

Kathryn A. Dale, AICP
Zoning Inspector

March 9, 2022

The Honorable Scott Wiggam, Chair
State and Local Government Committee
Ohio House of Representatives
77 S. High Street, 13th Floor
Columbus, OH 43215

RE: HB 563 – In Opposition

Dear Chairman Wiggam,

Good afternoon, Chairman Wiggam, Vice Chair John, Ranking Member Kelly, and all members of the House, State & Local Government Committee. My name is Kathryn Dale, AICP, Zoning and Planning Administrator for Danbury Township in Ottawa County. This year will be my 20th year in local government zoning.

I would like to begin by reading a few excerpts of some definitions currently in the ORC.

A(1) "Any structure consisting of one or more buildings containing any combination of more than five guestrooms specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for pay to persons..."

A(5) "Temporary residence" means a dwelling unit accommodation room that is used by its occupants but is not used as the permanent or principal residence of its occupants."

A(6) "Transient" means not more than thirty days."

A(7) "Dwelling unit" means an accommodation room that contains independent provisions for living, eating, cooking, sleeping, and sanitation."

The significance of these definitions is that they are the definitions listed in ORC Chapter 3137 pertaining to "Hotels". According to Section 3137.01(B) *"This chapter does not apply to apartment buildings and other structures in which all of the units are residential premises."*

The proposed language of HB 563, specifically new Section 5325, is essentially duplicating the definition of "Residential Hotel" listed in ORC 3137, and is defining it as a "Short-term Rental" while placing it in the Landlord/Tenant laws for Ohio. Admittedly, "Hotel" states 5 or more rooms, where "Short-term Rental" would allow for fewer than 5 rooms, but the difference is a "Hotel" does not attempt to prohibit local governments from regulating where that use should or should not be allowed.

In 2017, our permanent population was 4,264 people. As Trustees shared in their letter, 60% of the land in our Township is owned by someone who does not live in our community year-round. 56.8% of all housing units are seasonal. This population number does not include our 29 Licensed Campgrounds with 2,655 camp sites, 20 Mobile Home Parks with 1,476 units, 60 Marinas with 2,220 docks (4,440 boat wells); 1,710 which are transient and not deeded to real property. We have 20 approved Hotel/Motels, Lodges, B & B's and Lakeside, 1 of 17 Chautauqua's in the United States, where all of the residential premises are permitted to be rented on a short-term, less than 30-day basis. Many of our seasonal businesses hire seasonal, temporary employees, often from foreign countries. Many of these employees need seasonal, short-term, temporary housing. The point is, transient stay is nothing new for us, but HB 563 means we will be prohibited from protecting 56.8% of our housing units, apartments, condominiums,

cabins, and cottages, their owners and their neighbors, from regulating a use that should be seen as a “Hotel” and would typically be located in a commercial zoning district.

At the end of 2021, the Township successfully adopted a zoning map amendment that removed over 700 parcels of land in 21 residential subdivisions from a commercial zoning district designation that allowed hotels as a by-right, permitted use. These neighborhoods included a variety of housing styles and sizes. We held 2 open houses, reached out to homeowner associations, and had multiple people in attendance at each of the public hearings. When we explained to our residents that these homes could potentially be used as a “Hotel” because they were in a commercial zoning district, and we were doing this to protect their residential, quarter-million, half-million, and million-dollar investments; there were zero objections.

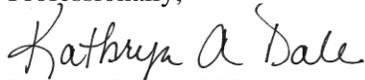
In our Township, traditional Bed & Breakfast uses in residential zoning districts require a Conditional Use hearing. These uses are required to provide no more than 4 rooms for rent, in-part because if they had 5 or more, they would be required to obtain a hotel license which requires commercial zoning. They are also required to be owner-occupied. Owners being present on-premises helps control behavioral concerns. HB 563 invites 56.8% of our households to be absentee homeowners. Prohibiting us from regulating a use potentially prohibits a residential property owner and neighbor from their due process right of a public hearing to have a say in what happens on their street and in their immediate neighborhood.

The majority of the provisions in HB 563 are next to impossible for us, as well as local police and sheriff departments, to monitor. Did you know that sex offenders are allowed to go on vacation and leave their homes? According to ORC §2950, if a sex offender is staying in a place or county for less than 7 days, they are not required to register where they will be staying. HB 563 would allow for us to regulate alcohol manufacturing and adult entertainment - but we’re already permitted to regulate those uses through zoning. The only thing HB 563 would allow us to prohibit is nuisances. This is like telling us to regulate someone’s behavior without providing us the tools to deal with those nuisances. ORC 505.87 allows us to pursue nuisances on properties such as tall grass, junk & debris; 505.86 unsafe structures and 505.173 junk motor vehicles. The difference is these sections of the ORC provide us the means to abate the nuisance and hold the property owner responsible. HB 563 does not provide local governments and neighbors any relief to the problems that will arise with short-term rentals. That is a concoction for destruction of our neighborhoods and added strain to our law enforcement officers with limited means to stop a problem.

We implore you to research what is happening and has happened in Florida, Arizona, and Colorado when these States passed similar legislation, and the detrimental effect it had in those communities. All of these States are now looking to repeal parts of their legislation and allow communities to impose greater regulations, more than what was initially adopted prior to the State getting involved. All we ask is if you pass similar legislation for Ohio, learn from these other States to make the language better than what is being offered. Allow our communities to have some role in deciding what works best at the local level.

Thank you for your time this afternoon and consideration.

Professionally,



Kathryn Dale, AICP

Zoning and Planning Administrator

Articles of Interest:

- Tucson.com, 01.11.22: *“Bill would again allow local governments to regulate short-term rentals”*
- SkyHiNews.com, 09.21.21: *“Colorado Conundrum: How Communities around the state are handling short-term rentals”*
- The Colorado Sun, 10.14.21: *“Colorado lawmakers consider raising property taxes for short-term rentals”*
- Gazette.com, 04.21.21: *“Colorado Springs may take on short-term rental rule loophole”*
- Fox4now.com South FL, Naples, 09.06.21: *“Short-term rental problems renewing demands for local ordinances”*