 11. Renting for an hourly rate, or for rental durations of less than ten (10) consecutive hours, shall not be permitted.
 12. Commercial meetings and uses are prohibited in short-term rentals.

4.65 *Procedural Requirements.*

1. The following information shall be provided to all short-term renters and posted in all owner-adjacent short-term rentals in a manner to be determined by the Inspectional Services Department:
 - a. Instructions for disposal of waste per the City's recycling and composting programs.
 - b. An emergency-exit diagram in all bedrooms used for owner-adjacent short-term rentals and on all egresses from the dwelling unit.
 - c. Contact information for the short-term rental operator, or when the operator is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities.
 - d. The certificate of registration for the short-term rental.
2. The operator of an owner-adjacent short-term rental shall keep accurate books and records, make them available upon request of the Inspectional Services Department, and maintain such books and records for a period of three years.

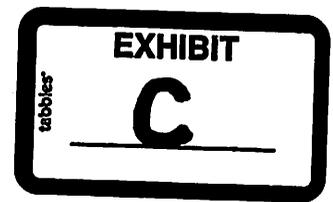
4.66 *Regulations.* The Commissioner of Inspectional Services shall have the authority to promulgate regulations to carry out and enforce the provisions of this Section 4.60 "Short-Term Rentals."

4.67 *Registration.*

1. All dwelling units offered for short-term rentals shall register with the City and secure a certificate of registration according to standards set forth by the Commissioner of Inspectional Services, and pay all associated fees. The certificate of registration shall require the operator to agree to abide by the requirements of this Section 4.60. If the operator is not the owner of the property, the operator shall provide written evidence that the owner and the condominium association if applicable has consented to the short-term rental use of the property. All operators shall provide the City with proof that one of the units in the structure is used as the operator's primary residence, either by: 1) providing proof of enrollment in the Cambridge residential tax exemption program, or 2) providing an affidavit, signed under the pains and penalties of perjury, stating that the dwelling being used for short-term rental is the operator's primary residence, a property title or tenancy agreement along with a photo ID, and a government or utility correspondence with operator's name and address issued within the last three (3) months.
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2. Prior to issuing or renewing a certificate of registration, the Inspectional Services Department shall conduct an inspection to verify that each dwelling unit and bedroom to be rented to short-term renters:
 - a. Meets all building code requirements for occupancy.
 - b. Meets all other requirements of this Section 4.60 "Short-Term Rentals" and regulations promulgated by the Commissioner of Inspectional Services.
 - c. It is the responsibility of the short-term rental operator to renew its certificate of registration every five years or upon change of operator or owner.

4.68 *Effective Date.* The provisions of this Section 4.60 "Short-Term Rentals" shall take effect on April 1, 2018. Beginning on October 1, 2017, or on an earlier date as may be determined by the Commissioner of Inspectional Services, the City may receive applications for registration, conduct inspections, and issue certificates of registration for short-term rentals to operators who apply before the effective date.



CHAPTER 11. - SHORT-TERM VACATION RENTALS^[18]

Contents:

Sec. 8-11010. - Intent; purpose.

Sec. 8-11011. - Definitions; general provisions.

Sec. 8-11012. - Short-term vacation rental certificate.

Sec. 8-11013. - Application for short-term vacation rental certificate.

Sec. 8-11014. - Short-term vacation rental agent.

Sec. 8-11015. - Grant or denial of application.

Sec. 8-11016. - Short-term vacation rental units.

Sec. 8-11017. - Short-term vacation regulation procedure.

Sec. 8-11018. - Taxes.

Footnotes:

— (18) ---

Editor's note— Ord. of 8-3-2017(2), adopted August 3, 2017 , set out provisions intended for use as §§ 8-10011, 8-10013, 8-10015 and 8-10017. To preserve the existing style of this Code, and at the editor's discretion, these provisions have been included as §§ 8-11011, 8-11013, 8-11015, 8-11017; additionally, §§ 8-10010, 8-10012, 8-10014, and 8-10016 have been redesignated as 8-11010, 8-11012, 8-11014, and 8-11016. Ord. of 11-10-2014(2), adopted November 10, 2014, set out provisions intended for use as §§ 8-10009—8-10017. To preserve the existing style of this Code, and at the editor's discretion, these provisions have been included as §§ 8-10010—8-10018.

Sec. 8-11010. - Intent; purpose.

It is the purpose of this chapter to protect the public health, safety and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term vacation units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the city's neighborhoods.

(Ord. of 11-10-2014(2))

Sec. 8-11011. - Definitions; general provisions.

Code compliance verification form is a document executed by a short-term vacation owner certifying that the short-term vacation unit complies with applicable zoning, building, health and life safety code provisions. No person shall allow occupancy or possession of any short-term vacation rental unit if the premises is in violation of any applicable zoning, building, health or life safety code provisions.

Owner-occupied property refers to real property which contains one or more dwelling unit(s) where the principal dwelling unit must be occupied by the property owner and constitute his/her primary and usual place of residence. The dwelling units must share the Property Identification Number assigned by the Chatham County Board of Assessors. Proof of owner-occupancy requires proof of a valid homestead exemption submitted with the application for a short-term vacation rental certificate. In lieu of homestead exemption, a sworn affidavit and supporting documentation establishing proof of residency must be submitted by the applicant stating that the primary dwelling unit is the legal residence and domicile of the resident. Proof of residency is required in the form of two of the following: 1) a valid Georgia Driver's License or Georgia Identification Card; 2) registration for vehicles owned by and registered in the name of the applicant; 3) Chatham County Voter's Registration Card or 4) Previous year's W-2 Form or Internal Revenue Service Tax Return.

Short-term vacation rental occupants means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

Short-term vacation rental means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing

types and shall exclude group living or other lodging uses, as defined in division II, code of general ordinances, part 8, planning and regulation of development, chapter 3, zoning, as amended.

Short-term vacation rental agent means a natural person designated by the owner of a short-term vacation rental on the short-term vacation rental certificate application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within the city for purposes of transacting business.

(Ord. of 11-10-2014)(2) ; Ord. of 8-3-2017(2))

Sec. 8-11012. - Short-term vacation rental certificate.

- a. No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term vacation rental, as defined in section 8-10011, without first obtaining a business tax certificate from the revenue director and complying with the regulations contained in this section. No certificate issued under this chapter may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.
- b. Annual renewals of certificates issued to parcels with existing certificates, including parcels for which certificate applications have been filed before September 28, 2017 ("Pre-Existing Certificates") shall not be denied on the grounds that issuance of a certificate will exceed the per-ward maximum cap limitation set forth in part 8, chapter 3 of this Code, also known as the zoning ordinance for the City of Savannah. When a transfer of property title occurs for a parcel with a pre-existing certificate(s), a new application from the transferee/grantee shall not be denied on the grounds that the issuance of a certificate will exceed the pre-ward maximum cap limitation if the transferee/grantee applies for a new short-term vacation rental certificate(s) within six months from the date of title transfer.
- c. Except as provided in subsection (b), all non-renewal certificate applications submitted after September 28, 2017 shall be subject to the per-ward cap set forth in the zoning ordinance for the City of Savannah.
- d. For purposes of clarification, in calculating the per-ward short-term vacation rental use percentages as set forth in the zoning ordinance for the City of Savannah, all parcels with short-term rental certificate(s) which are non-owner occupied and have conservation, residential, 1-R, 2-R or 3-R zoning districts, including such parcels with pre-existing certificates, shall be counted in determining the percentage then existing in each ward.

(Ord. of 11-10-2014(2) ; Ord. of 9-28-2017(8) , § 1)

Sec. 8-11013. - Application for short-term vacation rental certificate.

- a. Applicants for a short-term vacation rental certificate shall submit, on an annual basis, an application for a short-term vacation rental certificate to the tourism management and ambassadorship director of the City of Savannah. The application shall be furnished under oath on a form specified by the city manager, accompanied by a non-refundable application fee as set forth in the city's annual revenue ordinance. Such application should include:
 1. The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a certificate is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors of any such entity, including personal contact information;
 2. The address of the unit to be used as a short-term vacation rental;
 3. The name, address, telephone number and email address of the short-term vacation rental agent, which shall constitute his or her 24-hour contact information;
 4. The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements;
 5. The number and location of parking spaces allotted to the premises;
 6. The owner's agreement to use his or her best efforts to assure that use of the premises by short-term vacation rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
 7. Any other information that this chapter requires the owner to provide to the city as part of an application for a short-term vacation rental certificate. The city manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
- b. Attached to and concurrent with submission of the application described in this section, the owner shall provide:
 1. The owner's sworn code compliance verification form;

2. A written exemplar rental agreement, which shall consist of the form of document to be executed between the owner and occupant(s), which shall contain the following provisions and which shall be posted in the short-term vacation rental unit:
 - a. The occupant(s)' agreement to abide by all of the requirements of this chapter, any other City of Savannah ordinances, state and federal law and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;
 - b. The occupant(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in the city's noise ordinance;
 - c. The occupant(s)' acknowledgement and agreement that violation of the agreement or this chapter may result in immediate termination of the agreement and eviction from the short-term vacation rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the city; and
 - d. The occupant(s)' acknowledgement on the maximum occupancy of the short-term vacation rental unit and, if available, the location of on-site parking.
 3. Proof of the owner's current ownership of the short-term vacation rental unit;
 4. Proof of insurance indicating the premises is used as a short-term vacation rental;
 5. A written certification from the short-term vacation agent that he or she agrees to perform the duties specified in subsection 8-10014(b); and
 6. For condominiums, as defined by the Georgia Condominium Act, O.C.G.A. §§ 44-3-70, et seq., provide a copy of the adopted condominium declaration either explicitly permitting leasing of the dwelling unit(s) for less than 30 days or adopted condominium declaration which contains no prohibition on short-term vacation rentals or the leasing of dwelling units for less than 30 days.
- c. If the rental agent changes, the property owner shall notify the City of Savannah within five business days.
- d. Certificate holder shall publish a short-term vacation rental certificate number and exemplar rental agreement in every print, digital, or internet advertisement and any property listing in which the short-term vacation rental is advertised.

(Ord. of 11-10-2014(2) ; Ord. of 8-3-2017(2))

Sec. 8-11014. - Short-term vacation rental agent.

- a. The owner of a short-term vacation rental shall designate a short-term vacation rental agent on its application for a short-term vacation rental certificate. A property owner may serve as the short-term vacation rental agent. Alternatively, the owner may designate a natural person as his or her agent who is over age 18.
- b. The duties of the short-term vacation rental agent are to:
 1. Be reasonably available to handle any problems arising from use of the short-term vacation rental unit;
 2. Appear on the premises of any short-term vacation rental unit within two hours following notification from the city of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short-term vacation rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the City of Savannah Code of Ordinances or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol or use of illegal drugs. Failure of the agent to timely appear to two or more complaints regarding violations may be grounds for penalties as set forth in this chapter. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;
 3. Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
 4. Monitor the short-term vacation rental unit for compliance with this chapter.
- c. An owner may change his or her designation of a short-term vacation rental agent temporarily or permanently; however there shall only be one such agent for a property at any given time. To change the designated agent, the owner shall notify the tourism management and ambassadorship director in writing of the new agent's identity, together with all information regarding such person as required by the applicable provisions of section 8-10013.

(Ord. of 11-10-2014(2))

Sec. 8-11015. - Grant or denial of application.

- a. All of-record property owners adjacent to a proposed short-term vacation rental shall be notified of the use prior to the issuance of an initial short-term vacation rental certificate. Notification shall be issued by the short-term vacation rental applicant and proof of notification provided to the city. The notification to the property owners shall include:
1. Street address of the proposed short-term vacation rental;
 2. Location of any on-site parking for short-term vacation rental occupants;
 3. Maximum occupancy requirements;
 4. Copy of the short-term vacation exemplar rental agreement;
 5. Name of the property owner(s); and
 6. Name of rental agent and contact information.

Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.

(Ord. of 11-10-2014(2) ; Ord. of 8-3-2017(2))

Sec. 8-11016. - Short-term vacation rental units.

- a. A legible copy of the short-term vacation rental unit certificate shall be posted within the unit and include all of the following information:
1. The name, address, telephone number and email address of the short-term vacation rental agent;
 2. The business tax certificate number;
 3. The maximum occupancy of the unit;
 4. The maximum number of vehicles that may be parked at the unit; and
- b. Short-term vacation rental units must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, building, health and life safety code provisions.

(Ord. of 11-10-2014(2))

Sec. 8-11017. - Short-term vacation regulation procedure.

- a. To ensure the continued application of the intent and purpose of this chapter, the tourism management and ambassadorship director of the city shall notify the owner of a short-term vacation rental unit of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term vacation rental unit agent results in a citation for a code violation or other legal infraction.
- b. The tourism management and ambassadorship director shall maintain in each short-term vacation rental location file a record of all code violation charges, founded accusations and convictions occurring at or relating to a short-term vacation rental unit. When a property owner has accumulated three code violations for a particular property within a period of 12 consecutive months, the city shall revoke any pending certificates and reject all applications for the subject premises for a period of 12 consecutive months.
- c. If a short-term vacation rental unit owner has been cited and found to be in violation of any zoning, building, health or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short-term vacation rental certificate.
- d. Citations for code violations and any other violation of the city code may be heard by a short-term vacation rental staff board or the Recorder's Court of Chatham County. The staff board shall be comprised of full-time city employees as appointed by the city manager or his/her designee and shall include at least one staff member selected from revenue, zoning, tourism and the Savannah-Chatham Metropolitan Police Department. The staff board will receive evidence; however, the official rules of evidence will not govern the proceeding. The staff board will issue a written finding as to each alleged infraction, specifically identifying each founded accusation, which shall constitute a violation.
- e. Violations of this chapter are subject to the following fines, which may not be waived or reduced and which may be combined with any other legal remedy available to the city:
1. First violation: \$500.00.

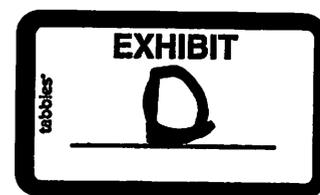
2. Second violation within the preceding 12 months: \$750.00.
 3. Third violation within the preceding 12 months: \$1,000.00.
- f. A person aggrieved by the city's decision to revoke, suspend or deny a short-term vacation rental certificate may appeal the decision to the city manager. The appeal must be filed with the city manager's office in writing, within 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision by the city manager.
 - g. The city manager or appointed designee shall consider the appeal within 30 days after receipt by the city manager of a request unless otherwise agreed in writing by the city and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The city manager shall render a determination, which will constitute a final ruling on the application.
 - h. Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, deputy marshal or other duly empowered officer under the city's ordinances, rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

(Ord. of 11-10-2014(2) ; Ord. of 8-3-2017(2))

Sec. 8-11018. - Taxes.

Short-term vacation rental unit owners are subject to state sales tax, city taxes, including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and the city code. the city may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

(Ord. of 11-10-2014(2))



**RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO**

ORDINANCE NO. 22-2019

TO AMEND ORDINANCE 38-2018 TO REMOVE THE SUNSET PROVISION AND TO MAKE THE AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE CONTAINED IN ORDINANCE 38-2018 PERMANENT.

WHEREAS, City Council passed Ordinance 38-2018 on April 23, 2018, making various amendments to the Unified Development Ordinance (UDO), Part 11 of the Upper Arlington Codified Ordinances, including an amendment to UDO Section 5.02(B) expressly prohibiting renting a residence, or portion thereof, to any tenant for a period of less than 30 days ("short-term rental"); and

WHEREAS, Ordinance 38-2018 contained a "sunset" provision by which the amendments contained in that Ordinance would automatically expire on the date one year after the effective date of that Ordinance without further legislative action by City Council; and

WHEREAS, as it pertains to short-term rentals, the City has a legitimate interest in preserving its residential neighborhoods, and the proliferation of short-term rentals of residential properties threatens the health, safety, peace and tranquility of those neighborhoods by introducing transient guests into residential areas, leading to increased noise, traffic, and occupancy of residences without sufficient owner supervision and City oversight; and

WHEREAS, in order to protect and preserve the character and tranquility of the City's residential neighborhoods and to protect the health, safety, and welfare of the City and its residents, the City wishes to remove the sunset provision from Ordinance 38-2018 and make all provisions of that Ordinance, including the express prohibition on short-term rentals, permanent; and

WHEREAS, to ensure that the provisions of Ordinance 38-2018 will not expire prior to Council's action on this Ordinance, and because this Ordinance functions simply to remove the sunset provision of Ordinance 38-2018 and otherwise makes no amendments to the UDO, staff recommends that Council waive any applicable requirements of UDO Section 4.04 and proceeds with this Ordinance

under its typical legislative process.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Upper Arlington, Ohio:

SECTION 1: That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire section of the Unified Development Ordinance that is being amended.

SECTION 2: That Council hereby waives the requirements of UDO Section 4.04 that may pertain to this Ordinance.

SECTION 3: That Council hereby amends Ordinance 38-2018, which is attached to and incorporated into this Ordinance as Exhibit A, to remove Section 9 (the "sunset" provision) of that Ordinance, thereby making all amendments to the UDO contained in Ordinance 38-2018 permanent.

SECTION 4: That if any provision or section of this Ordinance, or the application thereof, is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid provisions or applications, and to this end the provisions and sections of this Ordinance are hereby declared severable.

SECTION 5: That the City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 6: That this Ordinance is enacted pursuant to the home rule powers of the City of Upper Arlington as set forth at Article XVIII, Section 3, of the Ohio Constitution.

SECTION 7: That this Ordinance shall take effect at the earliest date allowed by law.

**RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO**

ORDINANCE 38-2018

TO AMEND ARTICLE 11, UNIFIED DEVELOPMENT ORDINANCE (U.D.O.), OF THE UPPER ARLINGTON CODIFIED ORDINANCES, BY AMENDING U.D.O. SECTION 5.02, RESIDENTIAL DISTRICTS; U.D.O. TABLE 5-A, RESIDENTIAL USES; AND U.D.O. SECTION 6.10, CONDITIONAL USES.

WHEREAS, staff proposed various amendments to the Unified Development Ordinance (U.D.O.), including amendments related to short term rentals in residential districts and the uses of apartment hotels, bed and breakfasts, and hotels and motels in single family residential districts, which were presented to Council in Ordinance 32-2018 on April 2, 2018 and April 9, 2018; and

WHEREAS, the sections related to short term rentals, apartment hotels, bed and breakfasts, and motels and hotels in single family residential districts have been removed from Ordinance 32-2018 and incorporated into this Ordinance; and

WHEREAS, the City has a legitimate interest in preserving its residential neighborhoods, and the proliferation of short-term rentals of residential properties threatens the health, safety, peace and tranquility of those neighborhoods by introducing transient guests into residential areas, leading to increased noise, traffic, and occupancy of residences without sufficient owner supervision and City oversight; and

WHEREAS, the City wishes to prohibit short term rentals, apartment hotels, bed and breakfasts, and hotels and motels in single family residential districts for a period of one year in order to prevent further proliferation of these uses in single family residential neighborhoods while also taking time to ensure it regulates these uses in a reasonable, practical manner to protect existing single family residential neighborhoods and the rights of property owners.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1: That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire section of the Unified Development Ordinance that is being amended.

SECTION 2: That U.D.O. § 5.02 (B), Article 11 of the Upper Arlington Codified ordinances, shall hereby be amended to read as follows:

(B) *Permitted, prohibited, accessory, and conditional uses:* Permitted, prohibited, accessory, and conditional uses for each of the residential use districts are listed in Table 5-A, Residential Uses and Table 5-B, Home Occupational Uses. No residence or portion thereof may be rented out to any tenant(s) for a period of less than 30 days.

SECTION 3: That the Residential Uses use “Apartment hotels,” “Bed & Breakfast Homestay,” and “Hotels and Motels,” contained in U.D.O. Article 5, Table 5-A: Residential Uses, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

Table 5-A: Residential Uses

	R-S	R-1	R-2	R-3	RCD
Apartment Hotels	Pr	Pr	Pr	Pr	G
Bed & Breakfast Homestay	G	G	G	G	G
Hotels and Motels	G-Pr	G-Pr	G-Pr	G-Pr	C

SECTION 4: That U.D.O. § 6.10 (C)(2), Article 11 of the Upper Arlington Codified ordinances, shall hereby be amended to read, as follows:

- (2) ~~Bed and breakfast inn:~~ RESERVED
- (a) ~~Purpose:~~ The use shall be for the purpose of providing only overnight accommodation and breakfast in up to five (5) guest rooms.
- (b) ~~Standards:~~
- i. ~~Facilities shall be compatible with surrounding area and with sufficient site area to accommodate existing and future needs.~~

- ~~ii. For parking, setbacks shall be no more than ten (10) feet from any rear or side yard lot line.~~
- ~~iii. One (1) outdoor advertising sign up to four (4) square feet in area may be used at the bed and breakfast facility. The sign may be a wall, ground or post/hanging sign. The post/hanging sign shall not exceed six (6) feet in height. No other signage may be permitted.~~
- ~~iv. Accessory buildings and detached garages used by one (1) or more of the allowed guests shall not contain cooking facilities.~~
- ~~v. Parking shall be screened by a solid wood fence, masonry wall or hedge at least six (6) feet high along the property line adjacent to a residential property. No bed and breakfast shall be located within four hundred (400) feet of another bed and breakfast facility unless waived by BZAP.~~
- ~~vi. A minimum of one (1) parking space shall be provided for each guest unit. Two (2) additional spaces shall be provided for the owner operator in addition to those for the guest units. Driveways may be used as off-street parking areas except for that portion of a driveway located between the property line and the curb.~~
- ~~vii. Breakfast shall be served on the premises only for the guests of the facility, and no other meals shall be provided. "Restaurants" as defined in Article 2 included in bed and breakfast inns shall be subject to the approval of BZAP.~~
- ~~viii. The owner shall maintain a record of the stays of all guests. The same guest or group of registrants shall not stay at the facility for a period of more than seven (7) consecutive days or more than fourteen (14) total days within a given calendar year.~~
- ~~ix. The operator of the bed and breakfast facility must be the owner of record and hold no less than fifty percent (50%) interest in the property. The owner must occupy the property.~~

SECTION 5: That if any provision or section of this Ordinance, or the application thereof, is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid provisions or applications, and to this end the provisions and sections of this Ordinance are hereby declared severable.

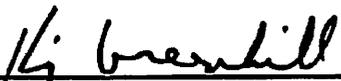
SECTION 6: That the City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 7: That this Ordinance is enacted pursuant to the home rule powers of the City of Upper Arlington as set forth at Article XVIII, Section 3, of the Ohio Constitution.

SECTION 8: That this Ordinance shall take effect at the earliest date allowed by law.

SECTION 9: That the provisions of this Ordinance shall automatically expire on the date one year after the effective date of this Ordinance absent further legislative action by City Council.

PASSED: April 23, 2018



President of Council

ATTEST:



City Clerk

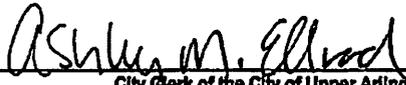
I, Ashley Ellrod, City Clerk of Upper Arlington, Ohio, do hereby certify that the above is a true and correct copy.



City Clerk

CERTIFICATE OF POSTING

I, Ashley Ellrod, City Clerk of the City of Upper Arlington, Ohio, do hereby certify that publication of the foregoing was made by posting a true copy of Ordinance No. 38-2018 at the most public place in said corporation as determined by the Council, the Municipal Building, 3600 Tremont Road, for a period of ten (10) days commencing April 24, 2018.



City Clerk of the City of Upper Arlington

Vote Slip

Sponsor: Mr. King
Date Introduced: April 23, 2018

Legal Ad:
Newspaper:

Reading Date(s): April 23, 2018

Voting Aye: Close, Hoyle, King, Ralph,
and Greenhill

Voting Nay: Casper, Lynch

Abstain:

Absent:

Date of Passage: April 23, 2018

City Council Conference Session/Other Review:
April 16, 2018

Other: Suspension of Rules: Thirty Day Clause



SHORT-TERM RENTAL LEGISLATION

Dublin Community Development Committee Meeting
September 16, 2020

Jennifer D. Readler, Esq.

Dublin Law Director

Thaddeus M. Boggs, Esq.

Assistant Law Director



BACKGROUND

- The Community Development Committee recommended approval of draft legislation regulating short-term rentals at its November 6, 2019 meeting.
- At its January 6, 2020 meeting, City Council heard from residents both for and against the legislation and referred the matter back to this Committee for further consideration in light of those comments and concerns.
- City Staff has provided a revised memorandum outlining options available to the City.



DEVELOPMENT OF LEGISLATION

- December 2017: The Law Department provided a memorandum regarding issues raised by short-term rentals and recommended no regulations specific to short-term rentals.
- October 2018: The Law Department updated the December 2017 memorandum, incorporating information about the Columbus ordinance pending at that time, with continued recommendation of no regulations specific to short-term rentals; referral to Community Development Committee.
- August 20, 2019: The Law Department updated the October 2018 memorandum and presented options to the Community Development Committee, including preserving the status quo of no short-term rental regulation; registration; or ban. The Committee requested preparation of materials for Council to require registration after the 14th night of short-term rental.
- September 23, 2019: Council requested an additional memorandum and referred back to the Community Development Committee.
- October 10, 2019: Staff updated the August 2019 memorandum to request direction on how to proceed.
- November 6, 2019: The Community Development Committee discussed a draft ordinance that would require registration of short-term rentals and a limit of 14 nights per calendar year. The Committee heard comment from residents supportive of this change and directed that the draft move forward for introduction to Council.
- December 2, 2019: Ordinance 73-19 was introduced, with a 14-night cap on short-term rentals per calendar year; required registration; and required information on number of guests and stay to be submitted by hosts, with 24-hour host contact information.
- January 6, 2020: City Council referred the matter back to this Committee for further review and consideration.



OPTIONS

1. **Adopt a policy outlining the City's expectations for short-term rental operators.**
2. Require registration of all short-term rentals.
3. Differentiate between hosted and unhosted rentals.
4. Place a cap on the number of nights in a given year that a short-term rental can be offered.
5. Prohibit short-term rentals in certain zoning districts while permitting it in others.
6. Prohibit all short-term rentals.
7. Status quo – no short-term rental regulation.



Option 1 – Adopt a Policy Outlining City Expectations

- This policy could be circulated to all short-term rentals in Dublin listed on the largest online marketplaces.
- If a complaint is received, Code Enforcement officials will reach out to the violator to explain the concerns.
- These complaints will be logged and more stringent regulation could be considered if these communications are not successful.



Option 2 – Require registration

- This requirement could kick in if the property was rented for even one night, but Council could also mandate a specific number of allowable days per year before requiring registration (i.e. 10 days, 14 days, or 30 days).



Option 3 – Differentiate between Hosted and Unhosted Short-Term Rentals

- Some cities have enacted different restrictions for short-term rentals based on whether the homeowner is present for the duration of the rental.
- This difference was discussed by several residents at the January 6, 2020 City Council meeting.
- In theory, having the host present reduces concerns about overcrowding, parking, noise, and other disturbances.
- The City could permit unlimited nights of hosted rentals while placing a cap on unhosted rentals.



Hosted v. Unhosted Rentals - Examples

- Santa Monica, California
 - Requires all home-sharing rentals to register with the City.
 - Permits unlimited rentals of hosted units.
 - Prohibits unhosted rentals.
- Cambridge, Massachusetts
 - Requires all rental units (hosted and unhosted) to register.
 - Permits unlimited rentals but only of owner-occupied or owner-adjacent rental units.



Option 4 – Place a Cap on the Number of Nights that a Short-Term Rental Can Operate

- Council has the authority to impose any limitation. This would permit homes to be rented for a certain number of days per year, but no more.
- A 14-day cap was part of the legislation considered by Council on January 6, 2020, in addition to a registration requirement.



Option 5 - Prohibit Short-Term Rentals in Certain Zoning Districts, While Permitting Short-Term Rentals in Others

- Cities can permit or prohibit short-term rentals in certain zoning districts.
- Savannah, Georgia
 - **Defines “short-term vacation rentals” as the rental of an entire dwelling for 30 days or less (*i.e.* unhosted rentals).**
 - **Restricts those rentals to a “short-term vacation rental overlay district” which includes certain local historic districts and certain business districts.**
 - Regulates hosted rentals separately and has no limit on the number of nights



Option 6 – Prohibit all Short-Term Rentals

- Several communities across the country (including Upper Arlington locally) have completely banned short-term rentals.



Option 7 – Maintain the Status Quo

- Several concerns associated with short-term rentals are not necessarily unique to the use (including noise and parking) and can be addressed by existing resources.
- Additionally, the City has a small number of advertised rentals at this time.



Note on Corporate Housing Concerns

- The City received concerns from the corporate housing industry after this Committee forwarded its recommendation to Council in November.
- The industry provides temporary housing for relocating employees of corporate clients mostly for 30 days or more (and therefore outside the scope of the previously proposed ordinance) but some short-term stays.
- To differentiate between corporate housing and short-term **rentals, the definition of “short-term rentals” in future legislation** should exclude corporate housing and require the submission of a form satisfactory to the Planning Director that the business is legitimate.



Questions?



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BARRETT BROTHERS - DISTRICT OFFICE

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CALL TO ORDER

Mr. Peterson called the Monday, January 6, 2020 Regular Meeting of Dublin City Council to order at 7:00 p.m. at the Dublin Municipal Building.

PLEDGE OF ALLEGIANCE

Mr. Reiner led the Pledge of Allegiance.

OATHS OF OFFICE

Re-elected Council Member at Large Christina Alutto took the oath of office, administered by Attorney Lauren Hunter. Ms. Alutto was accompanied by her family members.

Re-elected Council Member at Large Chris Amorose Groomes took the oath of office, administered by Attorney and former Council Member A.C. Strip. Ms. Amorose Groomes was accompanied by her family members.

Newly elected Council Member at Large Andy Keeler took the oath of office, administered by Attorney Bill Root. Mr. Keeler was accompanied by his family members.

ROLL CALL

Present were Ms. Alutto, Ms. Amorose Groomes, Ms. De Rosa, Ms. Fox, Mr. Keeler, Mr. Peterson and Mr. Reiner.

Staff members present were Mr. McDaniel, Ms. Readler, Mr. Stiffler, Ms. O'Callaghan, Ms. Goss, Mr. Rogers, Chief Paez, Mr. Earman, Ms. Burness, Ms. Richison, Ms. Ray, Ms. Puranik, Mr. Boggs, Ms. Miglietti, Ms. Delgado, and Mr. Plouck.

ADJOURNMENT TO EXECUTIVE SESSION

Mr. Peterson moved to adjourn to executive session at 7:05 p.m. to consider the appointment of a public official.

Ms. Alutto seconded the motion.

Vote on the motion: Mr. Reiner, yes; Mr. Peterson, yes; Ms. Amorose Groomes, yes; Ms. Fox, yes; Mr. Keeler, yes; Ms. De Rosa, yes; Ms. Alutto, yes.

The meeting was reconvened at 7:30 p.m.

ELECTION OF MAYOR

Mr. Peterson moved the nomination of Council Member Chris Amorose Groomes to a two-year term as Mayor.

Mr. Reiner seconded the motion.

Vote on the motion: Ms. De Rosa, yes; Mr. Keeler, yes; Ms. Alutto, yes; Ms. Fox, yes; Mr. Reiner, yes; Mr. Peterson, yes; Ms. Amorose Groomes, yes.

ELECTION OF VICE MAYOR

Ms. Fox moved the nomination of Council Member Cathy De Rosa to a two-year term as Vice Mayor.

Mr. Peterson seconded the motion.

Vote on the motion: Ms. Alutto, yes; Ms. Fox, yes; Mr. Reiner, yes; Mr. Peterson, yes; Ms. De Rosa, yes; Mr. Keeler, yes; Ms. Amorose Groomes, yes.

OATHS OF OFFICE

- Mayor

Ms. Amorose Groomes took the oath of office, administered by Mr. Peterson. She was accompanied by her family members.

- Vice Mayor

Ms. De Rosa took the oath of office, administered by Mr. Peterson. She was accompanied by her family members.

(Council recessed briefly to allow the official 2020 photo of City Council to be taken.)

Held

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CITIZEN COMMENTS

Richard Limperas, 6610 Baronscourt Loop, Dublin stated he has brief comments regarding the AEP transmission line project, which is potentially scheduled to be routed along Shier-Rings Road. As a new resident to Ballantrae, he has researched the history of this project back to 2017 when AEP first addressed Council about the proposed route. He has found that the proposed route was very different back in 2017 -- well north of Shier-Rings Road and very far north of where the proposed route is now. He has a copy of that original route available. He also found in the Dublin City Council minutes from that time that there was discussion about keeping this line away from the Ballantrae neighborhood, both by the City Manager and several Council members. He is not certain of the timing of the next discussion regarding the AEP transmission line at a Council meeting, but proposes there is time allocated for this discussion at the next Council meeting for discussion of why this change occurred between July of 2017 and September of 2019.

CONSENT AGENDA

- Approval of Minutes of October 14, 2019 Work Session
- Approval of Minutes of November 18, 2019 Regular Meeting
- Approval of Minutes of December 2, 2019 Regular Meeting

Hearing no request to remove an item from the Consent Agenda, Mayor Amorose Groomes moved to approve the actions for the three items on the Consent Agenda.

Ms. Alutto seconded the motion.

Vote on the motion: Mr. Reiner, yes; Mr. Peterson, yes; Mayor Amorose Groomes, yes; Mr. Keeler, yes; Ms. Alutto, yes; Ms. Fox, yes; Vice Mayor De Rosa, yes.

SECOND READING/PUBLIC HEARING – ORDINANCES**Ordinance 73-19****Adopting Chapter 122 Under Title XI of the City of Dublin Codified Ordinances to Regulate Short-Term Rental Facilities.**

Mr. Boggs made a presentation in follow-up to questions raised at the first reading on December 2, 2019.

He noted the following:

1. This legislation was developed over a period of time due to the dramatic growth of the short-term rental industry in general, and over the last several months, as Council and staff have fielded specific complaints from residents of the City. This resulted in the Community Development Committee and Council further pursuing legislative options.
2. In 2017, staff met internally and the Law Department prepared a memo regarding issues raised by short-term rentals, recommending at that time no specific legislation for short-term rentals.
3. In October of 2018, the memorandum was updated as the City of Columbus adopted its current system of registering short-term rentals. Staff recommended at that time maintaining the status quo, but Council referred it to the Community Development Committee (CDC) for further review. On August 20 of 2019, this topic was reviewed by the Committee. At that time, options were presented and their recommendation was to begin registration of these properties after the 14th rental night in a calendar year. This was reported by CDC to Council. Having heard more input from the citizens, Council referred it back to the CDC. In that format, legislation was developed and then introduced to Council in December of 2019. The legislation took its final shape with a registration requirement for all properties that will host short-term rentals and a limitation of 14 nights per calendar year for such short-term rentals.
4. The ordinance creates a new chapter in the City's Business Regulation Code. It defines short-term rental as any room or dwelling that is rented for less than 30 consecutive days, and it prohibits that rental for more than 14 nights in the aggregate in a calendar year. There is no impact on long-term rentals, so month-to-month tenancies or longer are not impacted by this draft ordinance.
5. There is a yearly registration fee. The intent of staff is to have all of this information available through the City's existing on-line platforms.

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CAROL SWITHERS - DISTRICT OFFICER

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6. People registering would be required to provide their information, demonstrate they are the owner or primary resident of the property being registered, provide the names of the platforms and media where they will be advertising the rental, and attest to compliance with local, state and federal regulations for sleeping accommodations.
7. Aside from the annual registration, there would be a requirement to notify the City prior to individual stays: the number of guests, the day and time that the people will be present, and a 24/7 contact for the host. There is no requirement in the legislation before Council tonight to provide guest identifying information.
8. In addition, the legislation as drafted provides that the Planning Director who would oversee the program the ability to suspend, deny or revoke registrations if there are violations of the regulations within this Chapter. For example, registrations cannot be transferred to other owners; each new owner must register their property.
9. Discrimination is prohibited under the Chapter, so protected statuses (race, sex, religion, etc.) are not valid reasons to deny someone a rental.
10. There is an inspection component as well that property owners would have to either allow inspection or the City would pursue legal remedies to obtain inspection at their discretion in the enforcement mechanism.
11. Any violation is considered an unclassified misdemeanor with a fine of \$250. The discussion was to have something in place that is consequential enough to discourage repeated violations, but not too onerous a burden for a first-time offender who was not aware of the regulations. Repeat violators would face the higher potential third-degree misdemeanor penalties, which are a maximum \$500 fine and up to 60 days in jail. The jail penalty is included as a result of the way misdemeanors are classified. From a practical matter, as things are prosecuted, jail is generally not a first resort in the enforcement of misdemeanor citations such as this.
12. Since this legislation was introduced in December, there have been several questions about how it would interact with different types of rentals and a request for the "before and after" impact of this legislation on these rentals.
 - a. Long-term rentals of 30 days or more would not be affected by this legislation.
 - b. Hotels and motels, which are defined elsewhere in the Code, are generally any place offering transient accommodations that has five rooms or more – they are not affected by this. They also provide conference facilities, they are zoned differently, and would not be impacted.
 - c. At the December meeting, there was some discussion about "traditional bed and breakfasts" that are provided for in the Zoning Code. They are currently permitted in two zoning districts – the Bridge Street District Historic Core and the Bridge Street District Historic South. There was not consensus reached in that conversation about how those would be treated. On one hand, because they would be providing ancillary services or goods – meals, small gifts, etc. – the Code defines them differently. There is language in the staff report for this meeting that would allow existing, lawful bed and breakfasts within those two districts to continue their operations.
 - d. The red row on the slide reflects what is intended to be addressed with this legislation – the sharing economy, home type of operations that are primarily occurring in neighborhoods. Currently, they are not regulated as such; if this ordinance is approved in its current form, the 14-day limitation and registration requirement would apply.
 - e. Subsequent to preparation of the staff memo for this meeting, there has been additional communication from individuals in the corporate housing industry. These are entities that rent units and then sublet those, primarily to corporate clients. There is a potential amendment available if Council determines that is not an activity intended to be brought within the scope of this Ordinance. Most of their stays are less than 30 days. There is an individual present this evening who may offer testimony.

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SAFETY CONCERNS - DAYTON, OHIO

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- f. Another question that arose at the December meeting related to whether the City should require a minimum level of insurance coverage for those registering to be short-term rental hosts. In consultation with the City's Risk Manager, they believe that having that type of regulation as a component of the Ordinance would place the City in the middle of what is ultimately a private transaction and allocation of risk. It may actually provide more exposure to the City by requiring a minimum level of insurance coverage.
- g. The potential amendment no. 1 would be to permit bed and breakfast establishments lawfully operating as of the effective date to continue in operation, provided they do not cease operations for more than 90 days. It would in essence "grandfather" these entities.
- h. Regarding corporate housing, if that is an industry and activity that has been swept in advertently, there is a potential amendment that would exempt them from the definition of short-term rental by requiring those who claim to be corporate housing to be an entity – distinct from a natural person – and that they would have to attest by affidavit that their primary activity is providing accommodations to corporate clients. If someone were to make a false statement in that regard, the onus would be on them as an affidavit being a sworn legal document could make someone subject to falsification charges and penalties would result.

He offered to respond to any questions.

Mayor Amorose Groomes suggested that Council proceed with the public testimony from those who have signed in to testify.

Frank Fraas, 7735 Kate Brown Drive, Dublin, President of Brandon Homeowners Association stated he has testified previously at the Committee meeting. The Association is aware of at least one short-term rental in the Brandon neighborhood. Although there have been no serious issues to date, they want to ensure there are no future serious issues. There have been some complaints from neighbors regarding noise and parking issues. Their major concern is with safety, as there have been reports documented in newspaper articles that from May through October 2019, there were 42 incidents of shootings and people being killed in other cities involving short-term rentals. They want to make sure this does not happen in Dublin. Ideally, they would prefer the City ban short-term rentals as Upper Arlington has done. They do understand the position the City is in. The draft legislation includes the registration requirement, the 14-day cap, and requires the bed tax to be paid. They are satisfied with this legislation, and thanked Council for addressing the issues.

Ray Lee, 7728 Windwood Drive, Dublin stated he is present to speak in opposition to the ordinance. In regard to the safety concerns, the memo dated August 13 to the Committee indicated: "Safety concerns have been raised regarding short-term rentals in general. The Dublin Police can only locate one complaint that was related to a potential Airbnb, and that complaint was noise related. This was not confirmed as the music was turned down prior to the officer's arrival." In regard to shootings, as covered in the media, the memo noted: "Recently, shootings occurred at two separate locations in Columbus that were allegedly Airbnbs. Dublin Police spoke to Columbus and the incidents in Columbus seem to be related to geographic crime trends/activity and not to the nature of the rental. Based on Police's limited interaction and/or calls for service at short-term rentals within the City, it does not appear necessary to adopt legislation at this time." Legitimate government is to investigate concerns, and if there are real concerns, action is taken. The action taken should hopefully cause less problems than the underlying concern that gave rise to the investigation. While there may be concerns, City staff has looked into this and they have written a number of memos to Council. This one unconfirmed noise complaint is the only actual incident involving an Airbnb in the entire record he has been able to find. One noise complaint does not justify restricting property rights. He is a Libertarian and property rights are a major concern for him. Respectfully, he submits that this matter is a solution in search of a problem. City staff has been monitoring short-term rentals, according to memos provided to Council for at least six months. They have found no more than 12 such

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rentals available at any given time throughout this period. The legitimate government interests have been addressed by the Law Department and others – land use, property values, health and safety, and taxes. The memo states that there are not enough short-term rentals to impact land use. Bad behavior by guests at short-term rentals can be addressed through existing Codes, and this behavior is not unique to the presence of short-term rentals. He has three points: 1) urged Council to delay a vote on this legislation, as he is an Airbnb host, just learned of the legislation this week and would like more time to prepare; 2) noted this is a solution in search of a problem, and there will be costs for the solution – code enforcement costs and economic costs of the deprivation of property rights of residents; and 3) if Council does take this action, which he opposes, he urges Council to grandfather people who have already arranged their economic affairs based on the existing law. Personally, he is not certain how he can keep his house in Dublin if he cannot continue with short-term rental. There will be significant economic impact on people who have arranged their economic affairs consistent with the existing law, and he asks that Council grandfather those who have been doing this and have planned their economic resources around it.

Mac Lawless, 4338 Tuller Road, Dublin noted he is President of Corporate Housing Systems and is hopeful there will be an amendment that will exempt their industry. Their company has been in business in Dublin since 1984 and is a provider of fully furnished apartments. They lease apartments long-term, furnish them with utilities, provide housekeeping services, etc. They provide these services for companies like Honda, Cardinal Health, Nationwide and Wendy's. The companies use them for their employees who are relocating to the area. Ninety percent of their business is for stays of 30 days or more, relocation driven, and corporate. They do some short-term rentals when a client purchases a home sooner than anticipated. Approximately 10 percent of their revenue is driven by shorter stays. The average length of stay for their guests is 68 days. They do not own any apartments and are not a permanent occupant of any of the apartments. As written currently, he is not aware of how the legislation applies to them. It seems focused on single-family homes. In addition, they do not currently list on any of the home-sharing sites such as Airbnb, etc. Their revenues and sales are driven primarily by working with businesses. His concern is that industry wide, he is a member of a national organization of corporate housing providers and has seen legislation passed in many cities and followed it closely. What is proposed in Dublin is much more restrictive than what he has seen in large cities that do have problems with a housing shortage. He urged Council to consider how this may unintentionally impact businesses in Dublin like them and their clients. He does not believe this regulation is really designed to impact businesses like them who are providing a good solution to corporations. He is happy to answer any questions about their industry.

Ms. Fox asked if their housing is all in commercial areas.

Mr. Lawless responded that all of the apartments they lease are from large apartment communities. They do not own any of these. The majority of the complexes they work with have 150-200 units and higher. They do have clients who are in between homes and need housing for a month or two. However, the majority of their clients are corporate businesses, not individuals.

Marlene Yoder, 5747 Stearns Road, Columbus noted that she learned on tonight's 6 p.m. news about this hearing. She is an Airbnb host and has done this for two years. She lives out in the country, so there is no issue with noise. She understands some concerns were expressed about noise and parking. However, she does not understand this legislation that restricts Airbnbs to 14 days per year – why not just completely outlaw it, as this is really restrictive. She has other friends who host Airbnbs – not in Dublin – and they love having visitors come to their homes. She urged Council to allow two months of rentals per year. She has not researched this matter yet, but wants Council to reconsider this legislation.

Warren Fishman, 8577 Turnberry Court, Dublin stated that he lives on a court of six houses and there are two Airbnbs operating on the court. There is another Airbnb four houses down, right off of his court. He and his family live in a residential neighborhood. He

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has no issue with Airbnbs in commercial neighborhoods. The problem in their court is not necessarily with noise. However, many Ubers come into the neighborhood at 1 or 2 a.m. One of his neighbors has moved out of his house and it is now used as a full-time Airbnb rental. There was a group at the house during the political season working on a campaign for a referendum and there were 20 cars per night going to and from the court. There were people standing in front of his house and his neighbor's house waiting for Ubers. There have been many parking issues for the cars involved. He has spent many years in Dublin fighting for good zoning and lovely neighborhoods. There is nothing wrong with a commercial use like Airbnb in a commercial neighborhood. However, the houses in his neighborhood are 16 feet apart. One neighbor found a person from a nearby Airbnb rental sleeping in their backyard hammock. The problem is with a commercial use in a residential neighborhood. He sympathizes with those who make their livelihood from the short-term rental and he suggests they purchase a home in a commercial neighborhood for this commercial use. He noted that there is reference to five rooms. Would that apply to a neighbor with a five-bedroom house?

Mr. Boggs responded that the five rooms is one of the cut-offs for something considered a hotel under the fire code. This is not applicable to a residential home.

Mr. Fishman added that they have observed as many as 12-15 people staying at the Airbnb on their court. These Airbnbs are filled with lots of people during OSU games. While it is a great commercial use, short-term rentals do not belong in residential neighborhoods where houses are 15-16 feet apart.

Peter O'Neill, 8568 Turnberry Court, Dublin noted he lives in the same cul-de-sac as Mr. Fishman. He thanked Council for their consideration of this important matter, protecting his property rights to enjoy his home, and hopefully not continue to lower the value of his home with what now are hotels next to him. Everyone talks of the nice families coming in and out of Airbnbs, but what they see is commercial activity – people who instead of renting office space and hotel rooms are using nice, large Dublin houses as both their offices and sleeping accommodations with commercial vehicles coming in and out of the cul-de-sacs. He does not call the Police when all of the cars are present. It was his daughter who found a stranger in their hammock. He did not call the Police, so these are not all on record. However, when you live next to this activity, it greatly disrupts your life. For the 12 rental units operating in Dublin and those having to deal with it, their lives have been greatly disrupted. He appreciates Council taking this action. It is very important. He asked for clarification about the legislation: if a property owner resides in the home and rents out one room as an Airbnb while still home, he does not have an issue with that. If his neighbors were doing that, he would not have concerns, given they were in the home. However, they are renting out their entire houses. He was not clear about where the legislation stands in terms of renting one room of a home.

Mr. Boggs responded that the legislation does not distinguish between hosted and unhosted rentals. Someone being physically present who is the owner or occupant versus not being present does not change the registration or cap requirement. Where the owner or resident comes into play is for registration. One is only eligible to register if they are the owner or primary resident.

David Vandever, 5674 Hathaway Court, Dublin noted they had experience using Airbnbs traveling to California for an internship and found middle class households who expressed positive experiences with Airbnb. They signed up for Airbnb upon return to Dublin and have had nothing but good experiences, hosting professional people. This has been a source of fascinating conversations and discussions with people. One of the things he loves about Dublin is that Dublin is deliberate, does things right, and cares about its people. Dublin does not do knee-jerk reactions. It is important to look at the good side to Airbnbs. Dublin embraces change and he does not want to see a shortsighted decision on this matter. There is not enough information on this and a 14-day limitation is too restrictive. There are not many Airbnbs in Dublin. He urged Council to look at the whole picture and what is to be accomplished. The way this is structured now is not correct. He is a property owner, has lived in Dublin since 1999 and wants to protect his property, too. He has never had a complaint from his neighbors about his Airbnb rentals. In terms of benefits, money is spent in Dublin restaurants by those using Airbnbs. He does not believe

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they would be qualified to operate a B&B, as they do not reside in one of the districts where they are permitted. He urged Council to take a step back and take more time to figure this out, protecting people like him who are doing this right.

Andrew Landers, 4909 Lytfield Drive, Dublin stated he works for J.P. Morgan Chase and wears the lens of risk, looking at things from the perspective of risk and mitigants to those risks. He suggested Council think in those terms. What risks are we introducing to the community and what mitigants could be put into place that would help protect the residents who came into the community with the assumption that those risks and uncertainty that may be introduced through this new economy would be addressed? His recommendation would be that Council give this some consideration around the dimension of hosted versus unhosted. That might mitigate the risk, if the host is present. An unhosted stay introduces a larger dimension of risk. He recommended framing the issue in that context and he supports the legislation with that in mind.

Warren Fishman, 8577 Turnberry Court, Dublin added that his point is well taken. But people who have their economic situation affected by having these Airbnbs should buy a house in a commercial area that allows them to do that. He does agree that a hosted stay is a lot different from a non-hosted stay. The problem in their cul-de-sac is there are large homes and lots of unknown people coming to them through these programs.

Council Discussion

Mr. Peterson asked if there is legislation that distinguishes hosted versus unhosted short-term rentals.

Mr. Boggs responded there are a handful of ordinances across the country that use this distinction and cap unhosted nights, but not hosted nights. There are also some that do not distinguish and cap all of the short-term rentals, but have set their cap at a different level than 14 days.

Mr. Peterson stated that for him, it is a matter of what are people's reasonable expectations and whose expectations will be changed. Mr. Fishman's comment is compelling – that when he bought his home, they expected the neighborhood was all single-family homes. Now this industry has cropped up, and has changed things. People who live in single-family homes who now have empty neighborhood homes being rented to large groups of people have experienced this change. That is not necessarily right. His inclination is to lean toward supporting those impacted by this change. However, he is interested in the idea of hosted versus unhosted short-term rentals. If seems that if an owner is on site, the neighbors would be able to contact them if there are problems. This may be a compelling distinction for him, but he does not have adequate information to make this call tonight.

Mr. Reiner agreed. For him, it comes down to bed and breakfasts – they are owner occupied with the owner monitoring the activity. Perhaps legislation could be considered to expand bed and breakfasts into other zoning districts. He supports the short-term rental legislation and supports the two amendments proposed. He believes that when a property owner purchases a home in a residential community they should be able to expect it to be a residential community and not potentially a hotel site. He also suggests expanding districts in the City for bed and breakfasts where the owner is present for the guests.

Ms. Fox stated that her concern is with using a "sledge hammer" to address a problem. She understands the concerns of the Muirfield residents as expressed tonight. She, too, would not want this situation. There is much more information that can be assembled in order to mitigate the issues. The new trend of hosting is a commercial industry. At a minimum, these need to be registered and regulated so that when problems are reported we can determine what the problem is and revoke a registration if necessary. Currently, there is nothing to stop a noise problem aside from a Police report. Perhaps the City's disturbance ordinances are not strong enough. There is a safety concern, as Airbnbs do not require fire alarms, smoke detectors or carbon monoxide detectors. Parking is not addressed in the legislation. If a property owner is renting through Airbnb, there should be a limit of parking spaces related to occupancy. In addition, by having a blanket short-term

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rental restriction, the City could be eliminating some desirable co-housing opportunities. Nesting is popular with seniors today and a variety of house sharing programs. She does not want to see problems in the neighborhoods, but believes it can be addressed and still allow some ability for people to share their homes with others on a short-term basis.

Mr. Keeler commented that registration would go a long way. Long-term rentals do not require registration – property owners can rent to anyone they choose. If a property is registered, however, it is on the City's radar and if there are multiple violations, the registration can be revoked. For a property owner routinely renting to groups larger than a house can accommodate, if complaints are being received from residents -- Police reports, etc., they will no longer be able to rent their property -- three strikes, you're out. He believes 14 days is somewhat limiting. For a senior with empty rooms looking for extra income or socialization, interaction with other people, he does not see it as his position to tell them who they can or cannot have sleeping in their house. However, it must be regulated. He believes that the \$225 fee is a little high, as there are rooms for rent in Dublin for \$15 per night. Could the fee be based upon the size of the house or the number of occupants? It would then be scaled to the cash flow. He echoes Ms. Fox's comments that a little more thought is needed about this. He cannot support restricting property owners' rights. It is not possible to control who moves in next door to you in any case. However, a property owner renting to the wrong people would face consequences for that with a registration process.

Ms. Alutto stated that the 14-day cap may be a bit restrictive. She understands the perspective of neighborhoods being neighborhoods – that is why people buy homes in neighborhoods. There is additional research that should be done. There is also administration and overhead cost involved in determining the number of people who could occupy a large home, and that is a concern. If it is determined that for an Airbnb purpose a house could accommodate 10 people, yet the owner decides to host a family reunion with 15 family members staying in the house – it does not seem fair. In terms of the safety issues such as smoke and carbon monoxide detectors, she has used this type of service previously and these devices are considered an amenity. This is problematic. The question is how far does the City want to dictate how people equip their own homes and what types of protection devices are in place, whether fire, carbon monoxide, smoke or radon? It feels like reaching in too far from a government perspective. She is generally supportive of the legislation, but believes more work is needed. She does support the amendments outlined tonight.

Vice Mayor De Rosa stated that cities across the country are grappling with this issue and adopting legislation. The zoning laws for commercial and residential uses were written deliberately with the desire for a well planned community. Then technology has changed and a sharing economy now exists. However, the rules around how we operate as a community have not caught up, nor have they even been addressed. She is very sympathetic to the idea that people bought into a residential or commercial area and understood this when they purchased their home. Now, the rules do not necessarily match the world we live in and it is important to address this in the right way. Property rights are both for the homeowner and what they bought into. She lives on a cul-de-sac and would want to know there are rules and regulations in place if short-term rentals are in the neighborhoods. This is not to prevent a sharing economy, but it is important to consider the rules that have been set for the community collectively and bring those in line with the issues before us. The suggestion of distinguishing between hosted and unhosted is a good one, and more thought about the number of days is needed. She appreciates the chart Mr. Boggs has assembled to help Council in working through these issues. Council wants to support corporate housing, and also wants to protect some other things. She is supportive of the legislation. It would be helpful to have some more dimensions on that and ensure before passage that we have exercised some of that. This Council does need to catch up in terms of addressing the sharing economy that now exists. It is important for Council to consider some more dimensions and be comfortable with catching up with what the world will continue to do from a sharing perspective.

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Ms. Alutto asked Ms. Readler if Council wants to take additional time for this consideration, would a motion to refer it back to Committee be in order?

Ms. Readler responded that Council could table the ordinance and staff could then return to Council at a work session or Council could refer it back to the Community Development Committee for further discussion and review.

Mayor Amorose Groomes stated she appreciates all of the perspectives. This is a difficult decision as it involves property rights for an owner as well as a neighbor. As someone who has lived on a street with a shared rental unit, it was extremely difficult due to not knowing who or how many were occupying the unit. She is supportive of the legislation, and it is important to be deliberate and constructive in addressing some of the issues raised. She is interested in the hosted versus unhosted residential unit aspect, which might be a complicated issue to legislate. It is important to get this right. She is sympathetic to the corporate housing company, as apartment complexes are not the focus of what Council wants to address in this legislation. She is very supportive of the legislation, and in light of new information there are some improvements that could be made to make it a better fit for the community. She would support referring this back to the Community Development Committee for further discussion in the interest of making this legislation better in terms of any unintended consequences.

Ms. Fox agreed that the CDC is an appropriate committee for this discussion. However, there is a forum needed where people can provide their perspective.

Mayor Amorose Groomes stated that the Committee did take public comment at their previous meeting on this topic. They can do so again.

Ms. Fox stated that for her, there are too many "holes" in the legislation as drafted. In terms of people who rent their homes during the Memorial Tournament, how would the numbers in the houses be monitored? For the bed and breakfast use, particularly in the mixed-use areas in the Historic District, Council may want to encourage boutique B&Bs and may want them to be less than five units – a small house with two or three bedrooms. This requires a lot of discussion. The provision that would revoke the registration after three violations is very important, too.

Mayor Amorose Groomes acknowledged it is difficult to make a Police report regarding a neighbor. She understands Mr. O'Neill's comments about not reporting to Police, as it is difficult, given the neighbor will continue to be your neighbor.

Ms. Fox stated that it can be reported to the Planning Director under the proposed legislation. If there are three violations reported, the registration can be revoked for one year and there is a fine.

Mr. Keeler added that people do not want to call the Police regarding a neighbor/host and the host does not want to have the Police called, as it could result in loss of the registration. These consequences will encourage people to abide by the rules.

Ms. Alutto moved to table the ordinance and to refer the legislation back to the Community Development Committee for further review.

Vice Mayor De Rosa seconded the motion.

Vote on the motion: Ms. Fox, yes; Mr. Keeler, yes; Ms. Alutto, yes; Mayor Amorose Groomes, yes; Mr. Reiner, yes; Vice Mayor De Rosa, yes; Mr. Peterson, yes.

Mayor Amorose Groomes asked staff to send a reminder to anyone who testified this evening regarding the date and time of the Community Development Committee meeting regarding this matter.

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 01-20

Authorizing the Provision of Certain Incentives to Ohio Medical Transportation, Inc. to Induce it to Lease or Purchase a Facility to Expand its Office and Associated Operations and Workforce; All Within the City; and Authorizing the Execution of an Economic Development Agreement.

Mayor Amorose Groomes introduced the Ordinance.

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Ms. Ray stated that Economic Development staff has been in discussions with MedFlight about their relocation and expansion of its dispatch center and operations facility to Dublin. MedFlight is a not-for-profit organization that is based in the City of Columbus. Its purpose is to provide care and transport for the critically ill and injured. The company is outgrowing its current dispatch center in Columbus and has been conducting its real estate search in Columbus and the region. This project would result in the relocation of approximately 39 existing MedFlight jobs to Dublin. The headquarters will remain in the City of Columbus; this is only the dispatch center and operations. This provides the addition of new employee payroll withholdings associated with approximately 22 new jobs by 2025 for a total of approximately 61 jobs. In return, the company is expected to execute a minimum seven-year lease or acquire an office facility within the City of Dublin in order for the agreement to take effect. The EDA proposed to MedFlight is a five-year, 15 percent performance incentive on net new payroll withholdings, capped at \$15,000 for the term of the agreement. The payroll associated with the regional relocating jobs would not contribute toward this incentive agreement.

Staff recommends approval at the second reading/public hearing on January 21. She offered to respond to any questions.

There was no public testimony offered.

There were no further comments.

There will be a second reading/public hearing at the January 21 Council meeting.

Mayor Amorose Groomes moved to waive the Council Rules of Order to address Resolutions 01-20, 02-20 and 03-20 together.

Ms. Alutto seconded the motion.

Vote on the motion: Mr. Peterson, yes; Mr. Reiner, yes; Mr. Keeler, yes; Ms. Fox, yes; Vice Mayor De Rosa, yes; Mayor Amorose Groomes, yes; Ms. Alutto, yes.

INTRODUCTION/PUBLIC HEARING/VOTE – RESOLUTIONS

Resolution 01-20

Approving the City of Dublin's Application to Adjust the Boundaries of the Scioto East Community Entertainment District Generally Bounded by Block D within Bridge Park and Bridge Park Avenue on the North; Shamrock Boulevard on the East; City of Dublin Corporate Boundary on the South; and Riverside Drive, Dave Thomas Boulevard, and Block B within Bridge Park on the West.

Resolution 02-20

Approving the City of Dublin's Application to Adjust the Boundaries of the Scioto West Community Entertainment District, Generally Bounded by West Bridge Street, Rock Cress Parkway, North Street Across the Scioto River and Bridge Park Avenue on the North; Dave Thomas Boulevard and Bridge Park Block E Property Line Across SR 161 on the East; City of Dublin Corporate Boundary on the South; and Corbin Mills Drive on the West.

Resolution 03-20

Approving the City of Dublin's Application to Adjust the Boundaries of the Scioto North Community Entertainment District, Generally Bounded by Emerald Parkway and the Dublin Arts Council Property on the North; Riverside Drive and Dale-Tuller Drive on the East; Bridge Park Avenue and North Street Across the Scioto River on the South; and North High Street and the Scioto River Western Edge on the West.

Mayor Amorose Groomes introduced the Resolutions.

Ms. Readler stated that in 2016, Council created three Community Entertainment Districts (CEDs) – the Scioto North, Scioto East and Scioto West. A CED is a tool to help facilitate development and redevelopment of property. It creates a new pool of liquor licenses for restaurant and similar venue development. The permits usually have a significantly smaller fee than the typical liquor license, but are more restricted, as they can only be used within the boundaries of the CEDs. As development and redevelopment have occurred in the Districts over the past few years, one CED – the Scioto North CED – has become stressed with the number of permits. Each of the three CEDs was originally allocated 15 permits, and Scioto North currently has used 12 of those permits. By comparison, Scioto West has

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only used four of the permits and Scioto East has only used five of the permits. To ensure that development continues consistently, staff is recommending the amendment of these internal CED boundaries. Staff is not proposing adding any new property to the CEDs, but simply adjusting them internally. Ms. Puranik will share slides that detail the changes.

Ms. Puranik displayed a map of the 2016 CED boundaries. Staff at the time looked at these boundaries based on the investment requirements of the application. The districts are not being expanded into any new properties. She provided details of the changes within the three CEDs as proposed.

Mayor Peterson recommended approval of the applications in December, and staff recommends approval of the Resolutions.

There was no public testimony.

Council Discussion

Ms. Fox noted that the memo indicated that when a District is amended, new investment needs to be made at the \$50 million level. How does that impact these changes? If changes are made and an area removed from one CED and added to another CED that is fully developed, that investment is not likely to occur.

Ms. Readler responded that the \$50 million investment is in public and private development, and there has been so much significant development in Bridge Park since 2016 that the applications qualify.

Mr. Reiner stated these amendments make sense and provide more opportunities for Bridge Park. With the North Market coming in, there will be more demand for liquor licenses.

Ms. De Rosa stated that because there is significant development underway, does it make sense to create another new CED?

Ms. Readler responded that staff gave this consideration. In meeting with Crawford Hoying to review the capacity issues and the proposed development timelines in the areas, staff believes that amending the Districts at this time will be adequate. There may be a future need to create a new District, but staff does not believe it is needed now to achieve these goals.

Ms. De Rosa stated that the option would remain, however, so if there is new development it could go toward a fourth CED.

Ms. Readler agreed.

Ms. Fox referenced the slide of Scioto East CED. It does not begin to touch the area toward the shopping center. She asked staff about how large a CED can be.

Ms. Puranik responded that 75 acres provides 15 liquor permits.

Ms. Fox asked the total acreage of the new Scioto East CED.

Ms. Puranik responded it is 86 acres.

Ms. Readler explained that 75 acres is the minimum size required to have 15 liquor permits total. That is the maximum number of permits, but there can be more acreage.

Ms. Fox asked if there is any reason not to extend this farther to the east in order to encompass new development like that in the Penzone's area.

Ms. Readler stated that the goal was not to increase the boundaries with this shift.

However, the boundary could be changed at any time, if desired. The development would need to justify the creation. All of the development in Scioto East could be considered to expand it.

Ms. Fox summarized that as a District is expanded, more development investment is required, correct?

Ms. Readler responded that in creating an entirely new CED, there would have to be development investment adequate to do so.

Mr. McDaniel noted that CEDs can be modified or a new CED can be added. What would drive that decision process or need to do that would potentially be new development or redevelopment. That is what drove the establishment of these three CEDs back in 2016.

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Mayor Amorose Groomes asked if an entity with an existing permit can be moved to another CED. She is trying to understand why Block F and Block J would be moved to another CED, as there are not existing permits in these blocks. Clean lines cannot be drawn because of existing permits, correct? The boundaries seem to be irregular. Ms. Puranik stated that when the original CED maps were made, the development proposals were not close to the level of today. We now have a better idea of what is coming in the future.

Mayor Amorose Groomes noted that there are a couple of typographical errors in the charts. In the Scioto North totals, there is a "2" in the column of Pint House versus in the column of "needed." In the Scioto East CED, under issued, the "X" is not under Oakland Nursery. She asked that these charts be corrected prior to finalizing the legislation.

Vote on the Resolutions: Mr. Reiner, yes; Ms. Fox, yes; Mr. Keeler, yes; Mr. Peterson, yes; Ms. Alutto, yes; Vice Mayor De Rosa, yes; Mayor Amorose Groomes, yes.

STAFF COMMENTS

Mr. McDaniel reported:

1. The City will be sponsoring a Night of Innovation - Connected Dublin public engagement meeting on Thursday, January 16 at the Dublin Rec Center from 6-8 p.m. He encouraged everyone to attend. The goal is to educate and inform residents on current Connected Dublin projects. This also includes engaging residents in an interactive citizen-centric session to envision what Dublin's digital future might look like.
2. A memo was included in the packet summarizing the discussion of the Community Development Committee meeting in December regarding the South High Street treescape.
3. A memo was sent out in late December about the restructuring of the Council packet for the Information Only items sent to Council. The information relative to Council meeting agendas and any follow-ups from a previous Council meeting will be provided for the Regular meetings. The off-week packets will include general information and updates that are not related to Agenda items. He welcomes Council's feedback as this new information sharing system is implemented.

Mayor Amorose Groomes asked if Council wants to discuss an item in the Info Only packet sent in the off weeks, when is the appropriate time to bring that up at a Council meeting? Mr. McDaniel responded that Council members should make staff aware of their desire to discuss an item as soon as possible, and it can be scheduled on an agenda or recirculated in a Council meeting packet for discussion. Adjustments can certainly be made to this new process.

4. Thanks to Mayor Peterson and Vice Mayor Amorose Groomes, as well as all of Council for their service. He looks forward to working with Mayor Amorose Groomes and Vice Mayor De Rosa in their new leadership roles. Congratulations to all of those re-elected and to Mr. Keeler upon his election to Council.

COUNCIL COMMITTEE REPORTS

Mayor Amorose Groomes asked if any Committee chair wants to report regarding pending items.

There were no reports.

Mayor Amorose Groomes read into the record the proposed new Committee Chairs and members as well as Council representatives to various entities:

- Administrative Committee: Vice Mayor De Rosa, Chair; Members Ms. Fox and Ms. Alutto
- Community Development Committee: Mr. Reiner, Chair; Members Mr. Keeler and Mayor Amorose Groomes
- Finance Committee: Ms. Alutto, Chair; Members Mr. Peterson and Mr. Keeler
- Public Services Committee: Ms. Fox, Chair; Members Vice Mayor De Rosa and Mr. Reiner
- Planning & Zoning Commission representative: Ms. Fox
- COTA Board representative: Vice Mayor De Rosa

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- Dublin Arts Council representative: Mr. Reiner
- Dublin Board of Education Council liaison: Mr. Peterson
- Dublin Bridges liaison: Ms. Fox
- Friendship City Association: Ms. Alutto and Mr. Keeler
- Mid-Ohio Regional Planning Commission: Mayor Amorose Groomes
- Logan-Union-Champaign Regional Planning Commission: Mr. Keeler
- US 33 Corridor representatives: Vice Mayor De Rosa and Ms. Fox
- Veterans Committee: Mr. Reiner
- Washington Township liaison: Ms. Fox
- Complete Count Committee: Ms. Alutto

Mayor Amorose Groomes moved the appointment of the Council committee chairs, members, and representatives to entities as outlined.

Ms. Fox seconded the motion.

Vote on the motion: Mr. Reiner, yes; Ms. Fox, yes; Ms. Alutto, yes; Mayor Amorose Groomes, yes; Mr. Peterson, yes; Vice Mayor De Rosa, yes; Mr. Keeler, yes.

COUNCIL ROUNDTABLE

Mr. Peterson congratulated the re-elected members and newly elected member of City Council. It is a difficult thing to place your name on a ballot, seek votes, and serve in this capacity. He has a tremendous amount of respect for each and everyone who does that. Congratulations also to Mayor Amorose Groomes and Vice Mayor De Rosa on their new leadership roles. Happy New Year to all!

Ms. Alutto echoed his comments, and thanked the community for supporting her in her re-election. Thanks and congratulations to Mayor Amorose Groomes and Vice Mayor De Rosa for their willingness to serve in these leadership roles. She is looking forward to 2020!

Mr. Reiner echoed the comments, and welcomed Mr. Keeler to City Council. He thanked Mr. Keeler for his service on the Architectural Review Board and acknowledged the hard work he has done in restoring his family's house and barn at a key intersection in the City. Congratulations to the new Mayor and Vice Mayor as well, and to the re-elected Council members!

Mr. Keeler thanked Council members for being so welcoming. He feels they are all friends and he could call upon anyone at anytime, as well as the City Manager. He is extremely impressed with staff, and the City is in good hands. He is really excited about the next four years!

Ms. Fox welcomed Mr. Keeler to Council. She has watched him serve on ARB, seen the work he has done, the way he campaigns and how he relates to people. She is thrilled he is joining Council. She is very proud to be with this Council group. She acknowledged the exemplary service of past Mayor Peterson, and noted that everyone has learned from watching him. It has been a pleasure working under his leadership and watching him build the relationships that exist. Happy New Year to all, and congratulations to those re-elected. She is looking forward to 2020, as well.

Vice Mayor De Rosa welcomed Mr. Keeler to Council! It is such an honor to serve this community and all of Council knows that. We thank the community and staff for the opportunity to do that. Congratulations to those re-elected, and she looks forward to serving with all of Council. Dublin has an exciting decade ahead, and it will be terrific to work with all of Council and staff!

Mayor Amorose Groomes congratulated her colleagues who were successful in their election or re-election. She agreed with Mr. Peterson about the difficulty of putting one's name on a ballot and running for election. When first elected to Council, she was at an event where Mayor Peterson was speaking. Her mother was standing next to her, and remarked, "I pity whoever has to follow him!" Mr. Peterson has been a treasured friend and a steady hand, an excellent teacher, and she appreciates all he has done. The true sign of a leader is when they are willing to pass that torch, and Mr. Peterson personifies

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that! Thank you to him for all he has done! She appreciates the trust, belief and friendship he has extended to her since the beginning of her service on Council.

EXECUTIVE SESSION

Mayor Amorose Groomes moved to adjourn to executive session at 9:18 p.m. for conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

Mr. Reiner seconded the motion.

Vote on the motion: Ms. Alutto, yes; Ms. Fox, yes; Mr. Reiner, yes; Mr. Peterson, yes; Vice Mayor De Rosa, yes; Mr. Keeler, yes; Mayor Amorose Groomes, yes.

Mayor Amorose Groomes announced that following the executive session, the meeting will be reconvened and adjourned. No further action will be taken.

ADJOURNMENT

The meeting was reconvened at 10:37 p.m. and adjourned.

Mayor – Presiding Officer

Clerk of Council



City of Dublin

Office of the City Manager
5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council
From: Dana L. McDaniel
Date: December 12, 2019
Initiated: Jennifer D. Readler, Law Director
By: Thad Boggs, Assistant Law Director
Re: Ordinance 73-19 Adopting Chapter 122 Under Title IX of the City of Dublin Codified Ordinances to Regulate Short-Term Rental Facilities

Follow Up

At the first reading on December 2nd, Council asked whether a minimum insurance requirement should be added to the short-term rental permit application. We consulted with the **City's Risk Manager, Ron Whittington, who in turn consulted with members of the City's self-insurance pool. After discussion, it is Staff's recommendation** to not include a minimum insurance requirement. This is fundamentally a private contract issue that is between the short-term rental operator and guest and requiring a minimum coverage amount may expose the City to unnecessary liability. Moreover, as part of the application, the operator must submit an affidavit attesting that the short-term rental operation is in compliance with all applicable local, state, and federal laws and regulations concerning the provision of sleeping accommodations to transient guests and we do not believe the City should go any further in regulating the relationship between the operator and the guest.

Council also inquired about the impact the ordinance may have on bed and breakfasts. The codified ordinances currently address bed and breakfast establishments in the zoning code, **defining them at Section 153.002(B)(2)(a) as "private home[s] providing accommodations to the traveling public in habitable units for compensation . . . generally limited to short-stay facilities. This use includes the provision of related accessory and incidental services such as eating and drinking, meeting rooms, and the sale of gifts and convenience goods."** The code permits bed and breakfast uses in two zoning districts: BSD-Historic Core and BSD-Historic South. The code also includes use-specific standards in Section 153.059(C)(3)(b), requiring that the property owner must reside on the property or manage the bed and breakfast facility; limiting the number of guest units to eight rooms; and limiting the duration of stays to no more than fourteen days. Council asked whether the proposed short-term rental ordinance could be revised to exclude bed and breakfasts; the City would have the legal authority to do so, although it may lead short-term rental hosts to reclassify themselves as bed and breakfast establishments by offering a cursory amount of prepared food, gifts for sale, or other incidentals noted in the bed and breakfast definition. This tactic would only be effective in the two BSD districts where bed and breakfasts are currently permitted. No consensus emerged on **this question in first reading; however, if Council is concerned about this ordinance's potential**

impact on existing bed and breakfast operations lawfully operating in the BSD-Historic South and BSD-Historic Core districts, it could adopt the following amendment:

To amend Section 122.03 in Exhibit A by adding division (E), to state as follows:

(E) Bed and breakfast establishments lawfully operating within the City, as defined by Section 153.002(B)(2)(a) and Section 153.059 of the Codified Ordinances, shall not be subject to the requirements of this Chapter 122 provided that such establishments were in operation prior to the effective date of Ordinance No. 73-19, and have not ceased operation for more than ninety (90) consecutive days.

This amendment would preserve the status quo with respect to bed and breakfast establishments for businesses and neighbors within the BSD-Historic South and BSD-Historic Core.

Background

Airbnb, HomeAway, and other sites provide online marketplaces for homeowners to offer homes and spare rooms for rent to travelers. The emergence of the short-term rental market has prompted discussion among local governments across the country about whether and how to regulate short-term rental uses. Results of local regulatory efforts have frequently failed to live up to expectations. They have also prompted litigation, for example, Airbnb litigation against Anaheim, San Francisco, New York City, and Santa Monica in recent years.

The City Manager's Office, Development Department, and Legal compiled examples of ordinances from Central Ohio and around the country and presented these findings to the Community Development Committee. At its November 6 meeting, the Committee decided that Dublin should adopt an ordinance regulating the regular use of short-term rentals in the City. It also suggested a few revisions to the proposed legislation which are reflected in the version attached to this memorandum.

The City of Columbus, **the state's largest short-term rental market**, adopted regulations for short-term rentals after hearing from over 50 residents during two council meetings. The ordinance requires **"short-term rental hosts" to obtain a permit prior to renting their dwelling** to guests, be the owner/primary resident of the home, maintain detailed records, and be willing to submit to inspections of the property upon request by the City. Those requirements were implemented in this draft ordinance.

Staff has been monitoring the availability of short-term rentals available through Airbnb, Homeaway, and VRBO daily. For example, on the weekend of January 10-12, there were 8 rentals available (three in Corazon, two in Ballantrae, and three in Muirfield Village). As the dates move later into 2020, both the numbers and the specific homes for rent generally stay the same. The highest number available for an Airbnb weekend rental in late March 2020 is 12. The only rentals on Homeaway and VRBO were the Frantz Road/Tuttle Crossing hotels.

Airbnb recently announced several changes it plans to implement in 2020. These include a verification process so that renters know exactly who and what they are renting, a 24/7 rapid response phone line with live operators to assist renters with issues, and a guarantee for guests

if their rental does not meet certain standards. These are all welcome developments for the City as it reflects acknowledgment of issues within the industry.

Implementation Plans and Summary of Proposed Ordinance

This draft ordinance adds a new chapter to the business regulations section of the Dublin Code to prohibit renting short-term rentals for more than 14 days in a calendar year. It requires property owners wishing to rent their home or rooms in their home as a short-term rental to register with the City and submit a form prior to each rental with pertinent information. This regulation applies to short-term rental hosts using online hosting platforms (*e.g.* Airbnb) and traditional advertising methods such as classified advertisement sections. Finally, as an added benefit, this regulation will facilitate the collection of the bed tax from short-term rental hosts by providing contact information for such hosts within the city.

The Planning Department is currently working on electronic submission forms that will be provided online for both the initial and supplemental registration requirements. Planning and Legal plan to work with the Department of Communication and Public Information to develop an education/awareness program regarding the new requirements for residents.

Bullet points of the proposed ordinance are below and attached to this cover memo is the comprehensive review of similar legislation in cities across Ohio and around the country.

- Prohibits a property owner from renting a home or room to transient guests for more than 14 nights in a calendar year.
- Requires property owners to complete an application seeking registration with the Planning Director if he or she wishes to rent a room or dwelling as a short-term rental for any period of time.
- Lists permissible reasons that the Planning Director may deny such application.
- Requires the property owner to submit a supplemental form to the City prior to each rental that identifies the party renting, length of rental, and number of people present in during such rental.
- Provides the Planning Director the authority to inspect short-term rental units.
- Establishes that a violation of any provision of the Code section is an unclassified misdemeanor punishable with a \$250 fine for a first offense, and a third-degree misdemeanor for any subsequent offenses.
- Does NOT affect long-term rental units in any way.

Recommendation

Staff recommends Council passage of the ordinance at the second reading/public hearing on January 6, 2020.

0127206.0607929 4814-9956-4710v8



City of Dublin

Office of the City Manager

5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council
From: Dana L. McDaniel
Date: November 25, 2019
Initiated Jennifer D. Readler, Law Director
By: Thad Boggs, Assistant Law Director
Re: Ordinance 73-19 Adopting Chapter 122 Under Title IX of the City of Dublin Codified Ordinances to Regulate Short-Term Rental Facilities

Background

Airbnb, HomeAway, and other sites provide online marketplaces for homeowners to offer homes and spare rooms for rent to travelers. The emergence of the short-term rental market has prompted discussion among local governments across the country about whether and how to regulate short-term rental uses. Results of local regulatory efforts have frequently failed to live up to expectations. They have also prompted litigation, for example, Airbnb litigation against Anaheim, San Francisco, New York City, and Santa Monica in recent years.

The City Manager's Office, Development Department, and Legal compiled examples of ordinances from Central Ohio and around the country and presented these findings to the Community Development Committee. At its November 6 meeting, the Committee decided that Dublin should adopt an ordinance regulating the regular use of short-term rentals in the City. It also suggested a few revisions to the proposed legislation which are reflected in the version attached to this memorandum.

The City of Columbus, the state's largest short-term rental market, adopted regulations for short-term rentals after hearing from over 50 residents during two council meetings. The ordinance requires "short-term rental hosts" to obtain a permit prior to renting their dwelling to guests, be the owner/primary resident of the home, maintain detailed records, and be willing to submit to inspections of the property upon request by the City. Those requirements were implemented in this draft ordinance.

Staff has been monitoring the availability of short-term rentals available through Airbnb, Homeaway, and VRBO daily. For example, on the weekend of January 10-12, there were 8 rentals available (three in Corazon, two in Ballantrae, and three in Muirfield Village). As the dates move later into 2020, both the numbers and the specific homes for rent generally stay the same. The highest number available for an Airbnb weekend rental in late March 2020 is 12. The only rentals on Homeaway and VRBO were the Frantz Road/Tuttle Crossing hotels.

Airbnb recently announced several changes it plans to implement in 2020. These include a verification process so that renters know exactly who and what they are renting, a 24/7 rapid response phone line with live operators to assist renters with issues, and a guarantee for guests if their rental does not meet certain standards. These are all welcome developments for the City as it reflects acknowledgment of issues within the industry.

Implementation Plans and Summary of Proposed Ordinance

This draft ordinance adds a new chapter to the business regulations section of the Dublin Code to prohibit renting short-term rentals for more than 14 days in a calendar year. It requires property owners wishing to rent their home or rooms in their home as a short-term rental to register with the City and submit a form prior to each rental with pertinent information. This regulation applies to short-term rental hosts using online hosting platforms (*e.g.* Airbnb) and traditional advertising methods such as classified advertisement sections. Finally, as an added benefit, this regulation will facilitate the collection of the bed tax from short-term rental hosts by providing contact information for such hosts within the city.

The Planning Department is currently working on electronic submission forms that will be provided online for both the initial and supplemental registration requirements. Planning and Legal plan to work with the Department of Communication and Public Information to develop an education/awareness program regarding the new requirements for residents.

Bullet points of the proposed ordinance are below and attached to this cover memo is the comprehensive review of similar legislation in cities across Ohio and around the country.

- Prohibits a property owner from renting a home or room to transient guests for more than 14 nights in a calendar year.
- Requires property owners to complete an application seeking registration with the Planning Director if he or she wishes to rent a room or dwelling as a short-term rental for any period of time.
- Lists permissible reasons that the Planning Director may deny such application.
- Requires the property owner to submit a supplemental form to the City prior to each rental that identifies the party renting, length of rental, and number of people present in during such rental.
- Provides the Planning Director the authority to inspect short-term rental units.
- Establishes that a violation of any provision of the Code section is an unclassified misdemeanor punishable with a \$250 fine for a first offense, and a third-degree misdemeanor for any subsequent offenses.
- Does NOT affect long-term rental units in any way.

Recommendation

Staff recommends Council passage of the ordinance at the second reading/public hearing on January 6, 2020.

0127206.0607929 4814-9956-4710v5

RECORD OF ORDINANCES

Ordinance No. 73-19

Passed _____, _____

ADOPTING CHAPTER 122 UNDER TITLE XI OF THE CITY OF DUBLIN CODIFIED ORDINANCES TO REGULATE SHORT-TERM RENTAL FACILITIES.

WHEREAS, municipalities across the United States have implemented, or are implementing, regulations and standards for short-term rental facilities and the online hosting platform industry; and

WHEREAS, the State of Ohio and the City of Dublin currently have no regulations on short-term rentals and online hosting platforms; and

WHEREAS, Council referred the question of regulating short-term rentals within the City of Dublin to the Community Development Committee to consider whether the City would be best served by implementing restrictions on short-term rentals; and

WHEREAS, the Community Development Committee considered this question at its November 6, 2019, meeting, and determined that short-term rental units should be limited to no more than 14 nights per year to preserve the health, safety, and welfare of the City; and

WHEREAS, the Community Development Committee recommends that the City impose restrictions on the use of short-term rentals to maintain the distinct character and family atmosphere of the City of Dublin.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, Delaware, Franklin, and Union Counties, State of Ohio, _____ of the elected members concurring:

Section 1. That Chapter 122 of Title XI of the Codified Ordinances of the City of Dublin, Ohio, as set forth in the attached Exhibit A, is hereby adopted.

Section 2. That Council hereby authorizes the City Manager, Law Director, and Finance Director to seek a Memorandum of Understanding with online hosting platforms that City permit numbers shall be prominently posted on the hosting platform and any other agreement necessary to effectively implement this Ordinance.

Section 3. That Council finds that all deliberations and actions of the public body relating to this Ordinance were taken in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect in accordance with Section 4.04(b) of the Dublin Revised Charter.

Passed this _____ day of _____, 2020.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

Exhibit A

Chapter 122 – Short-Term Rental Operations

122.01 DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, and words shall have the meanings given to them herein.

“Short-Term Rental” means any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform. “Short-Term Rental” does not include a room in any Hotel or Motel, as defined elsewhere in the Codified Ordinances.

“Short-Term Rental Operation” or “operation of a short-term rental” means the occupancy for a fee of any room or dwelling in a short-term rental by a transient guest.

“Hosting Platform” means a person or entity that participates in the transient rental business by providing, and collecting or receiving a fee for, booking service through an online platform that allows an operator to advertise the transient rental unit through a website hosted by the hosting platform. Examples include, but are not limited to, Airbnb, VRBO, and HomeAway.

“Transient Guests” means persons occupying a room or rooms for sleeping accommodations for less than thirty (30) consecutive days.

“Short-Term Rental Guests” means persons renting temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than thirty (30) consecutive days.

“Guestroom” means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.

“Permanent Occupant” means persons who reside in a dwelling more than 51% of the time during a calendar year; the dwelling in which the persons reside shall be referred to as their primary residence.

“Primary Residence” means a residence that is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver’s license, tax documents, lease copy or a utility bill. An owner or permanent occupant can only have one primary residence.

“Dwelling” means any building or structure which is occupied or intended for occupancy in whole or in part as a home, residence, or sleeping place for one or more persons.

122.02 CAP ON RENTAL NIGHTS

(A) Short-term rental operators are prohibited from renting any room or dwelling to transient guests for more than fourteen (14) nights total in a calendar year.

(B) If a property owner wishes to rent a room or dwelling for more than fourteen (14) nights in a calendar year, such rental must be to the same tenant and for a lease term of at least thirty (30) consecutive days.

122.03 REGISTRATION REQUIRED

(A) No person, including but not limited to an owner, operator, manager, or employee shall engage in, conduct, or carry on, or permit to be engaged in,

conducted or carried on, in or upon any premises in the city of Dublin, the operation of a short-term rental in a calendar year without registering in accordance with this chapter.

(B) A registration application may be submitted at any time to the Planning Director, or his/her designee. If the registration application is approved, such registration shall take effect on the day of approval and shall expire on December 31st of the year approved; provided, however, that if an initial registration application is approved on or after September 1, the registration shall be effective until December 31 of the next calendar year.

(C) Registration to operate a short-term rental shall be renewed by the applicant before the end of each calendar year.

The deadline for submitting an application for renewal shall be the first Monday of November of the year in which the registration is set to expire. Failure to renew shall result in expiration on December 31st. If a permit is successfully renewed, it shall be in effect for the next calendar year, beginning on January 1st and expiring on December 31st of the same year.

(D) The short-term rental operator must maintain a copy of the permit on premises.

122.04 SHORT-TERM RENTAL REGISTRATION, NEW AND RENEWAL

(A) An application for a short-term rental permit, and/or renewal of a permit, shall be made to the Planning Director, or his/her designee, upon approved forms, for an application fee of \$225. City Council shall have authority to amend the fee amount from time to time to reflect the costs of administering this Chapter.

(B) The application for a permit to operate a short-term rental shall contain the following information:

(1) Name of the applicant, including mailing address, telephone number, and email address;

(2) Sufficient information to demonstrate compliance with either the permanent occupancy or ownership requirements outlined in Section 122.01;

(3) The names of all hosting platforms that are used by the short-term rental host and proof of rental insurance for the unit rental;

(4) The names of all advertising outlets in which the short-term rental host intends to advertise such rental if the short-term rental host is not using a hosting platform;

(5) An affidavit attesting that the short-term rental operation is in compliance with all applicable local, state, and federal laws and regulations concerning the provision of sleeping accommodations to transient guests.

(C) The applicant must notify the Planning Director, or his/her designee, of any change in information contained in the permit application within 10 days of the change.

(D) Any change in ownership of the dwelling shall void the current registration and shall require submission and approval of a new registration application.

(E) A short-term rental shall be assigned an individual registration account number that must be prominently posted with the unit on a hosting platform or in any other advertisement regarding the unit. Said valid registration shall be displayed but removed upon expiration.

(F) Prior to each rental, the registered owner of the short-term rental must also submit to the Planning Director, upon approved forms, the following information:

(1) The maximum number of people that will be present in the room or dwelling during the rental;

(2) The date and approximate time frame for occupancy of the transient guests.

(3) A contact name and number for the rental host that may be used 24/7 for any issues related to the short-term rental unit or transient guests.

122.05 SHORT-TERM RENTAL OPERATOR – REQUIREMENTS

(A) Short-term rental host requirements

(1) One short-term rental registration per short-term rental operation may be issued.

(2) If a short-term rental host is not the property owner, but a permanent occupant of the dwelling, the host shall obtain permission from the property owner of the dwelling to register the dwelling on any hosting platform or to advertise the dwelling in any other manner for use as a short-term rental.

(3) Rentals for 30 or more consecutive days by the same guest(s) will not be subject to short-term rental regulations.

(B) Records required

Short-term rental hosts that offer short-term rentals shall retain and, upon request, make available to the Planning Director, or his/her designee, official records to demonstrate compliance with this section, including, but not limited to, primary residency, the dates and duration of each stay in the short-term rental, and the rate charged for each short-term rental on each night.

122.06 GROUNDS FOR DENIAL

(A) The Planning Director, or his/her designee, shall approve a registration, or grant the renewal of an existing registration, except as provided in divisions (B) and (C) of this section.

(B) The Planning Director, or his/her designee, shall deny any application for a new registration, or renewal of registration, if any of the following are shown to have occurred at the short-term rental property:

(1) The applicant makes a material misrepresentation of fact on the application;

(2) The applicant or owner of the short-term rental has been convicted of violating section 122.02(A) of this chapter;

(3) The short-term rental host is not in good standing with the City of Dublin Income Tax Division;

(4) The short-term rental has a documented history of repeated conduct that endangers neighborhood safety or of conditions interfering with the use and enjoyment of property within its vicinity; or of conduct in violation of Section 122.10.

(C) Evidence of conduct under divisions (A) and (B) of this section need only be that of de facto violation of law; evidence of conviction is not a prerequisite for denial unless specifically indicated.

122.07 REVOCATION OF REGISTRATION

(A) At any time during the calendar year, the Planning Director, or his/her designee, may revoke and/or suspend a short-term rental registration if a unit is listed on a hosting platform or advertised elsewhere without the registration number as required under section 122.03(E); or is perpetuating conditions interfering with use and enjoyment of properties within its vicinity; or is delinquent in filing or payment with the City of Dublin Income Tax Division; or has exceeded the limitation set forth in Section 122.02(A); or is engaging in conduct in violation of Section 122.10.

122.08 APPEAL OF DENIAL OR REVOCATION OF REGISTRATION

(A) In the event an applicant has been denied a registration, or if a registration has been revoked or suspended, the party affected shall have the right to appeal to the City Manager from such denial, revocation, or suspension within 10 business days. Notice of appeal shall be filed with the City Manager's office who shall set the date and time of the appeal hearing.

122.09 AUTHORITY TO CONDUCT INSPECTIONS

The Planning Director, or his/her designee, may inspect the short-term rental unit to ensure compliance with this chapter with the consent of the owner or occupant or, if consent is denied, may pursue other legal authority for inspection.

122.10 TRANSFER OF SHORT-TERM RENTAL REGISTRATION PROHIBITED

No registration under this chapter shall be transferable to another short-term rental operation.

122.11 DISCRIMINATION PROHIBITED

(A) A short-term rental host shall not:

(1) Decline a short-term rental guest based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status;

(2) Impose any different terms or conditions based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status;

(3) Post any listing or make any statement that discourages or indicates a preference for or against any short-term rental guest on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status.

122.12 SEVERABILITY

(A) In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

122.13 SHORT-TERM RENTAL PENALTY

(A) Whoever violates any provision of this Chapter shall be guilty of an unclassified misdemeanor and shall be fined not more than \$250.00. Upon subsequent convictions, the penalty shall be a misdemeanor of the third degree and a fine of not more than \$500 or imprisonment for not more than 60 days or both in addition to any other penalties as imposed by this chapter.



City of Dublin

Office of the City Manager

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Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin Community Development Committee
From: Dana L. McDaniel, City Manager
Date: November 1, 2019
Initiated Jennifer D. Readler, Law Director
By: Thad Boggs, Assistant Law Director
Re: Potential Legislation Limiting Short-Term Rentals (Adopting Chapter 122 Under Title IX of the City of Dublin Codified Ordinances to Regulate Short-Term Rental Facilities)

Background

Airbnb, HomeAway, and other sites provide online marketplaces for homeowners to offer homes and spare rooms for rent to travelers. The emergence of the short-term rental market has prompted discussion among local governments across the country about whether and how to regulate short-term rental uses. Results of local regulatory efforts have frequently failed to live up to expectations. They have also prompted litigation, for example, Airbnb litigation against Anaheim, San Francisco, New York City, and Santa Monica in recent years.

The City Manager's Office, Development Department, and Legal compiled examples of ordinances from Central Ohio and around the country and presented these findings to the Community Development Committee. At its August 20th meeting, the Committee decided that Dublin should adopt an ordinance requiring the registration of short-term rentals in the City. After hearing additional concerns from residents and members of City Council, the issue was referred back to the Committee to discuss more extensive regulation. In preparation for that discussion, Staff prepared the proposed legislation that is attached to this memorandum.

Summary of Proposed Ordinance

This draft ordinance adds a new chapter to the business regulations section of the Dublin Code to prohibit renting short-term rentals for more than 14 days in a calendar year. It also requires property owners wishing to rent their home or rooms in their home as a short-term rental to register with the City. Bullet points of the proposed ordinance are below and attached to this cover memo is the comprehensive review of similar legislation in cities across Ohio and around the country, which was previously provided to the Committee.

- Prohibits a property owner from renting a home or room to transient guests for more than 14 nights in a calendar year.

- Requires property owners to complete an application seeking registration with the Planning Director if he or she wishes to rent a room or dwelling as a short-term rental for any period of time.
- Lists permissible reasons that the Planning Director may deny such application.
- Provides the Planning Director the authority to inspect short-term rental units.
- Establishes that a violation of any provision of the Code section is an unclassified misdemeanor punishable with a \$250 fine for a first offense, and a third-degree misdemeanor for any subsequent offenses.

Conclusion

Staff has been monitoring the availability of short-term rentals available through Airbnb, Homeaway, and VRBO daily. For example, on the weekend of November 15-17, there were 8 rentals available (three in Corazon, two in Ballantrae, and three in Muirfield Village). As the dates move into 2020, both the numbers and the specific homes for rent generally stay the same. The highest number available for an Airbnb weekend rental in late January 2020 is 12. The only rentals on Homeaway and VRBO were the Frantz Road/Tuttle Crossing hotels.

Staff requests direction from the Committee as to the preferred method of moving forward on this topic.

**ADOPTING CHAPTER 122 UNDER TITLE XI OF THE CITY OF DUBLIN
CODIFIED ORDINANCES TO REGULATE SHORT-TERM RENTAL
FACILITIES.**

WHEREAS, municipalities across the United States have implemented, or are implementing, regulations and standards for short-term rental facilities and the online hosting platform industry; and

WHEREAS, the State of Ohio and the City of Dublin currently have no regulations on short-term rentals and online hosting platforms; and

WHEREAS, Council referred the question of regulating short-term rentals within the City of Dublin to the Community Development Committee to consider whether the City would be best served by implementing restrictions on short-term rentals; and

WHEREAS, the Community Development Committee considered this question at its November 6, 2019, meeting, and determined that short-term rental units should be limited to no more than 14 nights per year to preserve the health, safety, and welfare of the City; and

WHEREAS, the Community Development Committee recommends that the City impose restrictions on the use of short-term rentals to maintain the distinct character and family atmosphere of the City of Dublin.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, Delaware, Franklin, and Union Counties, State of Ohio, _____ of the elected members concurring:

Section 1. That Chapter 122 of Title XI of the Codified Ordinances of the City of Dublin, Ohio, as set forth in the attached Exhibit A, is hereby adopted.

Section 2. That Council hereby authorizes the City Manager, Law Director, and Finance Director to seek a Memorandum of Understanding with online hosting platforms that City permit numbers shall be prominently posted on the hosting platform and any other agreement necessary to effectively implement this Ordinance.

Section 3. That Council finds that all deliberations and actions of the public body relating to this Ordinance were taken in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance shall take effect at the earliest date allowed by law.

Passed this _____ day of _____, 2019.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

Exhibit A

Chapter 122 – Short-Term Rental Operations

122.01 DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, and words shall have the meanings given to them herein.

“Short-Term Rental” means any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform. “Short-Term Rental” does not include a room in any Hotel or Motel, as defined elsewhere in the Codified Ordinances.

“Short-Term Rental Operation” or “operation of a short-term rental” means the occupancy for a fee of any room or dwelling in a short-term rental by a transient guest.

“Hosting Platform” means a person or entity that participates in the transient vacation rental business by providing, and collecting or receiving a fee for, booking service through an online platform that allows an operator to advertise the transient vacation rental unit through a website hosted by the hosting platform. Examples include, but are not limited to, Airbnb, VRBO, and HomeAway.

“Transient Guests” means persons occupying a room or rooms for sleeping accommodations for less than thirty (30) consecutive days.

“Short-Term Rental Guests” means persons renting temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than thirty (30) consecutive days.

“Guestroom” means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.

“Permanent Occupant” means persons who reside in a dwelling more than 51% of the time during a calendar year; the dwelling in which the persons reside shall be referred to as their primary residence.

“Primary Residence” means a residence that is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver’s license, tax documents, lease copy or a utility bill. An owner or permanent occupant can only have one primary residence.

“Dwelling” means any building or structure which is occupied or intended for occupancy in whole or in part as a home, residence, or sleeping place for one or more persons.

122.02 CAP ON RENTAL NIGHTS

(A) Short-term rental operators are prohibited from renting any room or dwelling to transient guests for more than fourteen (14) nights total in a calendar year.

(B) If a property owner wishes to rent a room or dwelling for more than fourteen (14) nights in a calendar year, such rental must be to the same tenant and for a lease term of at least thirty (30) consecutive days.

122.03 REGISTRATION REQUIRED

(A) No person, including but not limited to an owner, operator, manager, or employee shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the city of Dublin, the operation of a short-term rental in a calendar year without registering in accordance with this chapter.

(B) A registration application may be submitted at any time to the Planning Director, or his/her designee. If the registration application is approved, such registration shall take effect on the day of approval and shall expire on December 31st of the year approved; provided, however, that if an initial registration application is approved on or after September 1, the registration shall be effective until December 31 of the next calendar year.

(C) Registration to operate a short-term rental shall be renewed by the applicant before the end of each calendar year.

The deadline for submitting an application for renewal shall be the first Monday of November of the year in which the registration is set to expire. Failure to renew shall result in expiration on December 31st. If a permit is successfully renewed, it shall be in effect for the next calendar year, beginning on January 1st and expiring on December 31st of the same year.

(D) The short-term rental operator must maintain a copy of the permit on premises.

122.04 SHORT-TERM RENTAL REGISTRATION, NEW AND RENEWAL

(A) An application for a short-term rental permit, and/or renewal of a permit, shall be made to the Planning Director, or his/her designee, upon approved forms, for an application fee of \$225. City Council shall have authority to amend the fee amount from time to time to reflect the costs of administering this Chapter.

(B) The application for a permit to operate a short-term rental shall contain the following information:

(1) Name of the applicant, including mailing address, telephone number, and email address;

(2) Sufficient information to demonstrate compliance with either the permanent occupancy or ownership requirements outlined in Section 122.01(A);

(3) The names of all hosting platforms that are used by the short-term rental host and proof of rental insurance for the unit rental;

(4) An affidavit attesting that the short-term rental operation is in compliance with all applicable local, state, and federal laws and regulations concerning the provision of sleeping accommodations to transient guests.

(C) The applicant must notify the Planning Director, or his/her designee, of any change in information contained in the permit application within 10 days of the change.

(D) Any change in ownership of the dwelling shall void the current registration and shall require submission and approval of a new registration application.

(E) A short-term rental shall be assigned an individual registration account number that must be prominently posted with the unit on a hosting platform. Said valid registration shall be displayed but removed upon expiration.

122.05 SHORT-TERM RENTAL OPERATOR – REQUIREMENTS

(A) Short-term rental host requirements

(1) One short-term rental registration per short-term rental operation may be issued.

(2) If a short-term rental host is not the property owner, but a permanent occupant of the dwelling, the host shall obtain permission from the property owner of the dwelling to register the dwelling on any hosting platform for use as a short-term rental.

(3) Rentals for 30 or more consecutive days by the same guest(s) will not be subject to short-term rental regulations.

(B) Records required

Short-term rental hosts that offer short-term rentals shall retain and, upon request, make available to the Planning Director, or his/her designee, official records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the short-term rental guest responsible for the reservation and/or who rented the unit on each night, dates and duration of stay in a short-term rental, and the rate charged for each short-term rental on each night.

122.06 GROUNDS FOR DENIAL

(A) The Planning Director, or his/her designee, shall approve a registration, or grant the renewal of an existing registration, except as provided in divisions (B) and (C) of this section.

(B) The Planning Director, or his/her designee, shall deny any application for a new registration, or renewal of registration, if any of the following are shown to have occurred at the short-term rental property:

(1) The applicant makes a material misrepresentation of fact on the application;

(2) The applicant or owner of the short-term rental has been convicted of violating section 122.02(A) of this chapter;

(3) The short-term rental host is not in good standing with the City of Dublin Income Tax Division;

(4) The short-term rental has a documented history of repeated conduct that endangers neighborhood safety or of conditions interfering with the use and enjoyment of property within its vicinity; or of conduct in violation of Section 122.10.

(C) Evidence of conduct under divisions (A) and (B) of this section need only be that of de facto violation of law; evidence of conviction is not a prerequisite for denial unless specifically indicated.

122.07 REVOCATION OF REGISTRATION

(A) At any time during the calendar year, the Planning Director, or his/her designee, may revoke and/or suspend a short-term rental registration if a unit is listed on a hosting platform without the registration number as required under section 122.03(E); or is perpetuating conditions interfering with use and enjoyment of properties within its vicinity; or is delinquent in filing or payment with the City of Dublin Income Tax Division; or has exceeded the limitation set forth in Section 122.02(A); or is engaging in conduct in violation of Section 122.10.

122.08 APPEAL OF DENIAL OR REVOCATION OF REGISTRATION

(A) In the event an applicant has been denied a registration, or if a registration has been revoked or suspended, the party affected shall have the right to appeal to the City Manager from such denial, revocation, or suspension within 10 business days. Notice of appeal shall be filed with the City Manager's office who shall set the date and time of the appeal hearing.

122.09 AUTHORITY TO CONDUCT INSPECTIONS

The Planning Director, or his/her designee, may inspect the short-term rental unit to ensure compliance with this chapter with the consent of the owner or occupant or, if consent is denied, may pursue other legal authority for inspection.

122.10 TRANSFER OF SHORT-TERM RENTAL REGISTRATION PROHIBITED

No registration under this chapter shall be transferable to another short-term rental operation.

122.11 DISCRIMINATION PROHIBITED

(A) A short-term rental host shall not:

(1) Decline a short-term rental guest based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status;

(2) Impose any different terms or conditions based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status;

(3) Post any listing or make any statement that discourages or indicates a preference for or against any short-term rental guest on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status.

122.12 SEVERABILITY

(A) In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

122.13 SHORT-TERM RENTAL PENALTY

(A) Whoever violates any provision of this Chapter shall be guilty of an unclassified misdemeanor and shall be fined not more than \$250.00. Upon subsequent convictions, the penalty shall be a misdemeanor of the third degree and a fine of not more than \$500 or imprisonment for not more than 60 days or both in addition to any other penalties as imposed by this chapter.



City of Dublin

Office of the City Manager

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Memo

To: Members of the Dublin City Council
From: Dana L. McDaniel, City Manager
Date: October 10, 2019
Initiated By: Jennifer Readler, Law Director
Thad Boggs, Assistant Law Director
Jennifer Rauch, AICP, Interim Planning Director
Greg Jones, Code Enforcement Supervisor
Re: Potential Short-Term Rental Regulation and Restrictions

Overview and Recommendation

At the direction of Council and the Community Development Committee, Staff completed a comprehensive review of short-term rental regulations from around the state and country. Staff prepared a memorandum outlining the options available to Council moving forward, information about how other central Ohio communities are regulating short-term rentals, and the considerations unique to Dublin, all of which were discussed at the August 20, 2019, Community Development Committee meeting. The Committee directed Staff to develop a registration requirement and indicated that it wanted only to require registration for those units that were rented for more than 14 nights per year. The purpose of registration would be to identify properties used for this purpose on a regular basis and to create a more systematic way to document and understand their community impact. This proposal closely tracked the City of Columbus ordinance that was passed last year. That ordinance requires hosts to be the owner of the property or use it as their primary residence; maintain records; pay a short-term rental excise tax (the rate of which is not specified in the ordinance); and maintain general liability insurance. The owners must also submit to an inspection if requested by the City.

Since then, Council members and staff have heard additional concerns about the impact of short-term rentals in neighborhoods. The concerns have included increased traffic at late hours, noise, and parking. Further, on October 3rd, the Ninth Circuit Court of Appeals in California unanimously upheld a Santa Monica ordinance banning short-term rentals of 30 days or fewer, except when a primary resident remains in the home. And, on October 7th, Grandview adopted short-term rental regulations that might prove helpful in Dublin's review.

Due to the many developments since the August 20 Community Development Committee meeting, Staff would like to seek Council's direction as to how to proceed. The overall options are listed below, but Staff recommends that the Community Development Committee re-examine the issue to determine whether regulation beyond registration, up to and including an outright prohibition on rentals after a certain amount of nights, is necessary or advisable in light of recent developments.

Staff is monitoring the number of rentals available through Airbnb, Homeaway, and VRBO daily. On October 10, there were 3 Airbnb rentals available in Dublin for the weekend of October 11-13 (one in Ballantrae, one in Corazon, and one in Sheffield Meadows). Of course, many of these homes/rooms are booked far in advance. For the weekend of November 15-17, there were 8 rentals available (three in Corazon, two in Ballantrae, and three in Muirfield Village). As the dates move into 2020, both the numbers and the specific homes for rent generally stay the same. The highest number available for an Airbnb weekend rental in late January 2020 is 12. The only rentals on Homeaway and VRBO were the Frantz Road/Tuttle Crossing hotels.

Additionally, recently residents have inquired as to whether long-term rentals can be regulated in residential districts. An option would be to require registration of such properties. Staff requests direction from Council as to whether this topic should also be considered by the Community Development Committee in conjunction with the short-term rental issue.

Options for Council Consideration

There are multiple options regarding the regulation of short-term rentals, which are as follows:

1. Adopt a policy that outlines the City's expectations for the manner that short-term rentals will be operated. This policy could be circulated to all short-term rentals in Dublin listed on the largest online marketplaces. If a complaint is received, Code Enforcement officials will reach out to the violator to explain the concerns. These complaints will be logged and more stringent regulation could be considered if these communications are not successful.
2. Adopt a registration/licensing requirement for all short-term rentals in the City. This requirement could kick in if the property was rented for even one night, but Council could also mandate a specific number of allowable days per year before requiring registration (i.e. 10 days, 14 days, or 30 days). The Community Development Committee initially directed Staff to pursue this option for presentation to Council.
3. Ban all short-term rentals similar to Upper Arlington. Note, there are still properties listed for rent in residential areas of Upper Arlington (as of October 8, 2019), notwithstanding the ban passed in May and the preceding one-year moratorium on short-term rentals.
4. Restrict the total amount of nights per year that a property can be used as a short-term rental. Council has the authority to impose any limitation. This would permit homes to be rented for a certain number of days per year, but no more. A common suggestion was for a 14 day limit that would permit the use of short-term rentals for flagship events like the Memorial Tournament or the Dublin Irish Festival.
5. Adopt zoning regulations applicable to short-term rentals, such as making short-term rentals a conditional use in all residential districts or making them a permitted use in some districts but conditional uses in other districts.
6. Maintain the status quo. Several concerns associated with short-term rentals are not unique to the use and can be addressed by existing resources. Additionally, the City has a small number of advertised rentals at this time.

General Considerations for Local Regulation of Short-Term Rentals

Staff's discussion considered the regulatory interests that the City would have at stake with relation to short-term rentals. Staff identified three areas of local regulation primarily impacted by short-term rentals—land-use, health and safety, and bed taxes.

Not every community will be impacted in the same way with respect to each of these criteria. For instance, on September 13, 2019, Airbnb listed approximately 7 properties in the City of Dublin available for rent to guests on the weekend of October 10. None of these properties were actual hotels. HomeAway and VRBO listed only listed three properties, each of which were true hotels (Embassy Suites, Residence Inn, and the AC by Marriott).

The impact of short-term rentals must be balanced against the costs, in both time and money, of enforcing regulations drafted for them. Tracking the short-term rentals within the City would likely require a code enforcement officer or other staff person to visit the popular short-term rental sites to see what properties, if any, are being offered for rent. This would not tell the staff person whether the property actually has been rented, and that would require additional work. Pre-registration of hosts has not generally been successful in other communities. For example, San Francisco reportedly has 2,100 short-term rentals registered with the city, but 8,000 sites are listed on Airbnb.¹ It remains to be seen how successful Columbus will be at achieving compliance with its permitting system.

Land Use

From a land-use perspective, short-term rental of a home inserts a commercial element to a residential use. While many renters respect the neighborhoods where they stay, and contribute to local economies by dining out or attending local events, some do not respect the interests of full-time residents. The few are often the ones who prompt full-time residents' complaints about parties, noise, and activity that is unusual for quiet residential streets.

In some cities, the availability of housing for full-time residents has also been affected because property owners may convert entire properties to short-term rental. This decreases the supply of long-term housing and consequently drives up housing costs. It can also have negative consequences for property maintenance and general quality of life in the neighborhood.

This is the interest that may vary most widely from one municipality to the next. San Francisco's regulations, for example, were intended to address the impact of short-term rentals on the tight housing market there. Other popular destinations have had full-time residents and civic leaders criticize the impact of short-term rentals on communities that have been affected by proliferation of formerly residential property devoted to short-term rental use.

Identifying short-term rental use is easier said than done. In addition to public sites like Airbnb and HomeAway, rooms can be let through private contracts that are virtually impossible for the City to detect. A registration program, however, could potentially assist with identification. Staff also discussed the regulatory impact of short-term rentals within Dublin and determined that, at this time, Dublin experiences neither the volume nor the consistency of short-term rental throughout the community, and throughout the year, to impact the character or supply of the City's residential housing stock. As for poor behavior by guests of short-term rentals, issues such as noise or property damage can be addressed through existing code and are not unique to the presence of short-term rentals.

Health and Safety

In Ohio, every hotel is licensed by the State. Here, the State Fire Marshal inspects hotels for fire safety as well as general sanitation. These regulations and inspections are intended to assure that even the worst hotel is not a threat to its guests' health or safety.

¹ Elizabeth Weise, "Airbnb rentals in San Francisco may dive with new host rules," *USA Today*, May 1, 2017 (Accessed September 19, 2017).

On sites like Airbnb, renters generally provide photographs, a narrative about the space, and information about amenities (e.g., air conditioning, use of kitchen, etc.). Users also leave reviews. However, while most hosts honestly market their spaces, some may mislead consumers or provide unsanitary, unsafe conditions. For example, hotels are required to comply with fire safety standards. Airbnb “encourage[s] every Airbnb host to install working smoke & CO [carbon monoxide] detectors in their listing and to check them frequently.”² Guests may take health and safety matters like these for granted, only to find them lacking when they arrive or when they need them in an emergency. The short-term rentals that are within the City are subject to generally applicable property maintenance, building, and health codes that are enforced to remedy nuisance properties. In a discussion with the Washington Township Fire Marshal, he noted that currently Airbnb properties are treated as private residences and thus not subject to any commercial requirements of the Fire Code. He also believes that short-term rentals will be addressed in the next Fire Code update.

Safety concerns have been raised regarding short-term rentals in general. The Dublin Police Department can only locate one complaint that was related to a potential Airbnb and that complaint was noise related. This was not confirmed as the music was turned down prior to the officer’s arrival. Recently, shootings occurred at two separate locations in Columbus that were allegedly Airbnbs. Dublin Police spoke to Columbus and the incidents in Columbus seem to be related to geographic crime trends/activity and not the nature of the rental. Based on Police’s limited interaction and/or calls for service at short-term rentals within the City, it does not appear necessary to adopt legislation at this time.

Bed Taxes

Ohio law provides authority for local government to tax “transient occupancy,” i.e., visitors renting overnight accommodations for thirty days or less. These taxes reflect the visitors’ contribution to local services available to them during their stay—police and fire protection, EMS services, roads, sewers, sidewalks, etc. They also may fund travel and tourism bureaus to attract more visitors and improve the quality of life for full-time residents.

Hospitality professionals know to collect local bed taxes, but short-term rental hosts often do not understand to collect and remit the bed tax. This results in foregone tax revenue for local governments who nevertheless would respond if, for example, a guest needed EMS transport while staying in a short-term rental.

The City’s current code for the bed tax, starting with Section 35.30 of the Codified Ordinances, is general enough to include short-term rentals via sites such as Airbnb or HomeAway. These hosts should be collecting and remitting bed tax to the City, and so additional action by Council is unnecessary.

State of Regulation in Central Ohio Cities

Below are the results of research regarding how other Central Ohio communities are addressing the short-term rental market³:

Grove City, Ohio

- The City of Grove City currently does not have any specific zoning code requirements, or other requirements for short-term rentals. According to the city planner, the City has contemplated adding some requirements but has not yet come to any consensus on how to execute them.

² Airbnb, www.airbnb.com/home-safety (Accessed September 19, 2017).

³ New Albany planning staff were researching this issue as well and shared their research with Dublin.

Powell, Ohio

- The City of Powell currently does not have any specific zoning code requirements, or other proposed requirements for short-term rentals. The Assistant Director of Development indicated that this may change in the future if the City starts to see more short-term rentals or residents become concerned.

Upper Arlington, Ohio

- In the spring of 2018, the City enacted a one-year moratorium on short-term rentals within residential districts to allow time for the City to further clarify the prohibited use and better understand the trends, as well as observe other communities.
- The City's website indicated the following challenges in regard to short-term rentals:
 - Increased traffic and parking issues
 - Noise
 - Safety Concerns
 - Negative impacts to neighbors as trends have shown the increase in investor purchased properties for these uses
 - The City's inability to ensure the rentals are safe with features like emergency egress, appropriate lighting, signage, and smoke detectors
- The provision on the temporary ban expired in May of 2019.
- As a result of the sunset provision, Council approved Ordinance-22-2019, which prohibits short-term home or apartment rentals. The City's website indicated that the prohibition was made permanent to protect the residential nature of the neighborhoods. The ordinance applies to any rental less than 30 days in duration and prohibits bed and breakfast establishments, apartment hotels, and hotels and motels within the community's residential districts.

Westerville, Ohio

- The City of Westerville has been working toward a draft of a short-term rental ordinance.
- The Code Enforcement Supervisor shared the following process and research:
 - In 2018, the City received various complaints on one specific short-term rental. The City conducted evening and weekend inspections, which did not reveal any code violations.
 - On January 15, 2019, Council advised staff to begin research on short-term rentals.
 - City staff met with residents in the subdivision where the complaints occurred in 2018. The complaints included: lack of supervision, a business license should be required, noise, increased cars parking at the home, and trash.
 - Westerville reviewed the Columbus business license code and spoke with an insurance company which recommended short-term rentals carry a minimum of \$1 million in commercial liability which costs \$1,200 to \$1,500 a year.

- Westerville reached out to other short-term rental hosts within the City about the possibility of a business license and required safety inspections. The current rental hosts were strongly opposed to limiting the number of nights, number of guests, prohibiting whole house rentals, and requiring a bed tax.
- The City feels these requirements will be prohibitive for short-term rental hosts to comply with and will limit short-term rentals in all of the subdivisions.
- The code enforcement team shared these findings with Council on May 1, 2019 and await direction on how to proceed.

Grandview, Ohio

- At the May 6, 2019 Council meeting, several residents attended to discuss a “problem” house that operates as an Airbnb. Council was receptive to the residents’ complaints but recognized the benefits of short-term rentals to both residents and visitors to the City.
- On October 7, 2019, Council passed an interim measure permitting unhosted operators to wind up operations within 4 months and to require them to notify the City of their operation. The 4-month window was chosen to allow new council members to come on board and for the City to consider a more permanent resolution.

NATIONAL RESEARCH

The national research below was found on the Airbnb website located under a section titled, “Responsible hosting in the United States.” This portion of the website listed various communities and the different types of restrictions found within some example cities.

City	Application/Permit	License/Registration	Sales Tax	Other*
Aspen, CO	X	X	X	
Atlanta, GA	X	X	X	X
Austin, TX		X	X	
Cambridge, MA		X	X	X
Charlotte, NC	X	X	X	X
Chicago, IL		X	X	X
San Francisco, CA		X	X	X

* Other requirements are explained below

- Atlanta, GA
 - The City of Atlanta assesses occupancy taxes and annual taxes for business operations.
- Cambridge, MA
 - On April 1, 2018, an ordinance went into effect relating to short-term rentals. Short-term rentals must be registered with the City’s Inspectional Services Department. According to the ordinance, possible rentals must be inspected by

a city inspector to ensure facilities meet the standards found in the building code, life-safety regulations, and health/hygiene standards.

- Additionally, the ordinance requires that the operator must live in or adjacent to the unit receiving the short-term rental registration.
- Charlotte, NC
 - Must have a business license and pay a business license tax as well as the state sales tax on gross receipts from rentals.
 - A fire inspection is required as part of the approval process, in addition to the application being approved by the City's Planning Department.
- Chicago, IL
 - Chicago requires short-term rentals to register through a platform such as Airbnb. Additionally, Chicago requires a special license granted by the city to allow an owner to have more than one rental. A 4.5% hotel accommodation tax for the listing price (including cleaning fees) and a 4% shared housing surcharge are imposed. The State of Illinois also has hotel taxes.
 - The ordinance requires:
 - *Listing requirements:* The Chicago ordinance requires hosts to include certain information within their listing. This includes the unit's registration or license number, cancellation and check-in/check-out policies, and whether the property is ADA accessible.
 - *Operating requirements:* The ordinance also requires hosts to meet certain operating requirements, such as maintaining specific types of insurance, installing smoke and carbon monoxide detectors, and providing soap and clean linens.
 - Anyone who violates the ordinance and specific listing/operating requirements is required to pay fines and could lose their registration.
- New Orleans, LA
 - New Orleans recently passed legislation, which takes effect December 1, that restrict short-term rentals. The first ordinance bans all short-term rentals in the French Quarter (except on Bourbon Street) and the Garden District. It prohibits full house rentals unless the owner resides on the property and it caps the number of rentals allowed in commercial and mixed-use buildings.
 - The second ordinance establishes a structure for permits and fees, operating regulations and enforcement penalties.
- San Francisco, CA
 - The City of San Francisco requires a business registration as well as a short-term residential rental certificate. The certificate comes from a department known as the Office of Short-Term Rentals.
 - The City also has additional hosting eligibility requirements such as: the rental must be the primary residency, the owner must have liability insurance, and the

Building Department must inspect for compliance with building/housing standards.

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